



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 01/12/99
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: **Zone Change Application No. 98-190-08 - Harvinder Dhaliwal for HSD Associates, Inc. (Applicant), HSD Associates, Inc. (Owner) – Request to modify a Planned Development to allow the construction of a self-serve station and mini-mart to replace a self-serve station.**

The project site is located at 30151 Industrial Parkway SW in a Planned Development (PD) District.

RECOMMENDATION:

The Planning Commission (7:0) and staff recommend approval.

DISCUSSION:

The site is within a Planned Development District that includes Motel 6, Denny's and McDonald's, in addition to the subject service station. The applicant, Harvinder Dhaliwal, proposes to demolish the self-serve Chevron Station and remove the underground fuel tanks. In their place he proposes to construct a station with a mini-mart, a new fuel pump canopy with four fuel pump islands and new underground fuel tanks (see attached site plan). Diesel fuel, which is not currently sold, will be added. The station and mini-mart will operate on a 24-hour basis, and alcoholic beverages will not be sold.

The proposed 1,300-square-foot pre-fabricated building contains a mini-mart, a cashier area, an office, utility and storage areas, and men's and women's restrooms. The plans reviewed by the Planning Commission depicted a building and a canopy with a box-like design and flat roofs. The Planning Commission's approval action included a condition of approval requiring architectural enhancement of the structures. The Planning Commission asked the applicant to continue to work with staff to improve the appearance of the structures. Since the Planning Commission meeting, the applicant submitted plans that reflect the changes specified by the conditions of approval, including off-white, stucco-like walls, a mansard-like tile roof, and decorative brick planters that complement surrounding structures. However, the canopy support columns do not have decorative brick that matches the building planter.

Regarding the color scheme, a bold blue stripe (corporate color) is proposed on the building façade above the door and windows, and on two sides of the fuel pump canopy. Staff had suggested limiting the stripe to the area behind the sign. The applicant pointed out that the purpose of the stripe is to identify the site as a Chevron store. The Planning Commission recommended that the stripe be reduced and asked the applicant to work with staff in regard to

color scheme and design. The applicant continues to pursue the retention of the blue stripe. Staff notes that several other Chevron Stations do not display the blue stripe on the building nor on the canopy (see attached photographs) and suggests limiting the blue stripe.

The site can be accessed from Industrial Parkway SW by two 30-foot-wide driveways. The driveways also allow access to the Denny's Restaurant and passage through the site to the Motel 6 via a 29-foot wide access easement on the north side of the property and a 20-foot wide access easement along the westerly property line (see attached site plan). Structures are prohibited from being built within these easements, thereby limiting the area that may be developed.

The project requires six parking spaces including one parking space for persons with physical disabilities. Five parking spaces are proposed. Due to site constraints, an additional parking space can not be accommodated. However, since the station has reciprocal parking rights with Denny's Restaurant and Motel 6, the required parking can be reduced by 25 percent or 1.5 parking spaces. Therefore, the Planning Commission supports the number of parking stalls proposed.

Due to the relatively small size of the site (17,970 square feet) and the location of the fuel pumps, turning radii are inadequate for longer vehicles (e.g. semis) to maneuver without the potential to interfere with on-street traffic. Therefore, conditions of approval require the applicant to post signs prohibiting vehicles longer than 28 feet and 18-wheel trucks from fueling. The applicant agrees to meet this requirement and has stated that the addition of diesel fuel will fill a need of surrounding businesses to fuel their smaller trucks. Another condition prohibits identifying the site as a truck stop by advertising diesel fuel on the freeway-oriented sign.

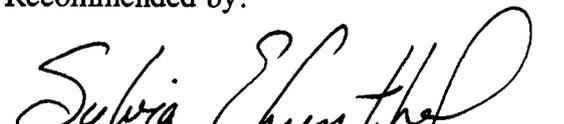
A negative declaration was adopted by the City Council when the Planned Development zoning was adopted in 1977. The project is categorically exempt from further environmental review per the California Environmental Quality Act Guidelines, Section 15302(b), which allows replacement of facilities where the new structure will be located on the same site and will have substantially the same purpose as the structure replaced.

Prepared by:



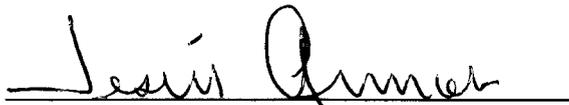
Arlynne J. Camire, AICP
Associate Planner

Recommended by:



Sylvja Ehrental, Director of Community
and Economic Development

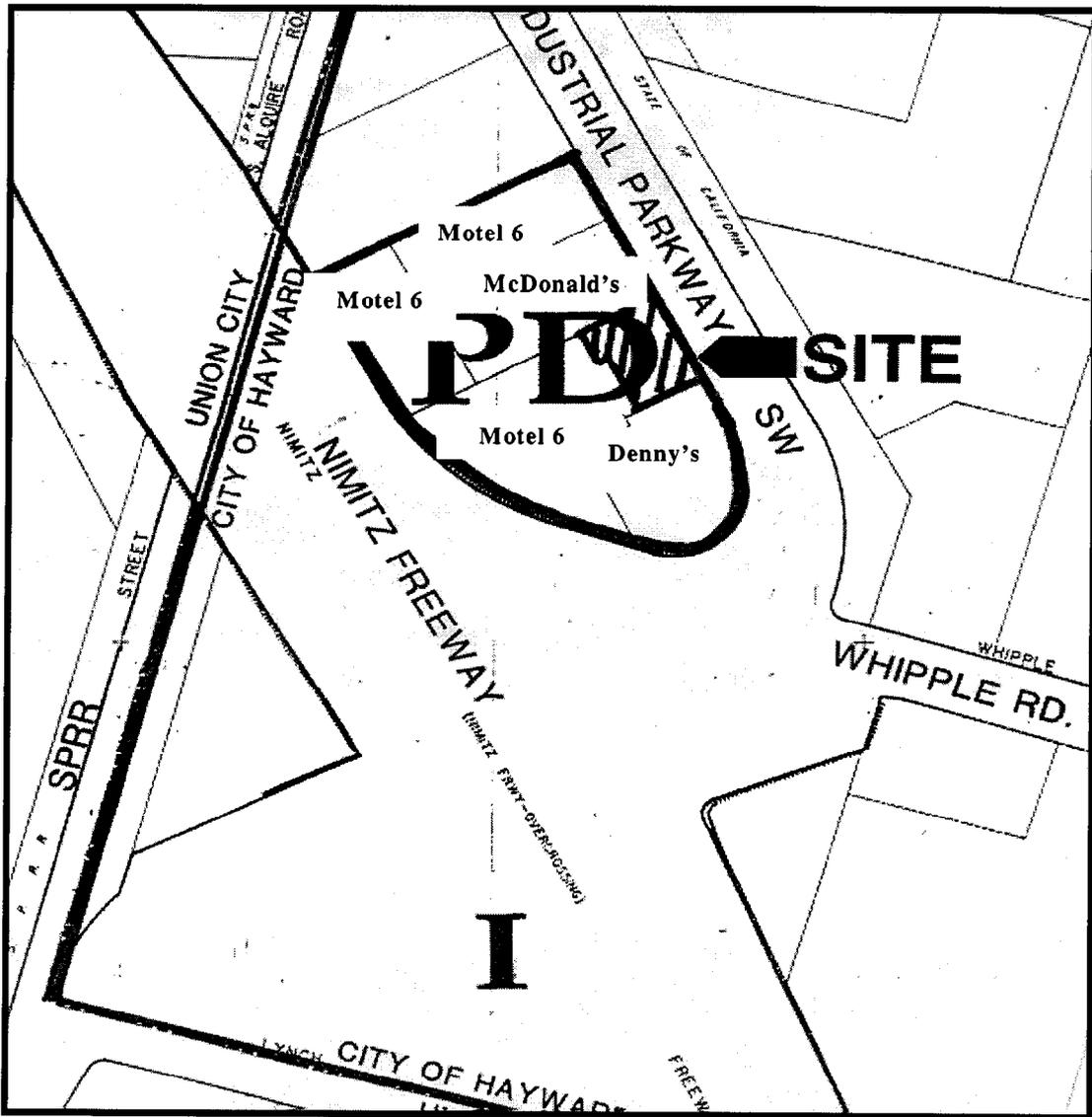
Approved by:



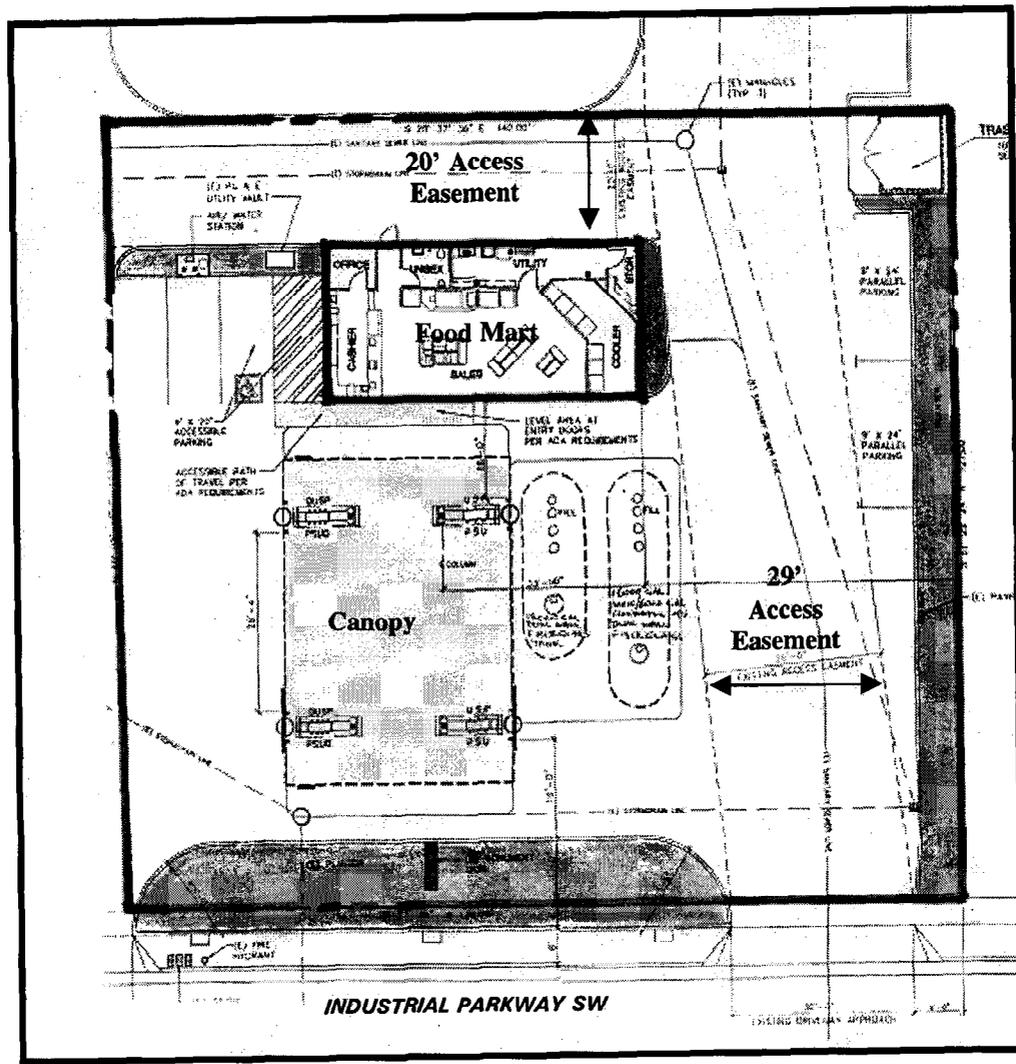
Jesús Armas, City Manager

Attachments: Exhibit A - Area Map
Exhibit B - Site Plan
Exhibit C - Photograph of Union City Chevron Station
Exhibit D - Findings for Approval
Exhibit E - Conditions of Approval
Exhibit F - Draft Planning Commission Minutes and Staff Report dated
December 17, 1998
Site Plan and Elevations
Draft Resolution(s)

1.7.99

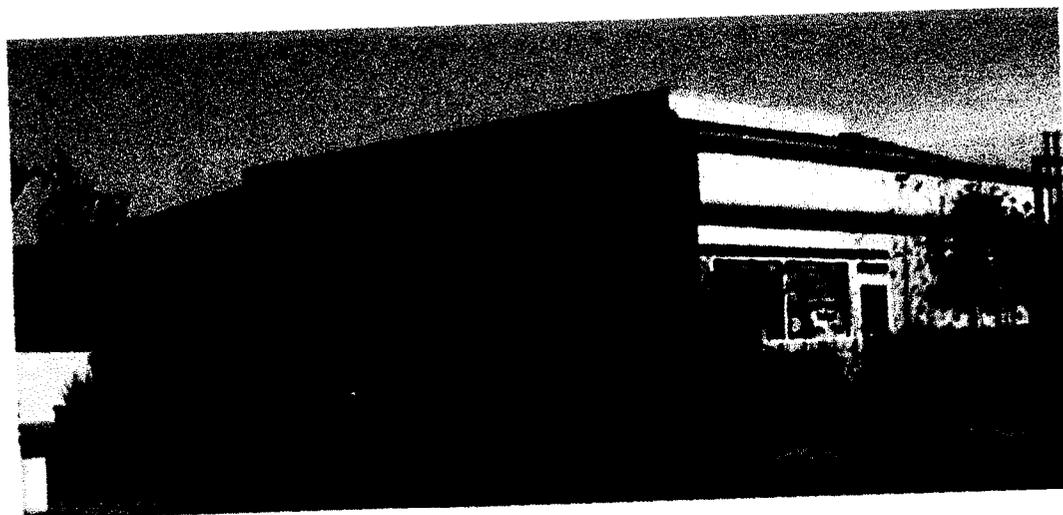


Area Map



Site Plan

EXHIBIT C



**FINDINGS FOR APPROVAL
Zone Change No. 98-190-08
30151 Industrial Parkway SW
Harvinder S. Dhaliwal, (Applicant)
HSD Associates, Inc., (Owner)**

Based on the staff report and the public hearing record:

- A. That approval of Zone Change Application No. 98-190-08 authorizing the construction of a service station and mini-mart to replace a self-serve station at 30151 Industrial Parkway SW in the Planned Development zoning district will have no significant impact on the environment, cumulative or otherwise. This project is exempt from the provisions of California Environmental Quality Act pursuant to Section 15302(b), Replacement or reconstruction of existing structures and facilities.)
- B. The development is in substantial harmony with the surrounding area and conforms to the General Policies Plan in that the use is compatible to the Industrial Corridor Designation and approved modification to Zone Change No. 76-26, which allowed the construction and operation of a service station, a motel and a restaurant.
- C. The development, as conditioned, will continue to provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial development in that the use of the service station is permitted at this location.
- D. Any latitude to the landscaping regulations is adequately compensated for by providing a hedge and trees on the north side of the property where not required by the landscape regulations.

CONDITIONS OF APPROVAL
Zone Change No. 98-190-08
30151 Industrial Parkway SW
Harvinder S. Dhaliwal, (Applicant)
HSD Associates, Inc., (Owner)
(As Modified by the Planning Commission on
December 17, 1998)

1. Zone Change Application No. 98-190-08, a request to modify a Planned Development to allow for the construction of a new self-service station and mini-mart to replace a service station located at 30151 Industrial Parkway SW, shall be according to these conditions of approval and plans approved by the City Council on January 12, 1999, labeled Exhibit "A." Any modification to the approved plans shall require review and approval by the Planning Commission and the City Council.
2. This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official.

General

3. 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.
4. 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, Electrical, Plumbing, Mechanical, and Fire Codes as adopted by the City of Hayward.
5. Prior to submittal for a building permit, the applicant/owner shall submit a revised site plan, trash enclosure plan, and revised fuel pump canopy and sales building elevations to the Director of Community and Economic Development/Planning Director for review and approval. Plans shall be revised to include the following information:
 - a. Details of the colors and signs on the gasoline pump spanners.
 - b. Elevations of the building and fuel pump canopy redesigned to be compatible to the architecture of the adjacent Motel 6 and Denny's Restaurant. The facades shall be off white stucco with decorative brick around the canopy supports. Decorative brick planters shall be provided around the building.
 - c. Tile roofing material and roof design that matches the adjacent Motel 6 and Denny's Restaurant.
 - d. Trash enclosure elevations that are compatible in design to the sales building and fuel pump canopy. Decorative brick shall be used.
 - e. The location of the public telephones and the location of the interior and exterior surveillance equipment.
 - f. Location of signs that limit access of the site to vehicles that do not exceed 28-foot length. The sign size shall be approved by the City Transportation/Development Manager.

- g. A lighting plan that meets the Security Ordinance and includes decorative lighting for the sales building.
 - h. The locations of the air, water, and window washing facilities and trash receptacles shall be shown.
 - i. The applicant/owner shall indicate the number, type and location of recycling containers that will be used.
 - j. A pallet of colors and materials to be approved by the Director of Community and Economic Development/Planning Director.
 - k. *Address signs that are attractive in design and placement.*
6. 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 conditions and the Hayward Sign Regulations for the Industrial Zoning District, including details of directional and informational signs and all other proposed on-site signage.
 - b. The double-sided monument sign shall be modified to allow for the height of the hedge located in the front setback and shall not exceed 10 feet in height with a sign face not to exceed 36 square feet. No additional pole sign shall be permitted.
 - c. The building sign shall use individual channel letters.
 7. The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property. Any promotional materials and promotional signs require the approval of a sign permit.

Police Department

8. Public telephones shall be relocated to within the building or a location approved by the Police Department. The location shall be reflected on a revised site plan to be submitted to the Development Review Services Division.
9. 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.
10. Video surveillance cameras shall be installed on the interior and exterior of the building. The location is to be determined by the Police Department and is to be reflected on revised plans.

Landscaping

11. Prior to the issuance of the first building permit, detailed landscape and irrigation renovation 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*.

- a. A planter with espaliered shrubs or vines shall be incorporated along the rear, side and front elevations of the building.
 - b. All dead or missing shrubs and those in declining health shall be replaced along the northwest property line.
 - c. New landscaping with a solid 30" high hedge shall be planted along Industrial Parkway.
 - d. New landscaping with a 30" high hedge and trees shall be planted along the north side of the property within the planter area.
 - e. Mechanical equipment shall be screened from view from the street and adjoining properties with shrubs.
 - f. Telephones, air compressors and water dispensers shall be prohibited in landscaped buffers.
 - g. Additional landscape areas shall be provided to the extent possible.
12. 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.
 13. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

Transportation/Engineering

14. Applicant shall obtain encroachment permits from the City of Hayward for all street, sidewalk, curb and gutter work.
15. Prior to the issuance of a building permit, a drainage plan shall be submitted to be reviewed and approved by the City Engineer.
16. Positive dust control methods approved by the City Engineer shall be utilized at all times during grading and construction.
17. The applicant/owner shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices; citations or a project stop work order.
18. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.

19. During construction the applicant/owner is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations, or a project stop order.
20. The availability of diesel fuel shall not be advertised on the freeway-oriented sign.
21. Prior to Final Inspection, the following shall be completed:
 - a. All parking stalls and maneuvering areas shall meet the minimum standards of the City's Parking Ordinance; the parking stalls shall be striped. Any handicapped or compact stalls shall be clearly marked accordingly.
 - b. 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.
 - c. All mechanical roof equipment shall be screened from view.
 - d. A sign shall be posted which prohibits 18 wheel trucks and limits vehicle fueling to vehicles that are a maximum of 28 feet in length.
 - e. The site shall not be posted nor be promoted as a truck stop.

Fire Department

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. Must meet requirements of Article 87 of the Uniform Fire Code for demolition and construction of structures.
 - b. If any commercial cooking is to be done a fire protection system is required and must submit specific plans for approval prior to construction.
 - c. Fuel dispensing subject to all requirements of the Uniform Building and Fire Codes.
 - d. Fire Extinguisher required per the Uniform Fire Code
 - e. The applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
 - f. The tanks shall be emptied and temporary closure is required.
 - g. Applications for the removal of tanks and for the installation of tanks shall be completed and submitted to the Fire Department for approval.
 - h. The applicant shall submit a completed Hazardous Waste and Substance Statement to the Fire Department.
 - i. If the pump switch is relocated, revised plans are to be submitted to the Fire Department reflecting the new location.
 - j. An installation permit shall be obtained prior to the installation of the tanks.
23. The property owner/management of the service station shall take necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises, including requesting that motorists not play radios to the degree that commercial uses would be bothered and that loitering is not permitted.

24. Free air, water and window washing facilities shall be provided to the public during hours of operation. Trash receptacles are to be provided on the pump islands.
25. The sale of alcoholic beverages is strictly prohibited.
26. 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 daily pick up trash or litter originating from the site and within 300 feet of the perimeter of the property.
27. No obnoxious odors shall be generated on the site.
28. A minimum of two restrooms shall be made available to the public during hours of operation.
29. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
30. The project shall comply with the requirements of the Hayward Security Ordinance.
31. The applicant/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.
32. 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.
33. No outside storage of material, crates, boxes, vehicles, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by the Uniform Fire Code.
34. The hours of operation of fuel sales and mini-mart may occur 24 hours a day.

Water Pollution Source Control

35. 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.

Utilities/Water Division/Public Works

- 36. 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 Senior Utility Service Representative to determine proper line and meter size.
 - b. A separate irrigation meter may be installed to avoid sewer charges on irrigation consumption.
 - c. Install reduced pressure backflow prevention devices for both domestic and irrigation meters, per City Standard detail SD-202.
 - d. The revised plans shall be submitted prior to the issuance of a building permit and shall reflect the following:
 - 1. On-site sanitary sewer and storm drains are private not public.
 - 2. Notes that state:
 - e. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - f. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
 - g. Water service available subject to standard conditions and fees in effect at time of application.

Solid Waste Management/Recycling

- 37. A 6-inch wide curb or parking bumpers shall be provided along the interior perimeter of the trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long should also be placed between the refuse and recycling containers. The advantages of using a lightweight bumper stop include ease of installation and ability to easily move the bumper, as needed, if the layout of the trash enclosure must change.
- 38. A minimum space of 9 inches shall be maintained between the dumpster and the walls of the trash enclosure to allow for maneuvering the dumpster. A drain to the sanitary sewer shall be provided beneath the refuse dumpster.
- 39. The enclosure gates and hinges shall be flush with the enclosure wall in order to allow adequate maneuverability of the dumpster in and out of the trash enclosure.

40. Prior to the issuance of a building permit, an on-site recycling plan, which would be implemented during the entire demolition and construction phase, is required to be submitted to the City Solid Waste Manager for review and approval.
41. Adequate on-site storage capacity for recyclables shall be provided within the building and in the pump area, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated.
42. The applicant/owner shall contact the City's franchised hauler, Waste Management of Alameda County, to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.
43. 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.
44. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
45. If problems occur as a result of the fuel station/mini-mart, the Director of Community and Economic Development/Planning Director may call this application up to the Planning Commission and the City Council for consideration of imposing additional conditions or restrictions.

PUBLIC HEARINGS

1. **ZONE CHANGE APPLICATION NO. 98-190-08 - HARVINDER DHALIWAL FOR HSD ASSOCIATES, INC. APPLICANT, HSD ASSOCIATES, INC. OWNER** - Request to modify a Planned Development to allow the construction of a service station and mini-mart to replace a service station. The project site is located at 30151 Industrial Parkway SW in a Planned Development (PD) District.

Associate Planner Camire presented and indicated that the applicant made significant improvements in the design per staff recommendations.

Commissioner Kirby asked about Condition 19 regarding the requirement for a clearance bar under the five-pump canopy to restrict fueling of large trucks. Staff explained.

Commissioner Fish said he has noticed that addresses are sometimes applied to buildings in an unattractive manner and suggested that addresses be as attractive as other signage.

Public Hearing Opened 7:48 p.m.

Harvinder Dhaliwal for HSD Associates, Inc., applicant, 4430 Deerfield Way, Danville 94506, said he would appreciate leaving the blue stripe on the building and canopy since Chevron has their own color scheme.

Public Hearing Closed 7:50 p.m.

Commissioner Kirby said he thought the 50-foot sign off the freeway should be adequate. He moved, seconded by Commissioner Caveglia, the staff recommendation and required that address lettering be of the same quality as the sign lettering. He asked that Condition 19 also be eliminated which would not require a clearance bar under the fuel pump canopy. He suggested more discussion with staff to work out details of the building design and color scheme.

The motion passed unanimously.

2. **USE PERMIT and VARIANCE APPLICATION NO. 98-160-17 - SOUTHERN ALAMEDA COUNTY COMITE' for RAZA MENTAL HEALTH (APPLICANT/OWNER)** - Request to operate a neighborhood mental health and social services center within an office building/neighborhood center, formerly the Burbank Neighborhood Resource Center, and a variance to defer the installation of landscaping, irrigation, and fencing improvements beyond occupancy of building. The property is located at 22366 Fuller Avenue, easterly side, approximately 300 feet south of West "A" Street in an RS (Single-Family Residential) District.

The item was held over at the request of the applicant.

The applicant asked that this request be held over until further notice.



**AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD
DEVELOPMENT REVIEW SERVICES DIVISION**

**MEETING OF
December 17, 1998**

TO: Planning Commission

FROM: Arlynn J. Camire, Associate Planner

SUBJECT: ZONE CHANGE NO. 98-190-08-HARVINDER DHALIWAL FOR HSD ASSOCIATES, INC. APPLICANT, HSD ASSOCIATES, INC. OWNER- Request to modify a Planned Development to allow the construction of a new self-serve station and mini-mart to replace a self-serve station.

The project site is located at 30151 Industrial Parkway SW in a Planned Development (PD) District.

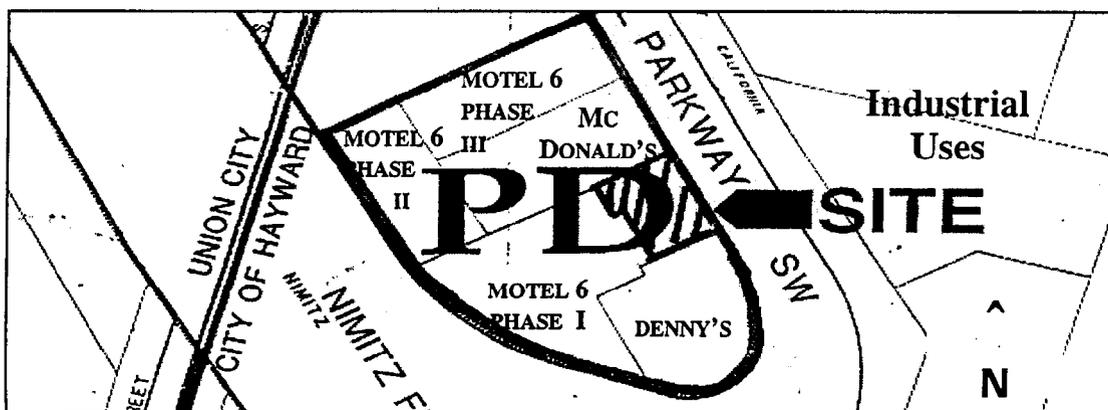
RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council find that the project is categorically exempt from the California Environmental Quality Act Guidelines and to approve construction of the service station and mini-mart subject to the attached findings and conditions of approval.

DISCUSSION:

Background

On March 22, 1977, the City Council approved a zone change application from Limited Access Commercial (CL) and Industrial (I) to Planned Development on a 2.76-acre parcel in order to construct a two-story, 90-room Motel 6 (Phase I), a 5,000-square-foot Denny's Restaurant with cocktail lounge, and a Chevron self-service station. On August 21, 1979, the Council approved a 46-room, two-story addition to Motel 6 (Phase II), and a McDonald's Restaurant on an adjacent site located to the north. On July 13, 1982, the City Council approved a zone change on a parcel located to the north of the McDonald's Restaurant from Industrial to Planned Development adding a third phase of 46 rooms to Motel 6 (see map).



Zone Change No. 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc., Owner

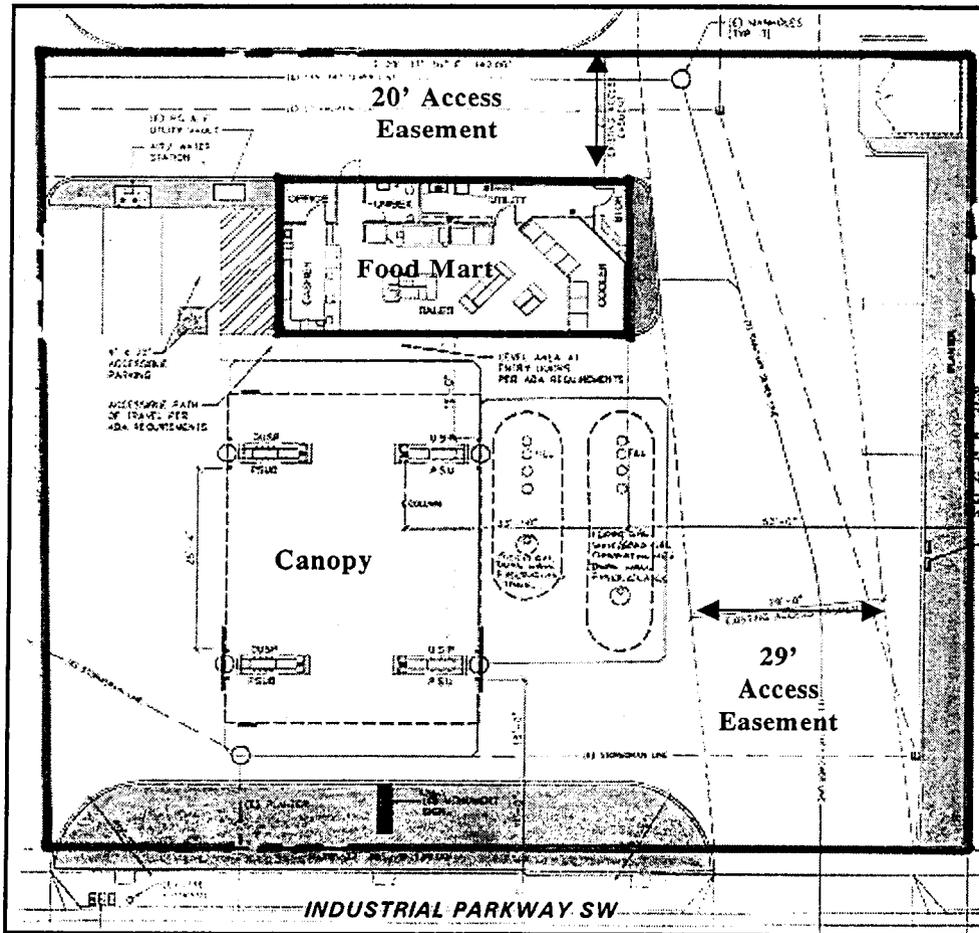
Setting

The 17,970 square-foot parcel contains a self-service Chevron Station. McDonald's Restaurant and Phases II and III of Motel 6 are located to the north and Denny's Restaurant is located to the south, all located within the PD zoning district. Industrial uses are located across Industrial Parkway SW and are zoned Industrial (I). Phase I of Motel 6, adjacent to Interstate 880, is located to the west and is zoned PD (see above map).

Project Description

The applicant, Harvinder Dhaliwal, proposes to demolish the existing self-serve Chevron Station, which includes the service building, pay booth and fuel pump canopy, and remove the existing underground fuel tanks. In its place he proposes to construct a station with a mini-mart, a new fuel pump canopy with four fuel pump islands and new underground fuel tanks (see site plan).

Site Plan

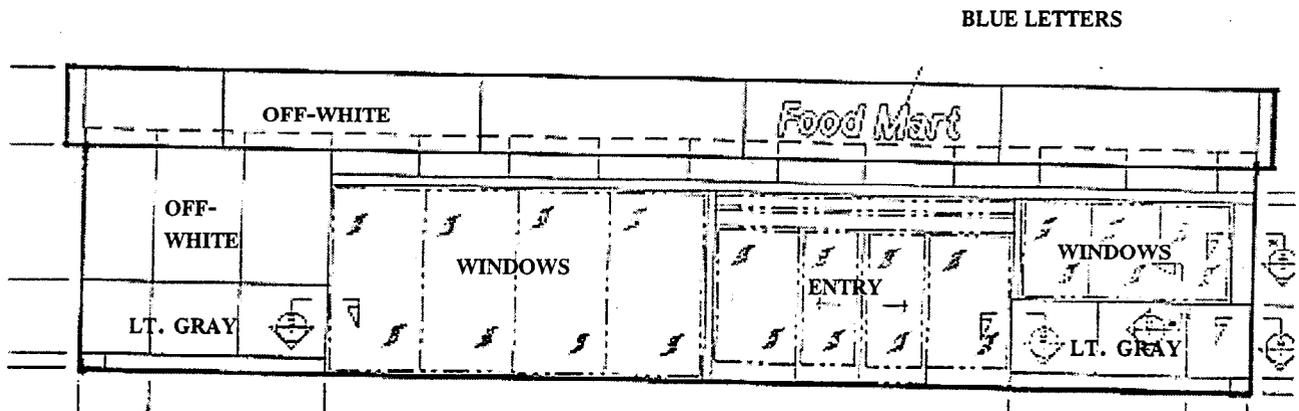


Zone Change No. 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc., Owner

The station and mini-mart will operate on a 24-hour basis, and alcoholic beverages will not be sold. The Chevron Station does not currently sell diesel fuel. Due to its relatively small size and location where access is awkward for very large vehicles, it is not advisable for 18 wheel trucks and vehicles longer than 28 feet to use the facility. Conditions of approval prohibit these vehicles from fueling on the site by requiring the posting of signs and adding clearance bars under the canopy that limit access to 13 feet, 8-inches. The applicant has stated that the addition of diesel fuel will fill a need of surrounding businesses to fuel their smaller trucks.

Building Elevations and Floor Plans

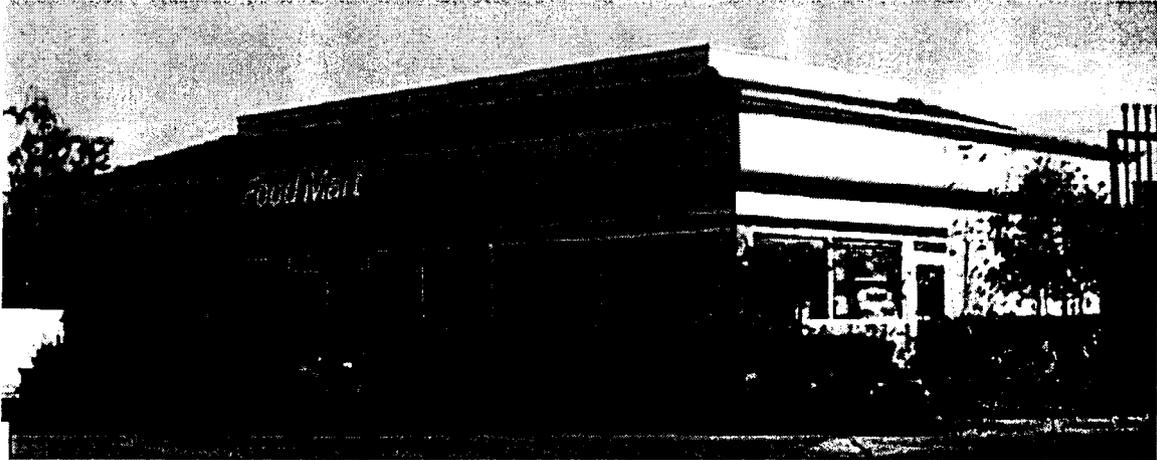
The 1,300-square-foot building will contain a mini-mart, a cashier area, an office, and utility and storage areas. The plans show a unisex bathroom. However, the applicant has agreed to redesign the floor plan to provide separate bathroom facilities for both men and women as required by the Zoning Ordinance.



The building is a simple boxlike design with a bank of four full-length window panels which end just below the sign area fascia to the left of the entry and three windows to the right of the entry that wrap around to the north side of the building. The entry is a full-length glass door with full-length framed glass windows to either side. The south side and the rear do not contain windows. The building façade will consist of light gray and off-white metal panels. The window frames and building accents will be dark gray. The sign fascia is proposed to be off-white, with a blue channel letters sign. The fuel pump canopy will have an off-white fascia with dark-gray supports. The plans show a flat roof for both the building and the fuel pump canopy

The metal building is not compatible with the design of surrounding structures which are stucco with tile roofs. Therefore, staff recommends that the design of the proposed service station be changed to incorporate compatible building materials, a mansard-like tile roof, and decorative brick planters around the building. A condition of approval requires the materials and design of

Zone Change No. 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc., Owner



the canopy to match the building, i.e., stucco fascia, decorative brick on support columns, and tile roof.

The above photograph illustrates a design like the one that staff recommends. The applicant has agreed to this modification in design.

Signs

The proposed signs will be individual internally illuminated acrylic letters. The building will contain two signs that read "Mini-mart" and "24hrs" (see above photograph), and the fuel pump canopy will have Chevron logos on the east and west elevations and "Chevron" signs on the north and south elevations. The applicant intends to retain the 50-foot-high freeway sign that is located adjacent to Interstate 880, west of Motel 6 and the monument sign located on the Industrial Parkway SW frontage. All proposed signs that are depicted on the plans, are an appropriate size and complement the structures.

Landscaping

The City Landscape Architect recommends that prior to the issuance of a building permit a detailed landscape and irrigation plan be prepared by a licensed landscape architect and

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submitted for review and approval by the City. The landscape plan must include a planter at the rear of the building and a 30-inch hedge planted along Industrial Parkway SW.

The Zoning Ordinance requires that operators of existing drive-ins seeking to modify their operation conform to as many of the design and site plan standards for new uses as possible within the limits of the existing site layout and structural location. The standards for drive-in establishments require a minimum of 20 percent of the site to be landscaped. The landscape plans do not meet this requirement in that less than 8 percent is proposed. Because much of the site is encumbered with an access easements to adjacent parcels, it is not possible to meet this requirement. However, additional landscaping can be provided along the northerly property line and in planters around the base of the building. The building may have to be reduced in depth a foot or two to provide an area on the back of the building for vine pockets.

Parking and Vehicular Circulation

The project requires six parking spaces including one parking space for persons with physical disabilities. Five parking spaces are proposed. Due to site constraints, an additional parking space can not be accommodated. However, since the station has reciprocal parking rights with Denny's Restaurant and Motel 6, the required parking can be reduced by twenty-five percent or 1.5 parking spaces. Therefore, staff supports the number of parking stalls proposed.

Although diesel fuel will be available, the site cannot accommodate 18-wheel trucks without the potential interference with on-street traffic. This situation can be attributed to the lack of adequate turning radii due to the size of the site and the location of the fuel pumps. Therefore, as conditions of approval, the site will be posted prohibiting 18-wheel trucks from fueling, and limiting truck length to a maximum of 28 feet, under-canopy clearance bars which restrict access to vehicles lower than 13 feet, 8-inches will be required, the site cannot be identified as a truck stop, and the diesel fuel service cannot be advertised on the freeway-oriented pole sign.

The site can be accessed from Industrial Parkway SW by two 30-foot wide driveways. The driveways also allow access to the Denny's Restaurant and passage through the site to the Motel 6 via a 29-foot wide access easement on the north side of the property and a 20-foot wide access easement along the westerly property line (see site plan). Structures are prohibited from being built within these easements, thereby, limiting the area that may be developed.

Police Concerns

The Police Department has expressed concern regarding activities that occur adjacent to and on the service station property. A lighting plan that complies with the Security Ordinance is required to be submitted and approved by the Police Department. The fixtures are required to be decorative and approved by the Planning Director.

Zone Change No. 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc., Owner

In addition, interior and exterior video cameras will be installed and public pay telephones are required to be relocated within the building or in a location approved by the Police Department.

The Police Department does not support the sale of alcoholic beverages because there are four businesses that are within one-mile radius of this site that sell alcoholic beverages. In addition, this station has traditionally been a gathering place for young adults who use Motel 6 for parties and the Police Department does not want alcoholic beverage easily accessible to these motel patrons. The applicant is not seeking a use permit to sell alcoholic beverages in connection with this application.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act Guidelines in accordance with Section 15301(e), Existing Facilities.

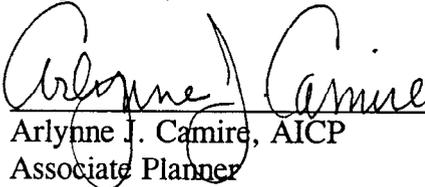
Public Hearing Notice

On December 7, 1998, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records.

Conclusion

The new service station will offer diesel fuel that will be available to fuel smaller trucks and vehicles, and will provide fuel and refreshments to motorists on a 24-hour basis. With the proposed conditions of approval, staff recommends that the Planning Commission recommend approval of this project to the City Council.

Prepared by:


Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Development Review Services Administrator

Zone Change No. 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc., Owner

Attached Exhibits:

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

**FINDINGS FOR APPROVAL
Zone Change No. 98-190-08
30151 Industrial Parkway SW
Harvinder S. Dhaliwal, (Applicant)
HSD Associates, Inc., (Owner)**

Based on the staff report and the public hearing record:

- A. That approval of Zone Change Application No. 98-190-08 authorizing the construction of a service station and mini-mart to replace a service station at 30151 Industrial Parkway SW in the Planned Development zoning district will have no significant impact on the environment, cumulative or otherwise. This project is exempt from the provisions of California Environmental Quality Act pursuant to Section 15301(e), Existing Facilities.
- B. The development is in substantial harmony with the surrounding area and conforms to the General Policies Plan in that the use is compatible to the Industrial Corridor Designation and approved modification to Zone Change No.76-26, which allowed the construction and operation of a service station, a motel and a restaurant.
- D. The development, as conditioned, will continue to provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial development in that the use of the service station is permitted at this location.
- E. Any latitude to the landscaping regulations is adequately compensated for by providing a hedge and trees on the north side of the property where not required by the landscape regulations.

CONDITIONS OF APPROVAL
Zone Change No. 98-190-08
30151 Industrial Parkway SW
Harvinder S. Dhaliwal, (Applicant)
HSD Associates, Inc., (Owner)

1. The proposed modification Zone Change Application No. 98-190-08 is a request to modify a Planned Development to allow for the construction of a new service station and mini-mart to replace a service station located at 30151 Industrial Parkway SW shall be according to the plans recommended by the Planning Commission on December 17, 1998, labeled Exhibit "A." This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Planning Commission and the City Council.

General

2. 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.
3. 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, Electrical, Plumbing, Mechanical, and Fire Codes as adopted by the City of Hayward.
4. Prior to submittal for a building permit the applicant/owner shall submit a revised site plan, trash enclosure plan, and revised fuel pump canopy and sales building elevations to the Director of Community and Economic Development/Planning Director for review and approval. Plans shall be revised to include the following information:
 - a. Details of the colors and signs on the gasoline pump spanners.
 - b. Elevations of the building and fuel pump canopy redesigned to be compatible to the architecture of the adjacent Motel 6 and Denny's Restaurant. The facades shall be off white stucco with decorative brick around the canopy supports. Decorative brick planters shall be provided around the building.
 - c. Tile roofing material and roof design that matches the adjacent Motel 6 and Denny's Restaurant.
 - d. Trash enclosure elevations that are compatible in design to the sales building and fuel pump canopy. Decorative brick shall be used.
 - e. The location of the public telephones and the location of the interior and exterior surveillance equipment.
 - f. Location of signs that limit access of the site to vehicles that do not exceed 28-foot length. The sign size shall be approved by the City Transportation/Development Manager.
 - g. A lighting plan that meets the Security Ordinance and includes decorative lighting for the sales building.

Conditions of Approval-Zone Change 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc. Owner

- h. The locations of the air, water, and window washing facilities and trash receptacles shall be shown.
 - i. The applicant/owner shall indicate the number, type and location of recycling containers that will be used.
 - j. A pallet of colors and materials to be approved by the Director of Community and Economic Development/Planning Director
5. 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 conditions. and the Hayward Sign Regulations for the Industrial Zoning District, including details of directional and informational signs and all other proposed on-site signage.
 - b. The double-sided monument sign shall be modified to allow for the height of the hedge located in the front setback and shall not exceed 10 feet in height with a sign face not to exceed 36 square feet. No pole additional signs shall be permitted.
 - c. The building sign shall use individual channel letters.
6. The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property. Any promotional materials and promotional signs require the approval of a sign permit.

Police Department

7. Public telephones shall be relocated to within the building or a location approved by the Police Department. The location shall be reflected on a revised site plan to be submitted to the Development Review Services Division.
8. 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.
9. Video surveillance cameras shall be installed on the interior and exterior of the building. The location is to be determined by the Police Department and is to be reflected on revised plans.

Landscaping

10. Prior to the issuance of the first building permit, detailed landscape and irrigation renovation 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*.
 - a. A planter with espaliered shrubs or vines shall be incorporated along the rear, side and front elevations of the building.
 - b. All dead or missing shrubs and those in declining health shall be replaced along the northwest property line.

Conditions of Approval-Zone Change 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc. Owner

- c. New landscaping with a solid 30" high hedge shall be planted along Industrial Parkway.
 - d. New landscaping with a 30" high hedge and trees shall be planted along the north side of the property within the planter area.
 - e. Mechanical equipment shall be screened from view from the street and adjoining properties with shrubs.
 - f. Telephones, air compressors and water dispensers shall be prohibited in landscaped buffers.
 - g. Additional landscape areas shall be provided to the extent possible (See Exhibit A).
11. 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.
12. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

Transportation/Engineering

13. Applicant shall obtain encroachment permits from City of Hayward for all street, sidewalk, curb and gutter work.
14. Prior to the issuance of a building permit, a drainage plan shall be submitted to be reviewed and approved by the City Engineer.
15. Positive dust control methods approved by the City Engineer shall be utilized at all times during grading and construction.
16. The applicant/owner shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices; citations or a project stop work order.
17. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
18. During construction the applicant/owner is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMP's will result in the issuance of correction notices,

Conditions of Approval-Zone Change 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc. Owner

citations, or a project stop order.

19. The fuel pump canopy shall be modified to include a clearance bar at each pump island entry. Each bar shall not be lower than 13'8" and shall read "Caution Clearance 13'8".
20. The availability of diesel fuel shall not be advertised on the freeway-oriented sign.
21. Prior to Final Inspection the following shall be completed:
 - a. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance; the parking stalls shall be striped. Any handicapped or compact stalls shall be clearly marked accordingly.
 - b. 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.
 - c. All mechanical roof equipment shall be screened from view.
 - d. A sign shall be posted which prohibits 18 wheel trucks and limits vehicle fueling to vehicles that are a maximum of 28 feet in length.
 - e. The site shall not be posted or nor be promoted as a truck stop.

Fire Department

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. Must meet requirements of Article 87 of the Uniform Fire Code for demolition and construction of structures.
 - b. If any commercial cooking is to be done a fire protection system is required and must submit specific plans for approval prior to construction.
 - c. Fuel dispensing subject to all requirements of the Uniform Building and Fire Codes.
 - d. Fire Extinguisher required per the Uniform Fire Code
 - e. The applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
 - f. The tanks shall be emptied and temporary closure is required.
 - g. Applications for the removal of tanks and for the installation of tanks shall be completed and submitted to the Fire Department for approval.
 - h. The applicant shall submit a completed Hazardous Waste and Substance Statement to the Fire Department.
 - i. If the pump switch is relocated, revised plans are to be submitted to the Fire Department reflecting the new location.
 - j. An installation permit shall be obtained prior to the installation of the tanks.
23. The property owner/management of the service station shall take necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises, including requesting that motorists not play radios to the degree that commercial uses would be bothered and that loitering is not permitted.

Conditions of Approval-Zone Change 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc. Owner

24. Free air, water and window washing facilities shall be provided to the public during hours of operation. Trash receptacles are to be provided on the pump islands.
25. The sale of alcoholic beverages is strictly prohibited.
26. 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 daily pick up trash or litter originating from the site and within 300 feet of the perimeter of the property.
27. No obnoxious odors shall be generated on the site.
28. A minimum of two restrooms shall be made available to the public during hours of operation.
29. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
30. The project shall comply with the requirements of the Hayward Security Ordinance.
31. The applicant/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.
32. 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.
33. No outside storage of material, crates, boxes, vehicles, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by the Uniform Fire Code.
34. The hours of operation of fuel sales and mini-mart may occur 24 hours a day.

Water Pollution Source Control

35. 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

Conditions of Approval-Zone Change 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc. Owner

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.

Utilities/Water Division/Public Works

36. 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 Senior Utility Service Representative to determine proper line and meter size.
- b. A separate irrigation meter may be installed to avoid sewer charges on irrigation consumption.
- c. Install reduced pressure backflow prevention devices for both domestic and irrigation meters, per City Standard detail SD-202.
- d. The revised plans shall be submitted prior to the issuance of a building permit shall reflect the following:
 1. On-site sanitary sewer and storm drains are private not public.
 2. Notes that state:
- e. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
- f. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- g. Water service available subject to standard conditions and fees in effect at time of application.

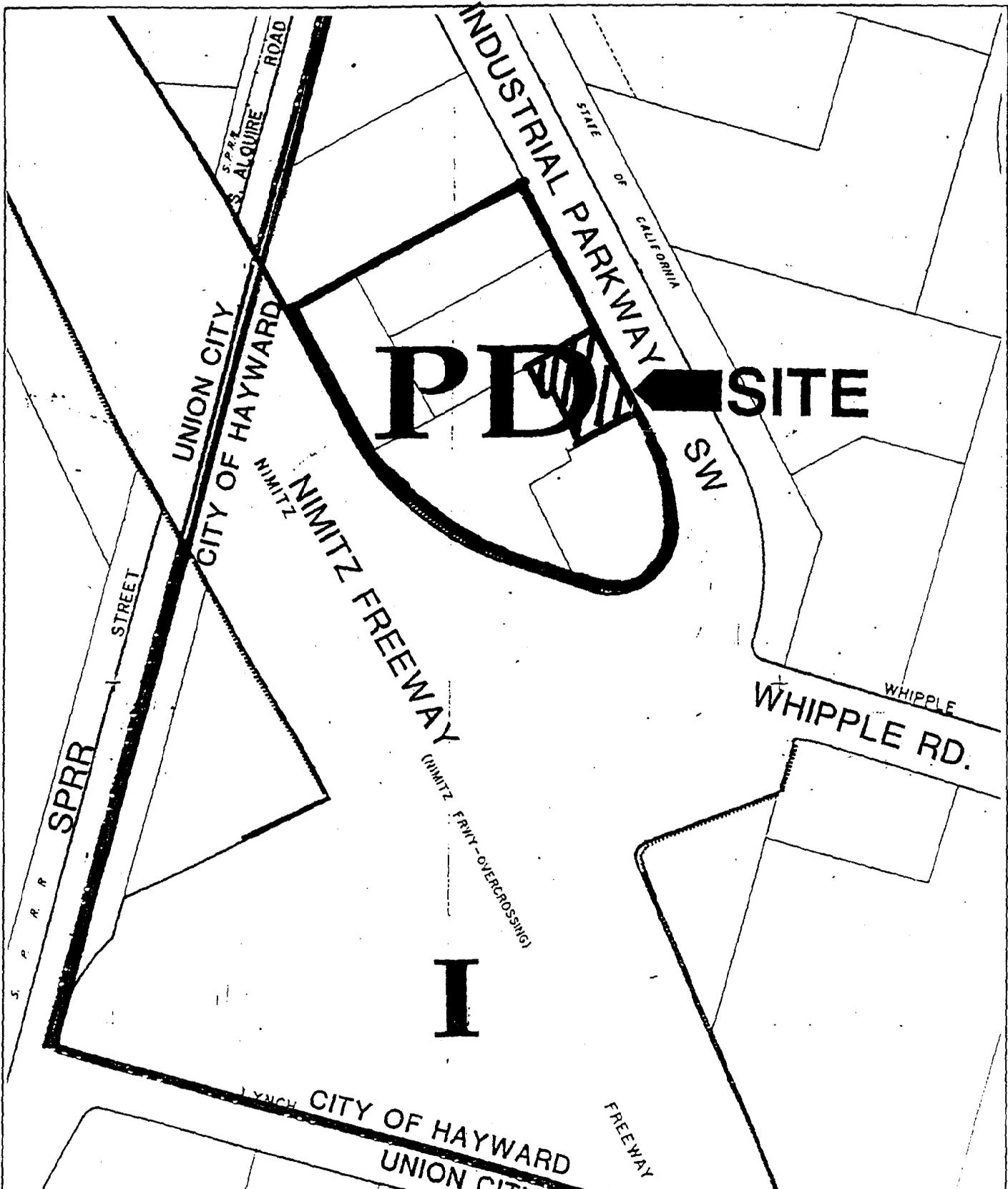
Solid Waste Management/Recycling

37. A 6-inch wide curb or parking bumpers shall be provided along the interior perimeter of the trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3-foot long should also be placed between the refuse and recycling containers. The advantages of using a lightweight bumper stop include ease of installation and ability to easily move the bumper, as needed, if the layout of the trash enclosure must change.

38. A minimum space of 9 inches shall be maintained between the dumpster and the walls of the trash enclosure to allow for maneuvering the dumpster. A drain to the sanitary sewer shall be provided beneath the refuse dumpster.

Conditions of Approval-Zone Change 98-190-08-Harvinder Dhaliwal for HSD Associates, Inc. Applicant, HSD Associates, Inc. Owner

39. The enclosure gates and hinges shall be flush with the enclosure wall in order to allow adequate maneuverability of the dumpster in and out of the trash enclosure.
40. Prior to the issuance of a building permit, an on-site recycling plan, which would be implemented during the entire demolition and construction phases, is required to be submitted to the City Solid Waste Manager for review and approval.
41. Adequate on-site storage capacity for recyclables shall be provided within the building and in the pump area, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated.
42. The applicant/owner shall contact the City's franchised hauler, Waste Management of Alameda County, to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.
43. 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.
44. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
45. If problems occur as a result of the fuel station/mini-mart, the Director may call this application up to the Planning Commission for consideration of imposing additional conditions or restrictions.



ZONING/AREA MAP ■ ZC 98-190-08

Harvinder Dhaliwal, HSD Associates, Inc. (Appl.)
HSD Associates, Inc. (Owner)
30151 Industrial Parkway S.W.

DRAFT

HAYWARD CITY COUNCIL

ADP
12/31/98

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING ZONE CHANGE APPLICATION NO. 98-190-08

WHEREAS, Zone Change Application No. 98-190-08 concerns a request to modify a Planned Development to allow the construction of a self-serve station and mini-mart to replace a self-serve station located at 30151 Industrial Parkway SW in a Planned Development (PD) District; and

WHEREAS, the Planning Commission considered the request at its meeting on December 17, 1998, the record of which action is on file in the office of the City Clerk; and

WHEREAS, the project is categorically exempt from environmental review under the California Environmental Quality Act Guidelines section 15302(b); and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that:

1. The approval of Zone Change Application No. 98-190-08 and the construction of a service station and mini-mart to replace a self-serve station at 30151 Industrial Parkway SW in the Planned Development zoning district will have no significant impact on the environment, cumulative or otherwise. This project is exempt from the provisions of California Environmental Quality Act pursuant to Section 15302(b), Replacement or reconstruction of existing structures and facilities;
2. The development is in substantial harmony with the surrounding area and conforms to the General Policies Plan in that the use is compatible to the Industrial Corridor Designation and approved modification to Zone Change No. 76-26, which allowed the construction and operation of a service station, a motel and a restaurant;
3. The development, as conditioned, will continue to provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial

development in that the use of the service station is permitted at this location.

4. Any latitude to the landscaping regulations is adequately compensated for by providing a hedge and trees on the north side of the property where not required by the landscape regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based on the findings noted above and the adoption of an Ordinance approving Zone Change Application No. 98-190-08 is hereby approved to be constructed subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward