

**CITY OF HAYWARD
PLANNING COMMISSION
CONDITIONAL USE PERMIT
APPLICATION NO. 201601868
438 WEST TENNYSON ROAD
FINDINGS FOR APPROVAL**

Proposed Establishment of a Car Wash and Expanded Convenience Store at an Existing Gas Station at 438 West Tennyson Road (Assessor Parcel No. 465-0001-002-00 from Kevin Chiang, KC Associates/Xu Ying and Fan Li (Applicant/Owners) Requiring Approval of Conditional Use Permit Application No. 201601868.

California Environmental Quality Act.

- A. The project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development Projects, in that the proposed project is consistent with applicable general plan policies and zoning designation and requirements; is located on an half-acre site that is surrounded by development on a site that is current being used as a gas station; is adequately served by utilities and public services; and, has no value as habitat for endangered, rare or threatened species. Redevelopment of the site to expand the convenience store and to add a car wash will not result in any significant effects related to traffic, noise, air quality or water quality.

Conditional Use Permit. Pursuant to Hayward Municipal Code (HMC) Section 10-1.3225, the Planning Commission may approve or conditionally approve a Conditional Use Permit application subject to the following findings:

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

The proposed project is desirable for the public convenience and welfare in that service stations, convenience stores and car washes are utilized by the general public on a regular basis; and, in that the proposed project will result in redevelopment of a generally underutilized and unattractive site with a relocated and expanded convenience store with restrooms; a self-service car wash and covered vacuum stations; increased site landscaping and tapered driveways; a more attractive fence and landscaped boundary along the shared property line with Tennyson Park; and more efficient and organized site circulation and parking.

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

The expanded convenience store and car wash will not impair the character and integrity of the CN (Neighborhood Commercial) District or surrounding area in that service stations and car washes are conditionally permitted uses; and, if the eastern

façade of the convenience store and the southern façade of the car wash structure are redesigned match the colors and materials utilized on other elevations, and are further articulated with windows, trim, awnings, mural, mosaic or other artistic element to provide visual interest from adjacent properties.

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

The proposed project would not be detrimental to the public health, safety or general welfare in that the car wash would be enclosed within a concrete masonry structure and shielded from the neighboring properties by the trash enclosure and convenience store structures. If noise from the car wash exceeds allowable noise levels, conditions of approval would require installation of noise suppression equipment or automatic operating doors to further minimize noise. In addition, the site would have parking, vacuum stations and queuing to accommodate the service station and car wash uses.

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

The proposed use is in harmony with applicable City policies and the intent and purpose of the CN District in that service stations and car washes are conditionally permitted uses; and, in that such uses are considered allowable supporting uses within the applicable Medium Density Residential General Plan land use designation. The proposed development will be consistent with the City of Hayward Design Guidelines related to avoidance of extensive blank walls if the eastern façade of the convenience store and the southern façade of the car wash structure are redesigned match the colors and materials utilized on other elevations, and are further articulated with windows, trim, awnings, mural, mosaic or other artistic element to provide visual interest from adjacent properties.