

CITY OF HAYWARD
PLANNING DIVISION
APPLICATION NO. 201702725
USE PERMIT AND SITE PLAN REVIEW FINDINGS
3202 and 3208 DIABLO AVENUE
APNs 439-0075-036-02 and 439-0075-035-02

Proposed Conditional Use Permit with Site Plan Review to allow the construction of an 8,193 square-foot canopy addition to an existing 15,606 square foot plastic bag manufacturing plant to accommodate the major outdoor storage use for a site located at 3202 and 3208 Diablo Avenue. Application No. PL- 2017-02725. Eugene Loh (Applicant) on behalf of Jesse Tseng. (APNs 439-0075-036-02 and 439-0075-035-02).

CONDITIONAL USE PERMIT FINDINGS

Per Section 10-1.1620 of the Hayward Municipal Code (HMC), the project requires the issuance of a Conditional Use Permit for the major outdoor storage use. Per Section 10-1.3225 of the HMC, the Planning Commission may approve or conditionally approve a Conditional Use Permit application when all the following findings are made:

A. The proposed use is desirable for the public convenience or welfare

The proposed use is comparable and consistent with other land uses currently existing on surrounding properties (warehouse/storage businesses). The proposed major outdoor storage area would provide an existing business with a space to temporarily store boxes and mechanical equipment for the existing manufacturing facility and would support business expansion within the City of Hayward. The project, as proposed, would be conditioned to minimize impacts to adjacent properties and would be designed to maximize access and distribution of the plastic bags produced and manufactured on site, which is desirable for public convenience and welfare.

B. The proposed use will not impair the character and integrity of the zoning district and surrounding area

The proposed outdoor storage facility will be located at the rear of the existing manufacturing building and will be not visible from Diablo Avenue. All loading and unloading activities will be conducted at the rear of the facility. The proposed project is not expected to result in any noise impacts to the surrounding area and any noise generated by the facility will primarily be limited to common activities associated with all loading and unloading areas for warehouse and manufacturing uses.

The proposed use will not impair or impact the character or integrity of the surrounding neighborhoods in that site is located among other warehouses and manufacturing facilities, where outdoor storage is common. The area proposed for the outdoor storage will be located under a new canopy structure, which will be designed with similar materials and

colors of the existing building on site. The storage area will be buffered from the neighboring properties with landscaping on the rear property line and with a new metal screen, which will be architecturally incorporated into the proposed canopy to minimize visual impacts.

C. The proposed use will not be detrimental to the public health, safety, or general welfare; and

The proposed project, as conditioned, will not be detrimental to public health, safety and general welfare as the project will comply with all applicable zoning regulations (maximum lot coverage, side yard, rear yard setback, and height requirements) and building codes. Additionally, the proposed project will be screened to minimize visual impacts from adjacent properties and will be architecturally designed to integrate with the architecture and color of the existing manufacturing facility.

D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The project, as conditioned, will meet all the development standards of the City's Industrial zoning district and will be within the maximum floor area ratio (FAR) permitted in the Industrial Corridor (IC) land use designation of the City's General Plan. The General Plan indicates that the future developments within this district are expected to include building and landscaping improvements, infill development, and the redevelopment of underutilized properties. The Corridor is expected to grow as an economic and employment center and evolve to achieve a healthy balance of traditional manufacturing and information- and technology-based uses.

The *Hayward 2040 General Plan* also provides goals and policies that serve as guiding principles and provide a host of strategies intended to implement a high-level vision for future development in the City. The proposed project was evaluated against the applicable goals and policies of the Hayward General Plan and found to be consistent with the following:

- Goal ED-3: Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- LU-6.6: Property Upgrades: The City shall encourage property owners to upgrade existing buildings, site facilities, and landscaped areas to improve the economic viability of properties and to enhance the visual character of the Industrial Technology and Innovation Corridor.
- LU-6.7: Design Strategies: The City shall encourage developments within the Industrial Technology and Innovation Corridor to incorporate the following design strategy:

- Screen areas used for outdoor storage, processing, shipping and receiving, and other industrial operations with a combination of landscaping and decorative fences or walls.

In addition, the new canopy will meet all the required development standards of the Industrial zoning district related to lot coverage, FAR, and setbacks.

SITE PLAN REVIEW FINDINGS

Per Section 10-1.3025 of the Hayward Municipal Code, the Planning Commission may approve or conditionally approve an application when all the following findings are met:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City

The proposed use is comparable in nature to prior and current uses of the surrounding properties (warehouse/storage businesses) in the Industrial (I) zoning district. The proposed canopy design includes the following elements to minimize the impacts to the project site and adjacent properties:

- The proposed canopy outdoor storage will be located at the rear of the building and will not be visible from the Diablo Avenue.
- The proposal colors and materials of the new canopy will match the colors and materials of the existing building
- Three new Sycamore trees will be planted along the rear of the property to further screen the outdoor storage activity minimize visual impacts of the 15' tall structure.
- A five-foot tall metal and wood screen will be integrated into the proposed canopy to minimize visual impacts associated with the temporary storage of the boxes and mechanical equipment stored on-site.

B. The development takes into consideration physical and environmental constraints

The proposed canopy is located on a generally flat lot and be placed towards the rear of the project site to minimize visual impacts from Diablo Avenue. Additionally, the project will be designed to be compatible and consistent with the existing manufacturing building on site. The project site is located within a light-industrial area of Hayward that contains several other warehouse and manufacturing facilities. The proposed canopy, with outdoor storage underneath, will provide a location for the temporary storage of products which are manufactured on-site, which is consistent with other land uses in the area. The area proposed for construction was chosen to minimize potential visual, physical and environmental impacts to the project site and adjacent sites.

C. The development complies with the intent of City development policies and regulations

The proposed canopy and related site improvements are permitted, subject to the issuance of a Conditional Use Permit for the major outdoor storage activity and Site Plan Review approval as the project complies with all applicable City policies and regulations, including the City's Zoning Ordinance and General Plan. The project has been designed to be architecturally compatible with the existing building and meets the City's Design Guidelines.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The project, as conditioned, will be designed to be compatible and operate in a manner consistent with the surrounding warehouse and manufacturing facilities in the Industrially zoned areas. Additionally, the project complies with all the development standards of the City's Zoning Ordinance related to the construction of a new building. The project, as conditioned, will provide necessary upgrades to the existing building and site to be ADA compliant and will increase accessibility and operational functionality of the existing manufacturing facility. The comprehensive site improvements and design requirements of the new structure will ensure the project is compatible with the surrounding development.

E. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332 Class 32 for projects characterized as in-fill development. The project is consistent with the Hayward 2040 General Plan as well as all applicable general plan policies as well as with applicable zoning designation and regulations. Additionally, the project site has no value as habitat for endangered, rare or threatened species and approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

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CONDITIONS OF APPROVAL

GENERAL

Planning Division

1. 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.
2. Applicant shall apply for all necessary building permits and/or all other related permits from the Building Division. All structures shall be constructed and installed in accordance with the California Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the California Fire Code as adopted by the City of Hayward.
3. Prior to final inspection, all pertinent conditions of approval and all other improvements shall be completed to the satisfaction of the Planning Director.
4. The owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, landscaping, driveways, and parking areas. The premises shall be kept clean and weed-free.
5. The applicant shall be responsible for graffiti-free maintenance of the property, and shall remove any graffiti within 48 hours of occurrence or City notification.
6. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
7. The applicant, property owner, or designated representative, shall allow code enforcement staff access to the property for site inspections to confirm all approved use conditions have been completed and are being maintained in compliance with all adopted city, state, and federal laws.

8. The Planning Director may revoke this permit for failure to comply with, or complete all, conditions of approval or improvements indicated on the approved plans.
9. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full prior to issuance of a building permit or certificate of occupancy.
10. The proposed use shall be operated according to these conditions of approval, the narrative/plans, and the material/color board labeled Exhibit "A" in the project files.
11. A copy of these conditions of approval shall be included on a full-size sheet in the building permit plan set.
12. This approval is void three (3) years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official and substantial improvements have been made as determined by the Planning Director.
13. Any modification to this permit or the plans, dated October 4, 2017 shall require review and approval by the Planning Director and/or the Planning Commission, if necessary.
14. Violations of any approved land use conditions or requirements will result in further enforcement actions by the Code Enforcement Division. Enforcement includes, but is not limited to, fines, fees/penalties, special assessment, liens, or any other legal remedy required to achieve compliance including instituting a revocation hearing before the Planning Commission.
15. Failure to comply with any of the conditions set forth in this approval, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/ or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/ or complete demolition of a non-compliant improvement regardless of costs incurred where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.

Landscape

1. Landscaping shall be maintained to be in a healthy, weed-free condition at all times and shall maintain irrigation system to function as designed to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which contribute pollution to the Bay. The owner's representative shall inspect the landscaping monthly and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced

within ten days of the inspection. Three-inch deep mulch should be maintained in all planting areas. Mulch shall be organic recycled chipped wood in the shades of Dark Brown Color, and the depth shall be maintained at three inches deep. All nursery stakes shall be removed during tree installation and staking poles shall be removed when the tree is established or when the trunk diameter of the tree is equal or larger to the diameter of the staking pole. All trees planted as a part of the development as shown on the approved landscape plans shall be "Protected" and shall be subjected to Tree Preservation Ordinance. Tree removal and pruning shall require a tree pruning or removal permit prior to removal by City Landscape Architect. Any damaged or removed trees without a permit shall be replaced in accordance with Tree Preservation Ordinance or as determined by City Landscape Architect within the timeframe established by the City and pursuant to the Municipal Code. Irrigation system shall be tested periodically to maintain uniform distribution of irrigation water; irrigation controller shall be programmed seasonally; irrigation system should be shut-off during winter season; and the whole irrigation system should be flushed and cleaned when the system gets turn on in the spring.

Building

1. The project shall provide the required disabled access upgrades to the facility per 2016 CBC Chapter 11B section 202. This will include the restrooms, main entry and accessible parking. Complete details of these path of travel upgrades will be required as part of the building permit submittal package.
2. The proposed canopy will require structural calculations and details as part of the building permit plan review package.

Transportation

1. Applicant shall ensure that trucks do not block traffic flow on Diablo Avenue at any time. Any backing or turning around of trucks for access to the loading area shall be accomplished on the project site and/or within the on-site parking area.

Water Pollution

1. The proposed facility shall comply with the State's Stormwater Industrial General Permit.
2. The proposed facility shall ensure all production equipment, materials, wastes, and related are stored under cover. If stored outdoors, the materials shall be completely under cover and residual plastic pellets (nurdles) must be cleaned and prevented from entering on site storm water drainage areas.
3. The exterior of the project site shall remain free and clear of debris.

4. The project shall incorporate spill prevention measures for the handling of pre-production plastic pellets.

Solid Waste

1. Waste containers must be kept inside existing trash enclosures, inside building, or under canopy when not set out for collection.
2. Separate collection of recyclables is required by City Ordinance. For more information, please visit <http://www.recyclingrulesac.org/city/city-of-hayward/>