



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 04/20/04
AGENDA ITEM 4
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Appeal of the Planning Commission's Approval of Administrative Use Permit – Application No. PL-2003-0576 to Allow Truck and Bus Driving School – Moe Janda (Applicant/Owner) - The Property Is Located at 2977 Baumberg Avenue in an Industrial (I) District

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution finding the project categorically exempt from CEQA review and denying the application.

DISCUSSION:

The appellant has operated a truck driving school on subject site since June 2001 without the benefit of a use permit. The appellant was alerted to the need for a use permit for this type of use when he applied for a business license in 1997 for a property on Industrial Boulevard, northerly of State Route 92. At that time the business license was issued for only an office for a truck driving school. He transferred the business license, as a truck driving school, to the Baumberg Avenue property in 2001. The appellant was informed of the need for permits by a building inspector who was inspecting work on an adjacent property. When the appellant contacted the City regarding a building permit, he again was told about the need for the use permit for a truck driving school.

The property is not paved, and the potential exists for truck movements to carry mud and dust onto adjacent City streets. The site lacks any landscaping, and a dilapidated chain-link fence is situated along the street frontage. A modular building, serving as an office and classrooms, was installed without a building permit. The sanitary facilities are portable. The design of the modular building is inconsistent with the City's "Industrial Architectural Performance Standards," it lacks access for the disabled, and it straddles a property line.

On February 5, 2004, the Planning Commission unanimously approved an Administrative Use Permit for a truck and bus driving school. The Planning Commission's conditions of approval include requirements for replacing the modular building with a site-built structure that is designed to comply with City guidelines, installation of landscaping, paving, street improvements, a street light, new fencing, and a sewer lateral between Industrial Boulevard and subject site. The applicant would also be required to dedicate 5 feet of the Baumberg Avenue property frontage for right-of-way purposes.

At the Planning Commission hearing, the staff did not object to the use based on the recommended schedule for improving the site in accordance with City standards, particularly in light of the fact that business operations were begun without permits. The Zoning Ordinance requires compliance with its provisions and the conditions of all associated permits before operating the business. But because the school was already in operation, the Commission's approval action included deadlines for completing the conditions of approval that would bring the property into compliance with the City's Design Guidelines and "Minimum Design and Performance Standards" for industrial properties. Several of the conditions of approval require submittal of plans, including those for the installation of curb, gutter, sidewalk and street improvements, to the City within 30 days of approval of the use permit. It was recognized that if improvements were not installed reasonably soon, mud and dust would continue to be tracked onto City streets, employees and students would not have access to standard sanitary facilities, there would be no assurance of a safe structure with access for the disabled, and the streetscape would remain unimproved (unattractive, dilapidated fence and no landscaping).

The applicant is appealing the decision of the Planning Commission as he indicates that strict compliance with the deadlines for submittal of plans and improvements, set forth in the conditions of approval, is not physically possible. Also, to more efficiently meet the conditions, the appellant seeks deferral of all improvements to be installed at one time. The applicant has indicated that he would need seven to nine months to prepare a complete set of construction documents and to obtain permits (between November 2004 and January 2005). This time frame could delay the construction of improvements until early spring of 2005, approximately one year hence. The deadlines adopted by the Commission were considered to be achievable as long as immediate actions were taken by the appellant. They were intended to ensure that the property would be improved in accordance with the guidelines required of all similar businesses in the industrial area and to provide an adequate level of public safety. While the applicant indicates that he is seeking relief from the conditions of approval only, his appeal provides the City Council the opportunity to review the whole of the application, including the Commission's approval.

The specific conditions to which the appellant objects are:

No. 3 (Portion) – Requires submittal of a building permit for the permanent building within 30 days.

No. 4 – Requires replacement and relocation of the chain-link fence within 30 days.

No. 5 – Requires a lighting plan within 30 days with installation within 90 days.

No. 6 – Requires a trash enclosure within 90 days.

No. 13 – Requires a drainage plan within 30 days with installation of improvements within 90 days.

No. 27 – Requires a landscape plan within 30 days with installation of improvements within 90 days.

The appellant is also seeking relief from Condition No. 19 (requiring installation of a sanitary sewer main from the property frontage to Industrial Boulevard) and Condition 16 (requiring installation of curb, gutter, sidewalk and tie-in paving). Under the Municipal Code, a request for relief from the requirement to provide the street and sewer improvements is made by the City staff, or by the City Manager upon appeal, when it has been determined that the installation of such improvements would endanger the public welfare, that the work would best be done on an area project basis, or that there are exceptional property conditions or practical difficulties that would cause undue hardship. The granting of relief would also require the applicant to enter into an agreement with the City to install the improvements at a time specified by the City. The City

Engineer believes that the street improvements are necessary to provide a safer environment on a street that carries substantial truck traffic.

To date, the applicant has not taken significant steps toward meeting the conditions of approval. It is unfortunate that the appellant did not approach staff prior to the establishment of the business on this site. Had he done so, the numerous requirements could have been made known at that time and he could have then made a determination whether it would have been feasible to locate at this site, or to locate on another property that would have been sufficiently improved.

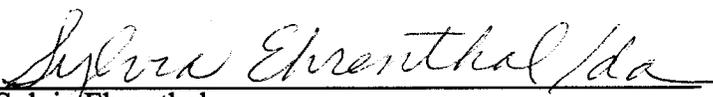
In staff's opinion, granting significant delays in meeting the conditions of approval would be conferring special privileges not extended to other developers in the Industrial Zone. With the appellant's position that he is unable to improve his property expeditiously, staff cannot support the continued use of the property for a truck school and recommends denial of the use permit. However, should the City Council take the position that the imposed deadlines are not reasonable, a more relaxed schedule could be granted. Regardless, building permits applications should be submitted as quickly as possible to insure that the site is accessible to the disabled and that students and employees are occupying a safe structure; also, from a safety standpoint, the site should be graded and paved so as to make sure that mud and dust are not tracked onto City streets. For that reason grading and paving should be accomplished at least before the onset of the next rainy season.

Prepared by:



Richard E. Patenaude, AICP
Principal Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A. Letters of Appeal, dated February 12 & April 1, 2004
Exhibit B. Findings for Denial
Exhibit C. Planning Commission Report and Minutes of January 22 and
February 5, 2004
Plans
Draft Resolution

4/15/04

A-1 Truck Driving School, Inc.
2977 BAUMBERG AVENUE, HAYWARD, CA 94545
510-783-6030

February 12, 2004

Richard Patenaude
Principal Planner
Department of Community & Economic Development
City of Hayward
777 B Street,
Hayward, CA 94541

Dear Mr. Patenaude:

We are very happy to receive the Planning Commission's approval; permitting us to operate a truck, bus and fork lift training school at 2977 Baumberg Avenue. We have already started discussions with various consultants to provide services to develop the property and to meet the City requirements. We want to put the unfortunate circumstances of the past behind us and move forward to develop the property per City of Hayward standards and contribute positively to the growth and development of our area.

As you are aware there are extremely stringent time frames prescribed in the Conditions of Approval. There are approvals that cannot be applied for or accomplished in such short time frames of 90 to 120 days. We are going to make very sincere effort to accomplish the agenda, but need time to do it. We want to prepare and present to you a master plan and inform you on how we will achieve the goals.

We need a reasonable amount of time to get all the work done and would like to appeal to the City Council to facilitate our request.

I will be out of the country from February 17th through March 5th due to prior commitments. I will appreciate it very much if you could schedule us for the Council meeting anytime after March 10th. If you have any questions or suggestions please feel free to call me.

Sincerely,


Mike Janda
A-1 Truck Driving School, Inc.
President

A-1 Truck Driving School, Inc.
2977 BAUMBERG AVENUE, HAYWARD, CA 94545
510-783-6030

April 1, 2004

Dyana Anderly
Planning Manager
Department of Community & Economic Development
City of Hayward
777 B Street,
Hayward, CA 94541

Dear Ms. Anderly:

As discussed with Mr. Patenaude, we would like to request you to give us adequate time to plan and prepare drawings to develop our property. The 90 days noted in your Conditions of Approval are too short for the scope of work that is involved in developing the property. We are making all efforts to move forward from here on. Per our consultants, they would need at least seven to nine months to prepare complete set of construction documents and obtain all permits from the City of Hayward and other agencies having jurisdiction. That time frame leads us into winter later this year, which is not desirable for construction of this nature. We are planning to begin construction by early spring of 2005 or sooner if weather permits. Please be assured that we will make all the efforts to expedite our work and will appreciate your help in expediting the review and permit process. We are willing to appear before the City Council and put forth this request, as soon as you can schedule us.

Please call if you have any questions.

Sincerely,



Moe Janda
A-1 Truck Driving School, Inc.
President

**CITY OF HAYWARD
CITY COUNCIL
April 20, 2004**

ADMINISTRATIVE USE PERMIT APPLICATION No. PL-2003-0576 – Moe Janda (Applicant/Owner) – Request to operate a truck and bus driving school

The site is located at 2977 Baumberg Street, in the Industrial (I) District, APN 456-0054-016/456-0054-017

FINDINGS FOR DENIAL

1. The California Environmental Quality Act (CEQA) does not apply to projects that are not approved.
2. The proposed project would not be desirable for the public welfare in that significant delays in providing the required property improvements would be conferring special privileges not extended to other developers in the Industrial District.
3. The proposed project would not be consistent with the character and integrity of the Industrial District in that the inability of the owner to provide required property improvements in a timely manner would allow the maintenance of a property that would not comply with the City's Industrial Architectural Performance Standards. The Standards require the use of building materials to provide a variety of textures, use of interesting patterns, provision for interesting shadows, offsets, decorative siding, and attractive accent materials.
4. The proposed use would be detrimental to the public health, safety, or general welfare in that inability of the owner to provide required property improvements in a timely manner would allow the maintenance of an unsafe property and would allow the tracking of dust and mud onto City streets.
5. The project would not be in harmony with applicable City policies in that significant delays in the provision of required property improvements demonstrates that the proposed project cannot comply with the City's minimum design standards.



**CITY OF HAYWARD
AGENDA REPORT**

EXHIBIT C

Meeting Date 2/5/04
Agenda Item 2

TO: Planning Commission

FROM: Richard E. Patenaude, Principal Planner

SUBJECT: Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 - Moe Janda (Applicant/Owner) - Request to Allow Truck and Bus Driving School at 2977 Baumberg Avenue in an Industrial (I) District (Continued from January 22, 2004)

RECOMMENDATION:

Staff recommends denial of the application. If the Planning Commission's action is to support the application:

1. Find that the proposed project is Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines;
2. Develop findings for approval; and
3. Approve the use permit subject to the attached conditions of approval.

DISCUSSION:

The Planning Commission, on January 22, 2004, directed staff to conduct the necessary environmental review, prepare findings and conditions of approval, and return the application for final action.

The applicant has operated a driving school on this site since June 2001 without the benefit of an approved Administrative Use Permit (AUP). In addition, the modular building was installed without a building permit. An AUP is required to operate a vocational school in the Industrial District. The modular building (1420 square feet), located toward the front of the property, serves as an office and classroom. The applicant was alerted of the need for a permit by a building inspector who was involved in a demolition on an adjacent property. When the applicant contacted the City regarding the building permit, he was told about the need for the AUP and he followed through with this application.

The Planning Commission recommended leniency regarding the ability to keep the modular building and the deference of street improvements. However, staff is concerned about the precedent that would be set by allowing this use to continue in a manner that is consistent with the City's

regulations and guidelines. If the applicant had approached staff prior to the establishment of the business on this site, the requirements would have been made known at that time. The applicant could have then made a determination whether it would have been feasible to locate at this site, or to locate on another property that would have been sufficiently improved.

Should the Planning Commission wish to approve this project, however, staff cannot recommend that anything less than the minimum code requirements and design standards that would be required for any new project on an industrial property. The property at the southeasterly corner of Industrial Boulevard and Baumberg Avenue is an example of a newer development that meets the City's requirements and is well-maintained. The minimum design guidelines set policy that typically would not allow consideration of modular units for use other than as temporary construction or sales offices because of the difficulty in complying with the guidelines. Although, the applicant has indicated that he is willing to make improvements to the unit, it is difficult to modify an existing modular unit adequately to meet the guidelines. Modifications would have to include the addition of materials to provide "a variety of textures, use of interesting patterns, provision for interesting shadows, offsets, decorative siding, and attractive accent materials." The windows and entries facing the street frontage should be articulated and shadow relief could be created using columns, trellises and other similar features. Staff would recommend that a site-built structure, designed to comply with the guidelines, replace the modular unit, and that it be placed in front of any fencing to become part of the streetscape. The applicant would have to obtain a building permit for the structure. The Planning Commission recently approved the permanent use of a modular building as a clubhouse for the Mission Hills driving range. However, the Commission required that the modular building conform to the design of the clubhouse of the golf course. The park district was then able to order a building that met the conditions of approval.

The plan shows frontage landscaping that does not meet the required depth of 10 feet and a variance would have to be granted for the proposed 8-foot depth. However, the applicant indicates that he is willing to increase the depth and move the existing chain-link fence to the rear of the landscaped area so that the plantings are visible from the street, which disposes of the need for a variance. The applicant would also have to provide required landscaping, including trees, within the parking areas. The entry gate should be automated to facilitate truck and bus movements. The Baumberg Avenue frontage is unimproved; the applicant would be required to dedicate 5 feet of the property frontage for right-of-way purposes and street improvements would be required, including curb, gutter, sidewalk and a street light. A sewer hookup would have to be made to the line in Industrial Boulevard. A variance in the requirement to provide these improvements may only be made by the City Engineer or the City Manager when it has been determined that the installation of such improvements would endanger the public welfare, that the work would best be done on an area project basis, or that there are exceptional property conditions or practical difficulties that would cause undue hardship. The granting of a variance would also require the applicant to enter into an agreement with the City to install the improvements at a time specified by the City. The City Engineer believes that the street improvements are necessary to provide a safer environment on a street that carries substantial truck traffic.

Staff remains concerned about the impact of the proposed use on the surrounding streets. The site is approximately 130 feet westerly of the intersection of Industrial Boulevard and Baumberg Avenue; 270 feet easterly of a grade-level railroad crossing; and opposite the intersection with

Julia Street. Baumberg Avenue connects to Arden Road westerly of the project site, which is a heavily traversed street connecting industrial and business parks to the San Mateo Bridge. Trucks and buses entering and exiting the site would have an adverse impact on the intersection of Industrial Boulevard and Baumberg Avenue and would be a poor location for a truck and bus driving school, especially as students are just learning to drive a truck or bus. The entry gate is very constricted and does not provide for efficient truck or bus movements in pulling off Baumberg Avenue without blocking street traffic. In addition, staff has observed that trucks and buses parked along Baumberg Avenue block site lines of cars and trucks moving northbound on Baumberg Avenue creating a potential hazardous condition. The grade-level railroad crossing just to the west further impacts traffic movements on Baumberg Avenue.

ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *In-Fill Developments*.

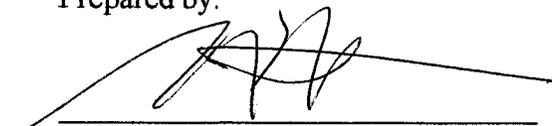
PUBLIC NOTICE:

On January 26, 2004, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records.

CONCLUSION:

While staff is supportive of vocational opportunities in the Industrial District, it is recommended that the Planning Director's denial be upheld, as, in staff's opinion, this is not a good location for a truck and bus driving school because of the traffic conditions affecting this section of Baumberg Avenue. It is a heavily traversed street into the industrial district. Students learning to drive a truck or bus for the first time may not know how to safely operate the vehicle in a congested area. The project also would require substantial improvements to be brought into compliance with all City regulations and design guidelines. Should the Planning Commission wish to approve the project, the proposed improvements should meet the minimum design standards for the Industrial District as required by the recommended conditions of approval. Staff cannot make findings for approval of this project; the Planning Commission must construct those findings should it wish to approve this project. The required findings for approval of an Administrative Use Permit are attached.

Prepared by:



Richard E. Patenaude, AICP
Principal Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Planning Commission Agenda Report – 1/22/04
- B. Required Findings for Approval – Excerpt from Zoning Ordinance
- C. Recommended Conditions of Approval
Plans

SEC. 10-1.3120 ADMINISTRATIVE OPTIONS.

The Planning Director may approve, conditionally approve, disapprove, or refer an administrative use permit application to the Planning Commission, with or without a recommendation. Except for referrals, action must be based on the findings listed below in Section 10-1.3125.

If after applying for site plan review the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of 6 months, the application shall be closed and the applicant so informed.

SEC. 10-1.3125 FINDINGS.

The approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed use is desirable for the public convenience or welfare;
- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
- d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

SEC. 10-1.3130 CONDITIONS.

In the event of conditional approval, such conditions as may be reasonably necessary to achieve a beneficial affect may be imposed and may include but not be limited to:

- a. Site plan architectural requirements such as building arrangement, safe and efficient access, adequate open spaces, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.
- b. Activities and equipment permitted;
- c. Time of day activities shall be permitted;
- d. Specified time period within which approval is valid;

**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT APPROVAL
February 5, 2004**

**ADMINISTRATIVE USE PERMIT APPLICATION No. 2003-0576 – Moe Janda
(Applicant/Owner) – Request to operate a truck and bus driving school.**

The site is located at 2977 Baumberg Street, in the Industrial (I) District, APN 456-0054-016/456-0054-017

CONDITIONS OF APPROVAL

General

1. Application No. PI-2003-0576 is approved subject to the conditions listed below. This permit becomes void on February 5, 2005 unless prior to that time a business has been established in accordance with all the conditions of approval, or a time extension of this application is approved.
2. If a building permit is issued for construction of improvements authorized by the Administrative Use Permit approval, the Administrative Use Permit approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the Administrative Use Permit approval.
3. The modular unit shall be removed and replaced with an onsite built building located at the front setback line within one year of the effective date of this permit. A building permit shall be obtained for the modular building in the meantime; application for such permit shall be made within 30 days of the effective date of this permit; issuance of the permit shall be within 60 days. The design of the onsite built building shall be subject to approval by the Planning Director and shall comply with the appropriate design guidelines and regulations. The building shall be sited such that it does not cross any property line and its setback from any property line shall comply with all building code requirements.
4. The existing front chain link fence shall be removed within 30 days of the effective date of this permit and replaced with a 6-foot high chainlink fence with vinyl slats erected 10 feet from the front property line.
5. Lighting shall be provided within the parking and training area and be maintained at a level that is adequate for illumination and protection of the premises. Lighting shall be designed by a qualified lighting designer. A photometric lighting plan shall be submitted and approved by the Planning Director within 30 days of the effective

date of this permit; improvements shall be installed within 90 days. Lighting Plan shall comply with the City's Security Ordinance.

6. A trash enclosure shall be provided on site within 90 days of the effective date of this permit. The design of the enclosure shall be subject to approval by the Planning Director.
7. The existing signs shall be removed. All new signage shall comply with City's Sign Ordinance regulations.
8. Only trucks and buses used for the truck training school shall be allowed to be stored on site.
9. Trucks and buses shall be limited to right turns to enter the site and right turns to exit the site; signs shall be posted at the exit to indicate this requirement.
10. Offsite truck and bus driving training shall occur only between the hours of 9:00 a.m. to 3:00 p.m.
11. The undeveloped gravel area shall not be utilized for truck training or truck storage and shall be kept weed-free. Any use of that area shall be reviewed and approved by the Planning Director.
12. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.

Engineering

13. A drainage plan shall be submitted and approved by the Planning Director within 30 days of the effective date of this permit; improvements shall be installed within 90 days. The location of the drainage outfall and the invert elevation shall be shown on the plan.
14. The Developer's Engineer shall provide hydraulic calculations for review and approval by Alameda County Flood Control and Water Conservation District.
15. Prior to issuance of permits for the permanent building, an additional five feet right-of-way dedication shall be provided along the entire property frontage on Baumberg Avenue.
16. Street improvements shall be installed along the entire property frontage on Baumberg Avenue with the curb, gutter, sidewalk, tie-in pavement, and Standard Street Lights.
17. A one and one half inches asphalt concrete overlay shall be required along the entire property frontage.

18. Driveways, which serve the proposed use, shall be constructed to City Standard Detail SD-110.

19. Show the location of the proposed sanitary sewer lateral and water service on the plan. The sanitary sewer main shall be extended from Industrial Boulevard to the property frontage.

20. Prior to the issuance of a Building Permit, the Developer's Engineer shall complete a Development Building Application Information: Impervious Material Form, and an Operation and Maintenance Information Form.

21. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.

22. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.

Fire Department

23. The applicant shall have the Fire Department, Hazardous Material section determine if an environmental clearance (Phase I) is required and shall obtain a report of conditions regarding the site clearance and shall submit it to the Fire Department Hazardous Material Coordinator.

24. A Fire Department key switch shall be installed if the gates are automated. A Fire Department lock box will be required if the gates are manually operated.

25. The project shall be responsible for water supply improvements along Baumberg Avenue if Baumberg Avenue is deficient with fire hydrants.

26. The site shall have an address posted so as to be visible from the public street. Minimum height of address numbers shall be 6" on a contrasting background.

Landscape

27. The front yard shall be landscaped to include trees, shrubs and groundcover. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted for review and approval by the City within 30 days of the effective date of this permit; improvements shall be installed within 90 days. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.

28. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas. This system shall utilize a reduce pressure backflow preventer and shall include an individual adjustable-flow bubbler to each tree.
29. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted according to the most current City Standard Detail SD-122.
30. Masonry walls, solid building walls, trash enclosures or fences facing the street shall be continuously buffered with shrubs and vines.
31. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
32. Parking lots shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island at each end. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs.
33. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
34. 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.
35. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date 1/22/04
Agenda Item 1

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 - Moe Janda (Applicant/Owner) - Request to Allow Truck and Bus Driving School at 2977 Baumberg Avenue in an Industrial (I) District

RECOMMENDATION:

It is recommended that the Planning Commission uphold the Planning Director's denial action, subject to the attached findings.

DISCUSSION:

The applicant proposes to continue operation of a truck and bus training school on approximately the front one-third of the 2-acre site and to cover the remaining area with gravel; a chain-link fence would separate the two areas. The applicant proposes to expand the operations onto, and make improvements to, the remainder of the site as the business is able to expand. The applicant would maintain the modular building for an office and classroom instruction and would provide eight parking spaces. The school would operate from 8 am to 5 pm, Monday through Friday, with a maximum of eight students. The students would be given instructions in the classrooms and then taken to the streets for driver training. The training would be aimed at obtaining Class A and Class B commercial drivers licenses. No truck repairs would be performed on the site and the vehicles would be cleaned at a truck washing facility.

The applicant has operated a driving school on this site since June 2001 without the benefit of an approved Administrative Use Permit (AUP). An AUP is required to operate a vocational school in the Industrial District. The site is composed of two parcels totaling 93,378 square feet, surrounded by a warehouse, an auto-repair shop and a sculpture manufacturer. A modular building (1420 square feet), located toward the front of the property, serves as an office and classroom. The property is zoned Industrial District.

The modular building was installed without a building permit. The applicant was alerted of the need for a permit by a building inspector who was involved in a demolition on an adjacent property. When the applicant contacted the City regarding the building permit, he was told about the need for the AUP and he followed through with this application.

Staff's primary concern about the proposed use centers on its impact on the surrounding streets. The site is approximately 130 feet east of the intersection of Industrial Boulevard and Baumberg Avenue. This is a heavily congested intersection, operating at Level of Service "E" (poor progression, long cycle lengths and cycle failures) during the afternoon peak hour. The General Plan Circulation strategies call to seek a minimum Level of Service "D" during the peak commute periods. Trucks and buses especially impact traffic operations as they are regarded as heavy vehicles when analyzing traffic operations with a truck equivalent to two to three passenger cars and buses to about two cars. In addition, Baumberg Avenue connects to Arden Road west of the project site, which is a heavily traversed street connecting industrial and business parks to the San Mateo Bridge. Trucks and buses entering and exiting the site would have an adverse impact on the intersection of Industrial Boulevard and Baumberg Avenue and would be a poor location for a truck and bus driving school, especially as students are just learning to drive a truck or bus. The entry gate is very constricted and does not provide for efficient truck or bus movements in pulling off Baumberg Avenue without blocking street traffic. In addition, staff has observed that trucks and buses parked along Baumberg Avenue block site lines of cars and trucks moving northbound on Baumberg Avenue creating a potential hazardous condition. The grade-level railroad crossing just to the west further impacts traffic movements on Baumberg Avenue.

Should the Planning Commission wish to approve this project, staff recommends that several improvements be made to ensure that the project meets the minimum code requirements and design standards for an industrial property. The minimum design guidelines set policy that typically does not allow consideration of modular units for use other than as temporary construction or sales offices because of the difficulty in complying with the guidelines. Although, the applicant has indicated that he is willing to make improvements to the unit, it is difficult to modify an existing modular unit adequately to meet the guidelines. Modifications would have to include the addition of materials to provide "a variety of textures, use of interesting patterns, provision for interesting shadows, offsets, decorative siding, and attractive accent materials." The windows and entries facing the street frontage should be articulated and shadow relief could be created using columns, trellises and other similar features. Staff would recommend that a site-built structure, designed to comply with the guidelines, replace the modular unit, and that it be placed in front of any fencing to become part of the streetscape.

The plan shows frontage landscaping that does not meet the required depth of 10 feet and a variance would have to be granted for the proposed 8-foot depth. However, the applicant indicates that he is willing to increase the depth and move the existing chain-link fence to the rear of the landscaped area so that the plantings are visible from the street, which disposes of the need for a variance. The applicant would also have to provide required landscaping, including trees, within the parking areas. The entry gate should be automated to facilitate truck and bus movements. The Baumberg Avenue frontage is unimproved; the applicant would be required to dedicate 5 feet of the property frontage for right-of-way purposes and street improvements would be required, including curb, gutter, sidewalk and a street light. The applicant would have to obtain a building permit for the structure. The dividing line between two parcels making up the site is crossed by the building; a lot merger would be required to combine the two parcels unless the building were to be relocated.

On November 18, 2003, the Planning Director denied the Administrative Use Permit application. On December 1, 2003, the applicant appealed the Planning Director's decision. In the appeal

letter, attached as Exhibit C, the appellant indicates that he was misinformed about the requirements for modular buildings in the Industrial District and that modular buildings can be seen on school sites throughout Hayward. The applicant further states that the modular building would be in harmony with the surrounding development. It is true that modular buildings can be seen on school sites, however the City does not have control over buildings on state or school districts. The applicant also indicates that he is willing to work with staff to comply with the design standards. However, the traffic issues associated with this site make it undesirable for use as a truck and bus driving school.

ENVIRONMENTAL REVIEW:

CEQA does not apply to projects which a public agency disapproves. Should the Planning Commission wish to approve this project, CEQA review will be required.

PUBLIC NOTICE:

On January 12, 2004, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records.

CONCLUSION:

While staff is supportive of vocational opportunities in the Industrial District, it is recommended that the Planning Director's denial be upheld as this is not a good location for a truck and bus driving school because of the traffic conditions affecting this section of Baumberg Avenue. It is a heavily traversed street into the industrial district and the intersection of Baumberg Avenue and Industrial Boulevard already experiences an unacceptable Level of Service. Students learning to drive a truck or bus for the first time may not know how to safely operate the vehicle in a congested area. Should the Planning Commission wish to approve the project, it is recommended that the proposed improvements meet the minimum design standards for the Industrial District. Substantial improvements would be required to comply with these standards. If the Planning Commission is supportive of the Administrative Use Permit, staff should be directed to bring back the project with an analysis of environmental impacts and related findings and conditions of approval.

Prepared by:



For Carl T. Emura, ASLA
Associate Planner

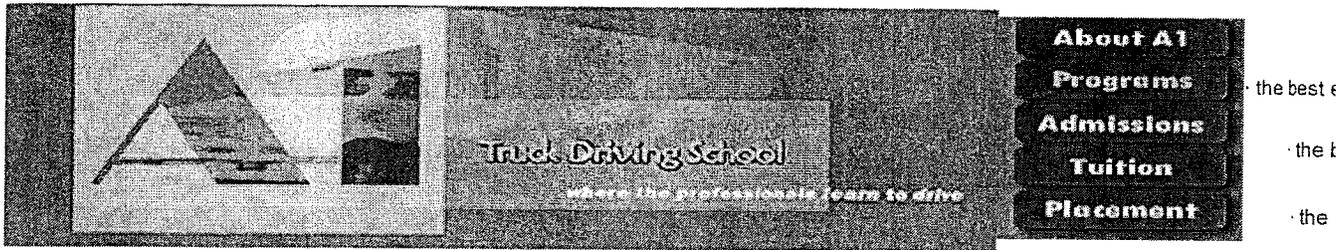
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map**
- B. Business Promotional Information**
- C. Appeal Letter**
- D. Findings for Denial
Plans**



ABOUT A1
PROGRAMS
ADMISSIONS
TUITION
PLACEMENT

Programs

Our comprehensive programs give you everything you need to know to get your CDL, and to get employed in the trucking industry.

Class A Commercial Drivers License Program A-1 Truck School's Tractor/Trailer Operator Program is a day or evening course. Classes meet Monday through Saturday, and Sundays are also available. Course work includes:

- Assistance in getting your learner's permit
- Driving on the open road in highway, city, and heavy traffic conditions.
- Safe and efficient operation of various types of tractors and trailers.
- Defensive driving techniques, backing, safety and emergency procedures.
- Graduates receive a Class A CDL.
- We will assist you with all endorsements at no extra charge.

Class B Commercial Drivers License Program A-1 Truck School's Class B CDL Program includes:

- Driving on the open road in highway, city, and heavy traffic conditions.
- Operations of straight trucks.
- Defensive driving techniques, backing, safety and emergency procedures.
- Loading and unloading, parking and docking procedures.
- Trip planning and navigational skills.
- Graduates receive a Class B CDL.
- We will assist you with all endorsements at no extra charge.

Training in Transfers, doubles, and flats Our construction

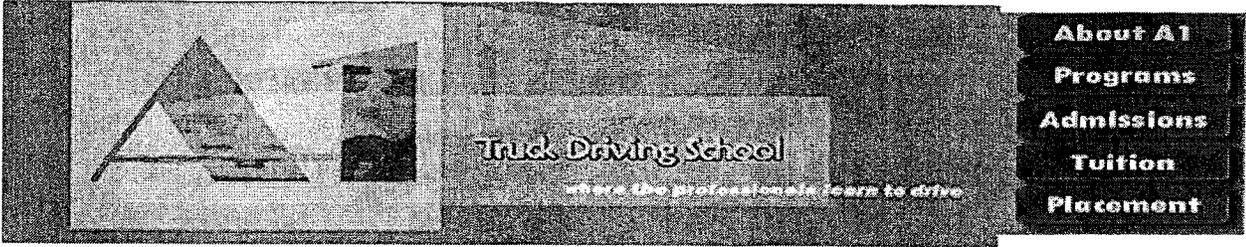
ATTACHMENT B

programs specialize in giving you the valuable construction vehicle skills you need. Call us to find out more.



**A-1 Truck Driving School Inc. 2977 Baumberg Ave. Hayward, CA.
94545**

Tel. (510) 783-6030



the best e
the t
the

ABOUT A1
PROGRAMS
ADMISSIONS
TUITION
PLACEMENT

About A-1 Truck Driving School

If you are considering a career in trucking, you've come to the right place. At **A-1 Truck Driving School** we take your education seriously. We pride ourselves on the quality of our courses and the outstanding value of our programs.

We offer

- new equipment
- professional instruction
- a friendly, caring atmosphere



Located in Hayward, California, we are easily accessible from anywhere in the San Francisco Bay Area. We are school certified in the State of California and have been in the trucking business since 1975. Our instructors are friendly, courteous and patient, and are available 7 days a week to work with your schedule.

We can help you obtain a commercial licence in as little as two weeks. We also specialize in construction vehicle training including transfers, doubles, and flats. (See programs.) Our campus includes a spacious yard for training and practice.

A-1 Truck Driving School Inc. 2977 Baumberg Ave. Hayward, CA. 94545

Tel. (510) 783-6030

A-1 Truck Driving School, Inc.
2977 BAUMBERG AVENUE, HAYWARD, CA 94545
510-783-6030

December 1, 2003

Dyana Anderly
Planning Manager
Department of Community & Economic Development
City of Hayward
777 B Street,
Hayward, CA 94541

Dear Ms. Anderly:

We received your decision communicated through Mr. Carl Emura, denying us the USE Permit to operate a truck; bus and fork lift training school at 2977 Baumberg Avenue. It is extremely disappointing to find out that you will not let us operate the business at this site. We will respectfully disagree with your Findings for Denial and want to appeal your decision to the Planning Commission.

Following are responses to your findings in the same order:

1. As stated in your letter, the project meets the CEQA Guidelines and has been determined not to have a significant effect on the environment.
2. The reason for parking trucks and trailers in front of the property is to deter people from using the street as dumping grounds. There have been numerous instances when we have found junk cars, mattresses, old furniture, etc. littered in front of our office. Since we put the trailers in front of our property, you can see the dumping grounds have moved further west from our property on Baumberg Avenue. If parking is an issue with the City, we will remove the trailers immediately.
3. Existing lot is not paved. The USE Permit application shows that significant portion of the lot will be paved. The portion of the lot that will not be used will be fenced off. We were unaware of the Planning Departments requirements for buildings in industrial zone. At the advice of Mr. Steve Graves, who visited our property numerous times we purchased and installed the modular building. We assumed Mr. Steve Graves by the virtue of his employment with the City of Hayward was aware of the all the requirements. It was only after inspecting the installed building he mentioned that we need to obtain a Building Permit.

Also, modular buildings can be found at various sites within the City, like school buildings, golf-course, etc.

4. These comments seem to be addressing the existing conditions. These comments do not apply to the proposed improvements, in which a significant area of the lot will be paved and the unpaved gravel area will be fenced off and not used for driving trucks or buses.
5. This property used to be a junk yard for number of years before we purchased the lot and cleaned up. The property is surrounded by warehouses, auto-repair shop and a sculpture manufacturer. We believe that this building is in harmony with its neighbors. The site does not face a major street. There is a flood control channel and railway tracks on the west side with no possibility of real estate development on that land. This building does not impose or have adverse effect on any of the neighboring properties.

As mentioned in our application, we are in the process of establishing our business and need some time to think

City of Hayward
USE Permit Appeal

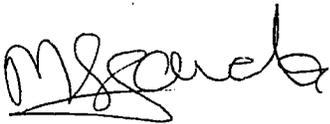
December 1, 2003
Page 2 of 2

through and plan the improvements. We want to and will abide by all of the City's requirements. Unfortunately due to some incorrect guidance, we got misled into believing that modular buildings are acceptable.

If there are any modifications and improvements that we can do to the exterior of the building to meet Planning Department's requirements, we will be willing to explore that route. Now, we understand your requirements but removing the building will totally disrupt the business, cause hardship and a big financial loss if forced to rescind on the lease prior to expiration.

As mentioned earlier, we just need some time to develop this site and construct a office building. We would like to meet with you in person and discuss our future plans.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Janda". The signature is stylized with a large, sweeping initial "M" and a long horizontal stroke at the end.

Moe Janda
A-1 Truck Driving School, Inc.
President

**CITY OF HAYWARD
PLANNING DIVISION
January 22, 2004**

**ADMINISTRATIVE USE PERMIT APPLICATION No. 2003-0576 – Moe Janda
(Applicant/Owner) – Request to operate a truck and bus driving school**

The site is located at 2977 Baumberg Street, in the Industrial (I) District, APN 456-0054-016/456-0054-017

FINDINGS FOR DENIAL

1. The California Environmental Quality Act (CEQA) does not apply to projects that are not approved.
2. The proposed project would not be desirable for the public welfare in that it would have an adverse impact on area traffic movement. The intersection of Baumberg Avenue and Industrial Boulevard is at Level of Service "E" during the afternoon peak time with poor traffic progression, long cycle lengths and cycle failure. The General Plan calls for a minimum Level of Service "D." Trucks and buses accessing this site would further impact traffic progression in this area, especially with inexperienced drivers. The access to the site is constricted, which would cause additional obstructions to traffic.
3. The proposed project is not consistent with the character and integrity of the Industrial District in that it is difficult to modify the modular such that it complies with the minimum design guidelines of the Industrial District. Modifications would have to be made to include the addition of materials to provide a variety of textures, use of interesting patterns, provision for interesting shadows, offsets, decorative siding, and attractive accent materials.
4. The proposed use would be detrimental to the public health, safety, or general welfare in that site is in close proximity to the intersection of Industrial Boulevard and Baumberg Avenue, which is a heavily traveled and congested intersection. Trucks and buses driven by students entering and exiting the site would hamper traffic progression on Baumberg Avenue. In addition, truck and buses parked along the street block site lines of cars and trucks moving northbound on Baumberg Avenue creating a potential hazardous condition.
5. The project would not be in harmony with applicable City policies in that it has not been demonstrated that the proposed project can comply with the City's minimum design standards for the Industrial District.



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Zermeño, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	Bogue, McKillop, Sacks, Fraas, Halliday, Thnay
	CHAIRPERSON	Zermeño
Absent:	COMMISSIONER	None

Staff Members Present: Conneely, Emura, Koonze, Looney, Patenaude

General Public Present: Approximately 13

PUBLIC COMMENT

There were no public comments.

AGENDA

1. Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 - Mo Janda (Applicant/Owner) - Request to Allow a Truck and Bus Driving School at 2977 Baumberg Avenue
2. Use Permit PL-2003-0075 - Pick-Your-Part Auto Wrecking (Applicant/(Owner) - Request to Continue Operation of an Automobile Dismantling/Recycling Business - The Project is Located at 2885 West Winton Avenue (Continued from December 11, 2003)
3. Revocation of Use Permit Application No. 80-3 E & J Auto Wreckers / Daniel Wheat (Owner) - For an Auto Wrecking Facility - The Project is Located at 2851 West Winton Avenue - (Continued from December 11, 2003)

PUBLIC HEARINGS

1. Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 - Mo Janda (Applicant/Owner) - Request to Allow a Truck and Bus Driving School at 2977 Baumberg Avenue

Associate Planner Emura discussed the staff report and denial of the application. He noted that the modular building does not meet the minimum design standards. The existing chain link fence is located within 8 feet of the right of way where 10 feet is required. He noted that were the application approved, the applicant would have to do improvements to the curbs and gutters as well as landscaping. He explained that the traffic concerns and analysis in the staff report

were based on the wrong intersection. The report was based on Hesperian and Industrial rather than Baumberg and Industrial. However, staff is still concerned about inexperienced drivers close to a busy intersection. If supportive, CEQA approval would be required.

Principal Planner Patenaude explained that they discovered the error about the intersection, once the staff report had been written and distributed.

Commissioner McKillop asked whether it was known how many novice truck-drivers-in-training would be on-site on a daily basis.

Commissioner Halliday discussed the same issue, as well as other educational institutions in the Industrial area and whether it is an appropriate use of the land.

Principal Planner Patenaude said staff feels it is appropriate in the Industrial area but not at this location because of traffic.

Commissioner Fraas asked about their building and whether there are other impediments to building a permanent structure on the site.

Principal Planner Patenaude said none. He noted that the Planning Commission did approve a modular building at the Mission Hills golf course, but that the Commission had required design upgrades.

Commissioner Thnay asked about the issues that might have arisen during the past years since 2001 when the school first opened.

Associate Planner Emura said the report was circulated to the Police Department from which there was no response.

Principal Planner Patenaude said engineering had said no accidents had been attributable to the school that they are aware of.

Commissioner Sacks asked about any changes to the modular building and whether it would be permitted by the State or the City of Hayward.

Principal Planner Patenaude responded that the State would have to give approval to the unit but it would have to meet City of Hayward guidelines.

Chairperson Zermeño asked whether there have been any traffic problems in the area. He also noted that the entry gate is restricted and does not provide for efficient truck or bus movement.

Principal Planner Patenaude responded that there had been no reported incidents or issues. As to the gate, if the Planning Commissioner were to ask for conditions of approval, staff would have to bring back findings as well which would involve changes to access and site layout.

The public hearing opened at 7:40 p.m.



Shirley Soto spoke for Mr. Janda. He had inquired about building a small building on the property. He bought a small house on the property next door hoping to use that as an office building. He started to fix it up but a building inspector said he could not use this existing building. He obtained permits to demolish the building on the advice of this building inspector. This was a \$95,000 loss to Mr. Janda. He then asked the inspector what kind of building could be used on the property since there was no sewer hook-up. He was told a self-contained modular would be the way to go. The modular is State certified built by code. There are an average of 8 students. They need 30 hours of classroom time before they can actually drive a truck. Each driver leaves with a State certified instructor and there are only 2 trucks belonging to the school on site. They never leave the yard before 9:30 a.m. and are back by 3 p.m. He is filling a need for well-trained drivers. Large companies depend on him. When Baumberg Avenue is improved, he will erect a permanent building. He has had loss after loss in trying to comply with the regulations of the City. She then asked the Commissioners to read the letter. Mr. Janda said he needs time and will comply. He said he would comply with the demands of the City of Hayward.

Chairperson Zermeño noted that some of the improvements to the modular would be quite extensive.

Ms. Soto explained that no one has ever sat down and explained things to him.

Commissioner Halliday asked staff about the Building Inspector, Steve Graves, visiting the site and advising him to tear down the house and get a modular building.

Principal Planner Patenaude said they have spoken with Mr. Graves, a building inspector. It is unfortunate that he tore down the building since he had never come into the City of Hayward for permits because he was coming in after the fact to a property. He said it might have been possible to convert but not now.

Ms. Soto said Mr. Janda did not think he needed a building permit to clean it up and replace buildings. Inspector Graves said it would need a new foundation, so he advised to just tear down the building, which resulted in a \$95,000 loss. He hired people to demolish the building.

Mr. Janda said he was told after the fact that he would need a permit to erect the modular building.

Commissioner Sacks asked how he would have been able to build a permanent structure without sewers, and how does the modular work.

Ms. Soto explained that the modular has a 600-gallon self-contained enclosed sewage tank unit, which is serviced once a week.

Commissioner Bogue asked Mr. Janda to describe the condition of the house and whether it had a sewer line.

Mr. Janda explained that the house had a septic tank. The building inspector also told him that the City of Hayward would never accept a septic tank.

Chairperson Zermeño asked about another house between his business and Industrial Boulevard.

Mr. Janda said he approached the owner and said he was willing to buy the house and put the office in that whenever the owner might be willing to sell.

Commissioner McKillop asked staff if there is any available sewer on Baumberg if he were to build.

Principal Planner Patenaude said they were checking the map and would report within a few minutes. It had not been an issue since staff was recommending denial for the application.

Commissioner Sacks then explained to Mr. Janda that she had no chance to contact him after his initial phone call, since she works during the day.

Commissioner Bogue then said he had spoken to the applicant three times. He then asked about right turns into and out of the facility.

Mr. Janda said he had already ordered directional signs for the property. He then emphasized that all students are accompanied by another driver nor do they leave the property in bad weather.

Commissioner Bogue then asked about bringing the entrance gate back away from the right-of-way on Baumberg to accommodate the 48-foot truck. He suggested investigating both the gate width as well as the setback from the roadway.

Mr. Janda said they can do that.

Principal Planner Patenaude said there is no sewer line in front of the property but there is a line on Industrial.

Commissioner McKillop then asked how many feet it would be for him to tap into a sewer.

Associate Planner Emura said it is 130 feet from corner of the property to Industrial. He does own the property to the north as well.

Mr. Janda said he checked out and it is a quarter of a million dollars to develop the sewer.

Commissioner Thnay asked about a long-term plan for curb and gutter as well as a sewer line on Baumberg.



Principal Planner Patenaude said it is not in the CIP but staff would be asking for a dedication of 5-feet of right of way as well as curb and guttering.

Ms. Soto asked about the sidewalks. As it is there is nothing in curb and gutters next to his property. She asked whether the curb and gutter could wait until the City of Hayward had developed a plan for the area so everything could then be coordinated.

Commissioner Halliday asked whether Mr. Janda would be amenable to having a condition that the trucks only leave the property between 9:30 a.m. and 3 p.m.

Mr. Janda said he would agree.

The public hearing closed at 8:07 p.m.

Commissioner Halliday said she had sympathy with the applicant. She said she did not buy the argument about trucks in the Industrial area since that is what is in the area. However, she said she agrees with the standards for design in the industrial area, however on this piece of property, the modular is an improvement. She thought of putting a time limit on the use permit of maybe 3 or 5 years. Not living with a modular at this site forever. She then moved, seconded by Commissioner Bogue, to ask staff to bring this back with appropriate conditions for approval. She suggested that a time limit be put on the modular as well as beautification of the building as well as right turn exits.

Commissioner McKillop said she would support the motion. She suggested this is a good location for a truck school. She noted that staff did not say the primary reason for denying this application is the modular. She also added that it would not be appropriate at this time for staff to require sidewalks without a sewer. She said she would support a time limit for the application. She said she would also support deferring the sidewalks until such time as the applicant can erect a permanent structure.

Commissioner Sacks said she, too, would support the motion, including a time for the Commission to look at the application again. She said she has driven through that intersection many times and it is really bad, at getting off work time. She liked the hours of driving as well as the small number of drivers operating. She noted that there is a need for better truck drivers and this is an appropriate area. She commented that the pictures helped her recall what the area looked like. This should make the area better.

Commissioner Bogue said he agreed that the modular in this location should be allowed, because of the sewer system and that this is a small project that is not a residence. Time limit should be reflective of what we are asking the applicant to do. The City should tie the sewer to the modular building. He likes right turn in and out, as well as time limits for driving. He added that staff might look at the gate location along with the landscape requirement. They

might tailor the entrance for that, adding that he was not interested in reducing the landscaping.

Commissioner Fraas said she would also be supporting the motion. She noted that the applicant has been open about meeting the requirements.

Commissioner Bogue clarified that this item would be returned for review.

Chairperson Zermeño noted that he had met with the applicant and would support the motion. The applicant seems willing to work with the City. This is an improvement over what has been there in the past, and it also shows the City's willingness to work with small businesses.

The motion passed unanimously.

2. Use Permit PL-2003-0075 - Pick-Your-Part Auto Wrecking (Applicant/(Owner) - Request to Continue Operation of an Automobile Dismantling/Recycling Business - The Project is Located at 2885 West Winton Avenue (Continued from December 11, 2003)

Assistant Planner Koonze discussed the property and the location as well as the requirements for upgrading the property. He showed the seasonal wetlands, which is HARD property. There has been some minor contamination to the site. He noted that the environmental impacts of this proposal included a DEIR, a supplemental DEIR and an FEIR. Proposed buildings designs were discussed. He showed various design improvements for the property. Staff would approve wall designs for the location as well. Staff recommends certification of the FEIR as well as approval of the Use Permit.

The public hearing opened at 8:27 p.m.

Cindi Galfin, Vice President of Pick Your Part, introduced Jason Booth, council for the business who clarified the various conditions. He said when they planned this facility, they proposed a wrought iron fence on the property between the parking lot and HARD's wetlands next door. He noted that the requirement of a concrete wall required in condition 3, would increase the cost without any significant benefit to the project. He asked for a clarification on Condition 57, "...prior to acceptance of the disposal of the vehicles onto the site." He clarified that the vehicles remained in an impound area until titles through the DMV had been cleared after which they were taken to the area on site where all the fluids would then be drained. He commented on other conditions, like number 60, which would require that drip pans used when retrieving all auto parts. He asked that this be changed to read, "When parts are engine parts and would not be needed for all parts." He argued that there was a seeming contradiction between two of the conditions, 8 and 25, regarding putting tanks below ground does not make sense. He said it only makes sense to go with aboveground. As currently designed virtually all the water will go through a two-stage filtering system including a vegetated bio-swale. Small portions will still go toward the facilities within West Winton Avenue after it has gone through the bio-swale. This drainage proposal was approved by the Alameda County Flood Control District. He then asked that the letter from Regional Air Quality Board be accepted into the record stating their conditional approval.



2. Appeal of Denial by Planning Director of Administrative Use Permit Application No. PL-2003-0576 - Mo Janda (Applicant/Owner) - Request to Allow Truck and Bus Driving School - The Project is Located at 2977 Baumberg Avenue (Continued from January 22, 2004)

Principal Planner Patenaude described the location as well as the proposal. He explained that staff is still recommending denial of the application. However, staff would recommend appropriate standards and additional property improvements be enforced because of the possibility of setting a precedent for future applications in the Industrial District. Staff still recommends replacing the modular unit, improvement of the streets along the property frontage, as well as minimum code requirements and design standards. He noted that the street improvements were not under the purview of the Planning Commission adding that there are no plans in the near future to improve this street otherwise. The applicant will incur more cost with the requirement of a sanitary sewer line across to the property to Industrial Boulevard.

Commissioner Halliday asked about the City engineer requiring improvements only in front of this property and what the safety issues there would be without the improvements.

Principal Planner Patenaude indicated that the safety issue is that with the full improvements, there will be a delineation of lines on the street as well as parking spaces. The existing pavement is deteriorating. It is a standard condition to require placement at this time, this might be the only way to get these improvements. This is about two-thirds of Baumberg Avenue.

Commissioner Halliday asked about the sewer line and whether it should be placed before sidewalks. She asked whether the City has any plans to extend the sewer line down Baumberg Avenue.

Principal Planner Patenaude explained that this property is the furthest away from the sewer line.

Commissioner Halliday commented that the applicant was told it would cost about \$200,000 to develop the sewer line. She then asked what could be put on that property to make the cost worthwhile.

Principal Planner Patenaude explained that a development could occur on this property. It is a sizeable piece of property and could be expected that a development could support the cost of improvements.

Planning Manager Anderly explained that the City Engineer's position is that if there is a reason to show physically why it cannot happen, the applicant might be able to avoid doing it. Otherwise the applicant could apply to the City Manager's discretion to honor an appeal for not doing so, possibly hardship.

Commissioner McKillop asked about a sunset on a use permit, subject to review later on.

Assistant City Attorney Conneely said it would be difficult since the permit runs with the land, so unless there is justification from the initiation of the use permit to limit the life of the permit, it could be subject to challenge. If the City is looking toward a change in circumstances of that property in the future, it might be possibly appropriate. These factors do not exist here.

Commissioner McKillop said she saw that this business does not seem to generate enough revenue to require all these improvements.

Commissioner Sacks asked about condition 1 and the permit becoming void after a year.

Principal Planner Patenaude explained that the expiration would be due to the applicant not complying.

Planning Manager Anderly added that staff is already making an exception. Most businesses need to comply before they move into their business. He is being rewarded because he's moved in and now is being given time to comply.

Commissioner Sacks discussed the regulation of the modular unit and whether the State of California has control over the modification. She asked about the City's involvement.

Principal Planner Patenaude said the State would have final review of the outside of the structure. City might require certain improvements, it would still be subject to State approval. The difficult part is requiring additions to a modular unit, which, in turn, may not be approved by the State.

Commissioner Bogue asked for further information regarding appealing the sewer to the City Manager, would the commission appeal, or make the decision first, and have the applicant appeal.

Principal Planner Patenaude explained that the request for a variance from the requirements would be made by the property owner.

Commissioner Bogue asked about the modifications to a modular unit, if the City and applicant would agree then the state would still have to approve.

Commissioner Fraas asked whether, if this were an empty lot, these same conditions would apply.

Principal Planner Patenaude responded that yes, they would, were the property vacant.

Chairperson Zermeño asked whether a false façade in front of the present modular be acceptable.

Principal Planner Patenaude said this might be addressed, but anything attached to the modular would have to go through the State.



Chairperson Zermeño indicated that conditions required within 30- to 60-days, might bankrupt the business.

Planning Manager Anderly stated that none of the conditions take into consideration the individuals ability to pay. However, the Planning Commission does have the ability to change the time-line.

Chairperson Zermeño asked regarding the sewer line and whether this applicant would have to pay for everything.

Principal Planner Patenaude said they could look into forming a district for any future property owners who might tap into the sewer line later.

Commissioner McKillop explained that she was wrestling with the timing of these conditions of approval. Is there an extended period of time to meet these conditions.

Planning Manager Anderly responded that the street improvement is not in the purview of the Planning Commission.

Chairperson Zermeño asked whether they were going beyond their authority.

Assistant City Attorney Conneely explained that it was her understanding that the sewer improvement requirement was not something from which they had the authority to vary.

Commissioner Fraas commented that it was her understanding from the last meeting that the applicant had said he "would do anything to be able to continue his business on that site."

The public comments opened at 8:41 p.m.

Shirley Soto explained that Mr. Janda would do anything to keep his business, however, he asked for time to meet the conditions of approval. What the City of Hayward is requiring is virtually impossible. He has to hire surveyors and civil engineers which all takes time. She noted that they left the last time, believing he might have three years to keep the modular. Now it's one year and he needs to get a building permit. On the paving, the City requires minimal, however, he has determined that he will pave the whole yard. As to the trash enclosure, Item 6, when he builds his building he will have a trash enclosure. Right now, he has a 40-gallon trash can.

Arun Shah, structural engineer, noted the time lines would not give him enough time for anything. He noted that they were talking about a year to get everything to the department.

Chairperson Zermeño asked for him to discuss the conditions and how long each might take.

Mr. Shah explained that the lot line adjustment takes six months to a year. After that everything should fall into place.

Moe Janda delineated a number of conditions, which could not be met within the time frame asked for the City of Hayward.

Commissioner Thnay asked what a reasonable time frame would be for implementing the time frame asked by the City of Hayward.

Mr. Janda explained that he would need three to five years to arrange financing to buy the property at the corner of Industrial and Baumberg when it comes up for sale.

Commissioner Fraas explained that the Commission has no control over the conditions involving the street improvements or sewer lines.

Commissioner Halliday asked whether he was prepared to meet the sewer and sidewalk and street improvements.

Mr. Janda said it would be financially impossible now. He will try his best. He noted that he has made improvements. There are numerous other companies on this street with no improvements. However, he cannot do everything at one time.

Commissioner Halliday said she could justify the use of the modular building while he makes some of the other improvements to the property.

Assistant City Attorney Conneely said she checked the Sanitary Sewer Ordinance and the applicant could appeal to the City Manager for additional time as well.

Commissioner Halliday said if he plans to do these improvements, the Planning Commission might be able to ease up on the modular.

Commissioner McKillop asked staff whether because the permit becomes void in 2005 and how difficult it would be to get an extension.

Principal Planner Patenaude explained that the one-year is a zoning ordinance provision. The applicant might request to come before the Commission and show why it was impossible to meet the provision. They can apply for up to two one-year extensions.

Ms Soto asked that since he has only 30-days to get a permit for the modular. She asked what if the City staff denies it.

Principal Planner Patenaude said that it would be dependent on the conditions the Commission requires. Staff is recommending that it be removed. So it is dependant on the conditions the commission places on the building.

Chairperson Zermeño reiterated that he had suggested a false façade in front of the building.



Ms. Soto re-emphasized that all Mr. Janda wants is time.

Commissioner Halliday asked about the timing of the corner property becoming available.

Commissioner Fraas suggested that the property coming up for sale seemed nebulous, so how much time did Mr. Janda think he needed.

Ms. Soto explained that he needed enough time to do the improvements. He needs to either buy the property or put up a permanent building. She added that three years would be the maximum.

Mr. Janda added that he did not understand he needed a use permit. He has a City Business License.

Commissioner Fraas said three years is a really long time.

The public hearing closed at 9:00 p.m.

Commissioner Bogue suggested that perhaps this is not the time to decide this. The applicant needs to look at his property. He asked the Assistant City Attorney whether they should not postpone the issue and come back in 6-months.

Assistant City Attorney Conneely said the time frames that need to be worked observed in acting on an application. She suggested it would be more appropriate to act on the application. If they are inclined to deny without prejudice, it would permit the applicant to bring back again in 6-months. However, he would have to cease operations in the meanwhile.

Commissioner Bogue suggested that the time frames seemed like a very short time for what the applicant was expected to do.

Commissioner Sacks agreed that she was surprised at the short turnaround and annoyed that there were no minutes from the last meeting to go along with the report. She then asked what if the commission were to approve the package as is without any modifications, what can the applicant do with our approval if there are parts he can't live with. She then moved, seconded by Commissioner Fraas, to approve the application with the conditions of approval.

Principal Planner Patenaude noted the Commission was required to state findings of approval.

Chairperson Zermeño asked about an amendment for a one-year extension .

Commissioner Sacks then presented findings for approval.

Commissioner Halliday asked whether if the Commission approves this motion, might it be

killing this business. She noted that it seems there are modular buildings all over the City of Hayward at all school sites. As long as there is an appropriate time limit for him to come back, she would be inclined to grant him more time on the new building as well as some of the other conditions. She added that Mr. Janda came up with a business permit and no use permit. She then asked whether there might be any way for staff preparing a business permit application to guide people toward a use permit. As it stands she said she would oppose the motion.

Principal Planner Patenaude explained that this is not the use they came in with.

Commissioner McKillop said she was also inclined to give them more time. She asked the maker of the motion whether she would approve amendments to extend some of the time requirements.

Commissioner Sacks said she was not in favor of amendments. By approving this now, applicant has the opportunity to appeal the decision and then be specific about his needs for more time on which conditions. She proposed to leave it intact so if it is approved, they can continue to operate.

Assistant City Attorney explained that they could operate and appeal to the City Council for relief.

Commissioner Fraas said she seconded the motion as an opportunity to make sure projects reflect the direction of the City.

Commissioner Sacks commented on the fascinating polar differences between her reasons for the motion and the comments of the seconder.

Commissioner Bogue said the Commission would most likely hear this as a revocation.

Assistant City Attorney Conneely said the applicant would have the opportunity to appeal the revocation of the use permit at which point modification of conditions could be opened at that time.

Commissioner Bogue suggested they look at some of these requirements and extend the time to comply. He suggested that the list of requirements would be impossible to meet. He said requiring the drainage plan within 90-days, implement 120 days, seemed reasonable. He asked for a friendly amendment to the motion.

Chairperson Zermeño suggested that they had helped the small business owners in the past.

Commissioner Sacks asked for a specific number.

Commissioner Bogue suggested looking at them one at a time, and then withdrew his request for a friendly amendment.

Commissioner Sacks said she had a change of mind regarding the amendments.



Commissioner McKillop noted condition 3 to read 90-days and 120-days, same for 5, 13 and 27. She noted the landscaping could be done.

Commissioners Sacks and Fraas agreed.

Commissioner Thnay suggested the amendments are good, however, he had concern about taking out the modular within a year. Unfortunately, the set of circumstances suggests giving the applicant the benefit of the doubt. This is a huge site, if there is a master plan the applicant could come back to the City within six months with a plan regarding something that is a better way to do it. He said he would support the motion but the typical way for a developer to come into the City of Hayward is to spend a year or two getting engineers and all the right people to meet the conditions. Mr. Janda does not have a master plan. The more time he has to do something the more ideal it will be. He noted that vacating the modular building within one year with the present economy is onerous.

Commissioner Halliday said she would agree and will support the motion. She then asked staff how long some of the modular units for temporary use on sales offices and sales offices stay up.

Principal Planner Patenaude said it is based on the sales of the homes. As to construction trailers, they can remain for the life of the building permit.

Planning Manager Anderly interjected that there were two other instances where modular buildings were approved on a temporary use. At Kaiser Hospital while they built their pharmacy, they had applied for a year and was in effect for three years. They applied for an extension while construction remained. A church had a modular at a school. There was a deadline for taking those out, ended up being there more than the original year. She noted that Mr. Janda could come back at any time to modify the conditions of approval.

Commissioner Halliday asked for an extension of 90-180 days, six months for condition number 3.

Commissioner McKillop agreed that the more time we give the applicant, the chances are we will not see him back here.

Both Commissioners Sacks and Fraas agreed.

Chairperson Zermefio asked about the trash enclosure and whether an amendment would be acceptable.

Commissioner Bogue suggested the trash enclosure is required to be big enough for storage of all of the amount of trash whatever the volume.

Chairperson Zermeño asked for a clarification that the applicant can go to the City Manager for an extension on the Sewer.

City Attorney Conneely agreed and said the applicant can also request modifications for conditions of approval at any time.

The motions was approved unanimously.

Chairperson Zermeño told the applicant that he had 10-days to appeal the decision.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly said there were no items, adding that the next meeting was scheduled for three weeks, February 26th.

Principal Planner Patenaude added that this was the reason this application was on tonight's meeting, so Mr. Janda did not have to wait.

4. Commissioners' Announcements, Referrals

Commissioner Sacks discussed the Forum of Redwood City. She noted that three staff members from Planning Department were there. She encouraged other members to attend the next meeting on March 3. The topic was transit-oriented development. She noted several things from the meeting. Building neighborhoods, not sprawl; challenge of mixed income neighborhoods; transit efficient mortgage; low expectations versus quality; honesty about what is possible; be focused; how to be smarter about how to tee up good projects; leadership at the local level remove hurdles for businesses. She said she would like to hear staff comments on these various items.

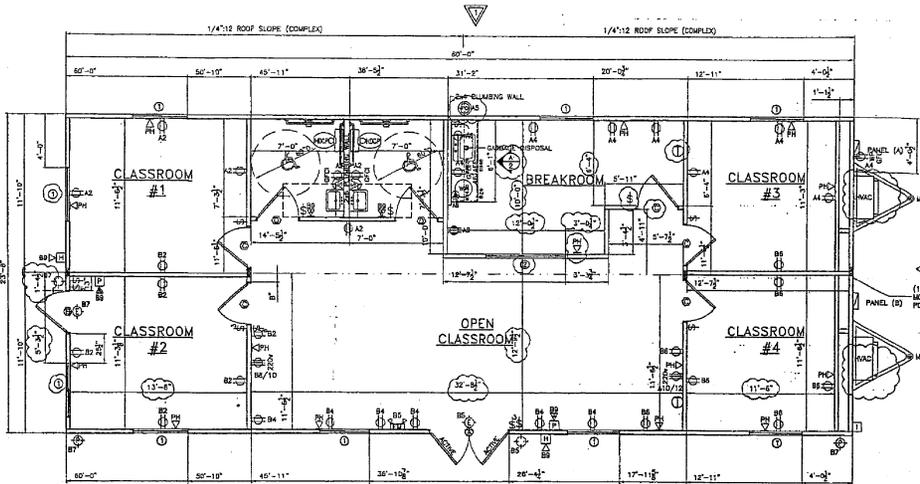
Chairperson Zermeño discussed various invitations he had received including a recycled product trade show in Sacramento.

Commissioner Halliday said she met with a group of young people from Commpre who talked about some projects in town such as Chuck-E Cheese selling beer, and the alcoholic beverage sales at Target. They felt that when they commented on a project, the Commission should be informed.

Planning Manager Anderly explained that some sales permits are not discretionary so that maybe they are not referred to the Commission. She said staff is very aware of all the applications out there. Many are not acted on by the Commission, the applicants are allowed by right to do that. She added that staff makes sure to include the information in the staff reports when the Commission does hear an item.

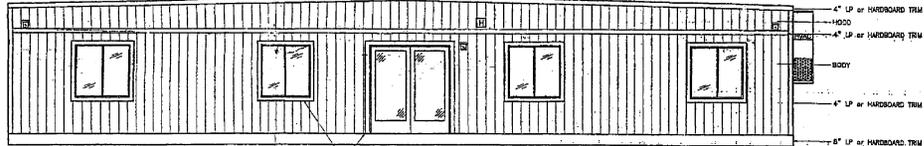
APPROVAL OF MINUTES

- January 8, 2004 - approved

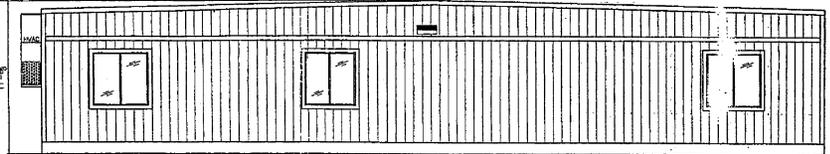


FLOOR PLAN
SCALE: 1/4" = 1'-0"

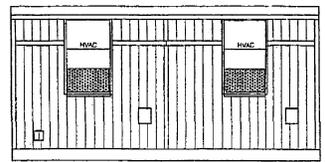
ALL DIMENSIONS DO NOT INCLUDE WALL COVERING. ALL DIMENSIONS ARE FROM FINISH FLOOR TO FINISH FLOOR UNLESS OTHERWISE NOTED (CLEAR).



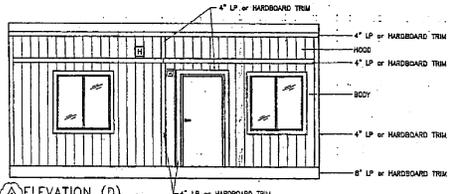
ELEVATION (A)



ELEVATION (B)



ELEVATION (C)



ELEVATION (D)

PROVIDE MBI SEALS ON UNIT

(EXTERIOR BUILDING) PAINT SCHEDULE
(ICI PAINTS) (TO MATCH KELLY MOORE PAINTS)

BODY/HOOD:	PRIMO PRIMO WHITE
VERTICAL CORNER TRIM:	PRIMO OCE WHITE
VERTICAL MIDDLE TRIM:	TO MATCH BODY/HOOD
2-SIDE TRIM:	PRIMO OCE WHITE
EXTERIOR WINDOW/DOOR TRIM:	PRIMO OCE WHITE
TOP/BOTTOM HORIZ. TRIM:	PRIMO OCE WHITE
CHALKBOARDS:	PANTON STAINLESS

NOTE:
PROVIDE & INSTALL DEALER SIGNS

FINISH SCHEDULE

FLOOR	INTERIOR	REMARKS
1	200' SELF-CURE URETH (RESTROOMS ONLY)	
2	200' SELF-CURE URETH (RESTROOMS ONLY)	
3	200' SELF-CURE URETH (RESTROOMS ONLY)	
4	200' SELF-CURE URETH (RESTROOMS ONLY)	
5	200' SELF-CURE URETH (RESTROOMS ONLY)	
6	200' SELF-CURE URETH (RESTROOMS ONLY)	
7	200' SELF-CURE URETH (RESTROOMS ONLY)	
8	200' SELF-CURE URETH (RESTROOMS ONLY)	
9	200' SELF-CURE URETH (RESTROOMS ONLY)	
10	200' SELF-CURE URETH (RESTROOMS ONLY)	
11	200' SELF-CURE URETH (RESTROOMS ONLY)	
12	200' SELF-CURE URETH (RESTROOMS ONLY)	
13	200' SELF-CURE URETH (RESTROOMS ONLY)	
14	200' SELF-CURE URETH (RESTROOMS ONLY)	
15	200' SELF-CURE URETH (RESTROOMS ONLY)	
16	200' SELF-CURE URETH (RESTROOMS ONLY)	
17	200' SELF-CURE URETH (RESTROOMS ONLY)	
18	200' SELF-CURE URETH (RESTROOMS ONLY)	
19	200' SELF-CURE URETH (RESTROOMS ONLY)	
20	200' SELF-CURE URETH (RESTROOMS ONLY)	
21	200' SELF-CURE URETH (RESTROOMS ONLY)	
22	200' SELF-CURE URETH (RESTROOMS ONLY)	
23	200' SELF-CURE URETH (RESTROOMS ONLY)	
24	200' SELF-CURE URETH (RESTROOMS ONLY)	
25	200' SELF-CURE URETH (RESTROOMS ONLY)	
26	200' SELF-CURE URETH (RESTROOMS ONLY)	
27	200' SELF-CURE URETH (RESTROOMS ONLY)	
28	200' SELF-CURE URETH (RESTROOMS ONLY)	
29	200' SELF-CURE URETH (RESTROOMS ONLY)	
30	200' SELF-CURE URETH (RESTROOMS ONLY)	
31	200' SELF-CURE URETH (RESTROOMS ONLY)	
32	200' SELF-CURE URETH (RESTROOMS ONLY)	
33	200' SELF-CURE URETH (RESTROOMS ONLY)	
34	200' SELF-CURE URETH (RESTROOMS ONLY)	
35	200' SELF-CURE URETH (RESTROOMS ONLY)	
36	200' SELF-CURE URETH (RESTROOMS ONLY)	
37	200' SELF-CURE URETH (RESTROOMS ONLY)	
38	200' SELF-CURE URETH (RESTROOMS ONLY)	
39	200' SELF-CURE URETH (RESTROOMS ONLY)	
40	200' SELF-CURE URETH (RESTROOMS ONLY)	
41	200' SELF-CURE URETH (RESTROOMS ONLY)	
42	200' SELF-CURE URETH (RESTROOMS ONLY)	
43	200' SELF-CURE URETH (RESTROOMS ONLY)	
44	200' SELF-CURE URETH (RESTROOMS ONLY)	
45	200' SELF-CURE URETH (RESTROOMS ONLY)	
46	200' SELF-CURE URETH (RESTROOMS ONLY)	
47	200' SELF-CURE URETH (RESTROOMS ONLY)	
48	200' SELF-CURE URETH (RESTROOMS ONLY)	
49	200' SELF-CURE URETH (RESTROOMS ONLY)	
50	200' SELF-CURE URETH (RESTROOMS ONLY)	
51	200' SELF-CURE URETH (RESTROOMS ONLY)	
52	200' SELF-CURE URETH (RESTROOMS ONLY)	
53	200' SELF-CURE URETH (RESTROOMS ONLY)	
54	200' SELF-CURE URETH (RESTROOMS ONLY)	
55	200' SELF-CURE URETH (RESTROOMS ONLY)	
56	200' SELF-CURE URETH (RESTROOMS ONLY)	
57	200' SELF-CURE URETH (RESTROOMS ONLY)	
58	200' SELF-CURE URETH (RESTROOMS ONLY)	
59	200' SELF-CURE URETH (RESTROOMS ONLY)	
60	200' SELF-CURE URETH (RESTROOMS ONLY)	
61	200' SELF-CURE URETH (RESTROOMS ONLY)	
62	200' SELF-CURE URETH (RESTROOMS ONLY)	
63	200' SELF-CURE URETH (RESTROOMS ONLY)	
64	200' SELF-CURE URETH (RESTROOMS ONLY)	
65	200' SELF-CURE URETH (RESTROOMS ONLY)	
66	200' SELF-CURE URETH (RESTROOMS ONLY)	
67	200' SELF-CURE URETH (RESTROOMS ONLY)	
68	200' SELF-CURE URETH (RESTROOMS ONLY)	
69	200' SELF-CURE URETH (RESTROOMS ONLY)	
70	200' SELF-CURE URETH (RESTROOMS ONLY)	
71	200' SELF-CURE URETH (RESTROOMS ONLY)	
72	200' SELF-CURE URETH (RESTROOMS ONLY)	
73	200' SELF-CURE URETH (RESTROOMS ONLY)	
74	200' SELF-CURE URETH (RESTROOMS ONLY)	
75	200' SELF-CURE URETH (RESTROOMS ONLY)	
76	200' SELF-CURE URETH (RESTROOMS ONLY)	
77	200' SELF-CURE URETH (RESTROOMS ONLY)	
78	200' SELF-CURE URETH (RESTROOMS ONLY)	
79	200' SELF-CURE URETH (RESTROOMS ONLY)	
80	200' SELF-CURE URETH (RESTROOMS ONLY)	
81	200' SELF-CURE URETH (RESTROOMS ONLY)	
82	200' SELF-CURE URETH (RESTROOMS ONLY)	
83	200' SELF-CURE URETH (RESTROOMS ONLY)	
84	200' SELF-CURE URETH (RESTROOMS ONLY)	
85	200' SELF-CURE URETH (RESTROOMS ONLY)	
86	200' SELF-CURE URETH (RESTROOMS ONLY)	
87	200' SELF-CURE URETH (RESTROOMS ONLY)	
88	200' SELF-CURE URETH (RESTROOMS ONLY)	
89	200' SELF-CURE URETH (RESTROOMS ONLY)	
90	200' SELF-CURE URETH (RESTROOMS ONLY)	
91	200' SELF-CURE URETH (RESTROOMS ONLY)	
92	200' SELF-CURE URETH (RESTROOMS ONLY)	
93	200' SELF-CURE URETH (RESTROOMS ONLY)	
94	200' SELF-CURE URETH (RESTROOMS ONLY)	
95	200' SELF-CURE URETH (RESTROOMS ONLY)	
96	200' SELF-CURE URETH (RESTROOMS ONLY)	
97	200' SELF-CURE URETH (RESTROOMS ONLY)	
98	200' SELF-CURE URETH (RESTROOMS ONLY)	
99	200' SELF-CURE URETH (RESTROOMS ONLY)	
100	200' SELF-CURE URETH (RESTROOMS ONLY)	

DOOR SCHEDULE

SYM	SIZE	THK.	DOOR	JAMB	JAMB	FIN	HRO	QTY	ROUGH	OPENING	REMARKS
1	3048	1 3/4"	18ga	HM	18ga	NO	± 5/8"	1	1	74 1/2" x 81"	SEE SCHEDULE
2	3048	1 3/4"	18ga	HM	18ga	NO	± 5/8"	1	1	38" x 81"	SEE SCHEDULE
3	3048	1 3/4"	WOOD	HC	20ga	TIME	5"	2	3	37 1/2" x 81 1/4"	WOOD
4	3048	1 3/4"	WOOD	HC	20ga	TIME	3 1/4"	2	2	37 1/2" x 81 1/4"	WOOD

HARDWARE SCHEDULE

SYM	SIZE	THK.	DOOR	JAMB	JAMB	FIN	HRO	QTY	ROUGH	OPENING	REMARKS
1	3048	1 3/4"	18ga	HM	18ga	NO	± 5/8"	1	1	74 1/2" x 81"	SEE SCHEDULE
2	3048	1 3/4"	18ga	HM	18ga	NO	± 5/8"	1	1	38" x 81"	SEE SCHEDULE
3	3048	1 3/4"	WOOD	HC	20ga	TIME	5"	2	3	37 1/2" x 81 1/4"	WOOD
4	3048	1 3/4"	WOOD	HC	20ga	TIME	3 1/4"	2	2	37 1/2" x 81 1/4"	WOOD

WINDOW SCHEDULE

SYM	SIZE	WINDOW	FRAME	GLASS	QTY	ROUGH	OPENING	REMARKS
1	4040	HORIZ. SLIDER	BRONZE	PINK GLAZED	8	8	48" x 48"	INTERNATIONAL SERIES 2200
2	5040	FIXED	BRONZE	PINK GLAZED	1	1	72" x 48"	INTERNATIONAL SERIES 2200

HEADER HEIGHT
B1 1 1/4" A.F.F.

CONSTRUCTION NOTES

CHASSIS	FLOOR	EXTERIOR WALLS	INTERIOR WALLS
1. CHASSIS	1. FLOOR	1. EXTERIOR WALLS	1. INTERIOR WALLS
2. CHASSIS	2. FLOOR	2. EXTERIOR WALLS	2. INTERIOR WALLS
3. CHASSIS	3. FLOOR	3. EXTERIOR WALLS	3. INTERIOR WALLS
4. CHASSIS	4. FLOOR	4. EXTERIOR WALLS	4. INTERIOR WALLS
5. CHASSIS	5. FLOOR	5. EXTERIOR WALLS	5. INTERIOR WALLS
6. CHASSIS	6. FLOOR	6. EXTERIOR WALLS	6. INTERIOR WALLS
7. CHASSIS	7. FLOOR	7. EXTERIOR WALLS	7. INTERIOR WALLS
8. CHASSIS	8. FLOOR	8. EXTERIOR WALLS	8. INTERIOR WALLS
9. CHASSIS	9. FLOOR	9. EXTERIOR WALLS	9. INTERIOR WALLS
10. CHASSIS	10. FLOOR	10. EXTERIOR WALLS	10. INTERIOR WALLS
11. CHASSIS	11. FLOOR	11. EXTERIOR WALLS	11. INTERIOR WALLS
12. CHASSIS	12. FLOOR	12. EXTERIOR WALLS	12. INTERIOR WALLS
13. CHASSIS	13. FLOOR	13. EXTERIOR WALLS	13. INTERIOR WALLS
14. CHASSIS	14. FLOOR	14. EXTERIOR WALLS	14. INTERIOR WALLS
15. CHASSIS	15. FLOOR	15. EXTERIOR WALLS	15. INTERIOR WALLS
16. CHASSIS	16. FLOOR	16. EXTERIOR WALLS	16. INTERIOR WALLS
17. CHASSIS	17. FLOOR	17. EXTERIOR WALLS	17. INTERIOR WALLS
18. CHASSIS	18. FLOOR	18. EXTERIOR WALLS	18. INTERIOR WALLS
19. CHASSIS	19. FLOOR	19. EXTERIOR WALLS	19. INTERIOR WALLS
20. CHASSIS	20. FLOOR	20. EXTERIOR WALLS	20. INTERIOR WALLS
21. CHASSIS	21. FLOOR	21. EXTERIOR WALLS	21. INTERIOR WALLS
22. CHASSIS	22. FLOOR	22. EXTERIOR WALLS	22. INTERIOR WALLS
23. CHASSIS	23. FLOOR	23. EXTERIOR WALLS	23. INTERIOR WALLS
24. CHASSIS	24. FLOOR	24. EXTERIOR WALLS	24. INTERIOR WALLS
25. CHASSIS	25. FLOOR	25. EXTERIOR WALLS	25. INTERIOR WALLS
26. CHASSIS	26. FLOOR	26. EXTERIOR WALLS	26. INTERIOR WALLS
27. CHASSIS	27. FLOOR	27. EXTERIOR WALLS	27. INTERIOR WALLS
28. CHASSIS	28. FLOOR	28. EXTERIOR WALLS	28. INTERIOR WALLS
29. CHASSIS	29. FLOOR	29. EXTERIOR WALLS	29. INTERIOR WALLS
30. CHASSIS	30. FLOOR	30. EXTERIOR WALLS	30. INTERIOR WALLS
31. CHASSIS	31. FLOOR	31. EXTERIOR WALLS	31. INTERIOR WALLS
32. CHASSIS	32. FLOOR	32. EXTERIOR WALLS	32. INTERIOR WALLS
33. CHASSIS	33. FLOOR	33. EXTERIOR WALLS	33. INTERIOR WALLS
34. CHASSIS	34. FLOOR	34. EXTERIOR WALLS	34. INTERIOR WALLS
35. CHASSIS	35. FLOOR	35. EXTERIOR WALLS	35. INTERIOR WALLS
36. CHASSIS	36. FLOOR	36. EXTERIOR WALLS	36. INTERIOR WALLS
37. CHASSIS	37. FLOOR	37. EXTERIOR WALLS	37. INTERIOR WALLS
38. CHASSIS	38. FLOOR	38. EXTERIOR WALLS	38. INTERIOR WALLS
39. CHASSIS	39. FLOOR	39. EXTERIOR WALLS	39. INTERIOR WALLS
40. CHASSIS	40. FLOOR	40. EXTERIOR WALLS	40. INTERIOR WALLS
41. CHASSIS	41. FLOOR	41. EXTERIOR WALLS	41. INTERIOR WALLS
42. CHASSIS	42. FLOOR	42. EXTERIOR WALLS	42. INTERIOR WALLS
43. CHASSIS	43. FLOOR	43. EXTERIOR WALLS	43. INTERIOR WALLS
44. CHASSIS	44. FLOOR	44. EXTERIOR WALLS	44. INTERIOR WALLS
45. CHASSIS	45. FLOOR	45. EXTERIOR WALLS	45. INTERIOR WALLS
46. CHASSIS	46. FLOOR	46. EXTERIOR WALLS	46. INTERIOR WALLS
47. CHASSIS	47. FLOOR	47. EXTERIOR WALLS	47. INTERIOR WALLS
48. CHASSIS	48. FLOOR	48. EXTERIOR WALLS	48. INTERIOR WALLS
49. CHASSIS	49. FLOOR	49. EXTERIOR WALLS	49. INTERIOR WALLS
50. CHASSIS	50. FLOOR	50. EXTERIOR WALLS	50. INTERIOR WALLS
51. CHASSIS	51. FLOOR	51. EXTERIOR WALLS	51. INTERIOR WALLS
52. CHASSIS	52. FLOOR	52. EXTERIOR WALLS	52. INTERIOR WALLS
53. CHASSIS	53. FLOOR	53. EXTERIOR WALLS	53. INTERIOR WALLS
54. CHASSIS	54. FLOOR	54. EXTERIOR WALLS	54. INTERIOR WALLS
55. CHASSIS	55. FLOOR	55. EXTERIOR WALLS	55. INTERIOR WALLS
56. CHASSIS	56. FLOOR	56. EXTERIOR WALLS	56. INTERIOR WALLS
57. CHASSIS	57. FLOOR	57. EXTERIOR WALLS	57. INTERIOR WALLS
58. CHASSIS	58. FLOOR	58. EXTERIOR WALLS	58. INTERIOR WALLS
59. CHASSIS	59. FLOOR	59. EXTERIOR WALLS	59. INTERIOR WALLS
60. CHASSIS	60. FLOOR	60. EXTERIOR WALLS	60. INTERIOR WALLS
61. CHASSIS	61. FLOOR	61. EXTERIOR WALLS	61. INTERIOR WALLS
62. CHASSIS	62. FLOOR	62. EXTERIOR WALLS	62. INTERIOR WALLS
63. CHASSIS	63. FLOOR	63. EXTERIOR WALLS	63. INTERIOR WALLS
64. CHASSIS	64. FLOOR	64. EXTERIOR WALLS	64. INTERIOR WALLS
65. CHASSIS	65. FLOOR	65. EXTERIOR WALLS	65. INTERIOR WALLS
66. CHASSIS	66. FLOOR	66. EXTERIOR WALLS	66. INTERIOR WALLS
67. CHASSIS	67. FLOOR	67. EXTERIOR WALLS	67. INTERIOR WALLS
68. CHASSIS	68. FLOOR	68. EXTERIOR WALLS	68. INTERIOR WALLS
69. CHASSIS	69. FLOOR	69. EXTERIOR WALLS	69. INTERIOR WALLS
70. CHASSIS	70. FLOOR	70. EXTERIOR WALLS	70. INTERIOR WALLS
71. CHASSIS	71. FLOOR	71. EXTERIOR WALLS	71. INTERIOR WALLS
72. CHASSIS	72. FLOOR	72. EXTERIOR WALLS	72. INTERIOR WALLS
73. CHASSIS	73. FLOOR	73. EXTERIOR WALLS	73. INTERIOR WALLS
74. CHASSIS	74. FLOOR	74. EXTERIOR WALLS	74. INTERIOR WALLS
75. CHASSIS	75. FLOOR	75. EXTERIOR WALLS	75. INTERIOR WALLS
76. CHASSIS	76. FLOOR	76. EXTERIOR WALLS	76. INTERIOR WALLS
77. CHASSIS	77. FLOOR	77. EXTERIOR WALLS	77. INTERIOR WALLS
78. CHASSIS	78. FLOOR	78. EXTERIOR WALLS	78. INTERIOR WALLS
79. CHASSIS	79. FLOOR	79. EXTERIOR WALLS	79. INTERIOR WALLS
80. CHASSIS	80. FLOOR	80. EXTERIOR WALLS	80. INTERIOR WALLS
81. CHASSIS	81. FLOOR	81. EXTERIOR WALLS	81. INTERIOR WALLS
82. CHASSIS	82. FLOOR	82. EXTERIOR WALLS	82. INTERIOR WALLS
83. CHASSIS	83. FLOOR	83. EXTERIOR WALLS	83. INTERIOR WALLS
84. CHASSIS	84. FLOOR	84. EXTERIOR WALLS	84. INTERIOR WALLS
85. CHASSIS	85. FLOOR	85. EXTERIOR WALLS	85. INTERIOR WALLS
86. CHASSIS	86. FLOOR	86. EXTERIOR WALLS	86. INTERIOR WALLS
87. CHASSIS	87. FLOOR	87. EXTERIOR WALLS	87. INTERIOR WALLS
88. CHASSIS	88. FLOOR	88. EXTERIOR WALLS	88. INTERIOR WALLS
89. CHASSIS	89. FLOOR	89. EXTERIOR WALLS	89. INTERIOR WALLS
90. CHASSIS	90. FLOOR	90. EXTERIOR WALLS	90. INTERIOR WALLS
91. CHASSIS	91. FLOOR	91. EXTERIOR WALLS	91. INTERIOR WALLS
92. CHASSIS	92. FLOOR	92. EXTERIOR WALLS	92. INTERIOR WALLS
93. CHASSIS	93. FLOOR	93. EXTERIOR WALLS	93. INTERIOR WALLS
94. CHASSIS	94. FLOOR	94. EXTERIOR WALLS	94. INTERIOR WALLS
95. CHASSIS	95. FLOOR	95. EXTERIOR WALLS	95. INTERIOR WALLS
96. CHASSIS	96. FLOOR	96. EXTERIOR WALLS	96. INTERIOR WALLS
97. CHASSIS	97. FLOOR	97. EXTERIOR WALLS	97. INTERIOR WALLS
98. CHASSIS	98. FLOOR	98. EXTERIOR WALLS	98. INTERIOR WALLS
99. CHASSIS	99. FLOOR	99. EXTERIOR WALLS	99. INTERIOR WALLS
100. CHASSIS	100. FLOOR	100. EXTERIOR WALLS	100. INTERIOR WALLS

GENERAL NOTES - CALIFORNIA

ATTENTION: THE FOLLOWING ITEMS WILL NEED TO BE SET:

<input type="checkbox"/> MATHS CROSSING MATERIALS	<input type="checkbox"/> TOILET PATTERNS
<input type="checkbox"/> MATHS RESTRICTIONS	<input type="checkbox"/> WATER HEATER
<input type="checkbox"/> CUSTOMER REQUEST	<input type="checkbox"/> ROOF A/C
<input type="checkbox"/> CHASSIS	<input type="checkbox"/> ROOF VENT
<input type="checkbox"/> TOLERANCE	<input type="checkbox"/> PLUMBING VENT
<input type="checkbox"/> SINKS	<input type="checkbox"/> HANGING CEILING
<input type="checkbox"/> LIGHTS	<input type="checkbox"/> LIGHTS

CUSTOMER SIGN-OFF STAMP

LOCATION FOR STATE APPROVAL STAMP

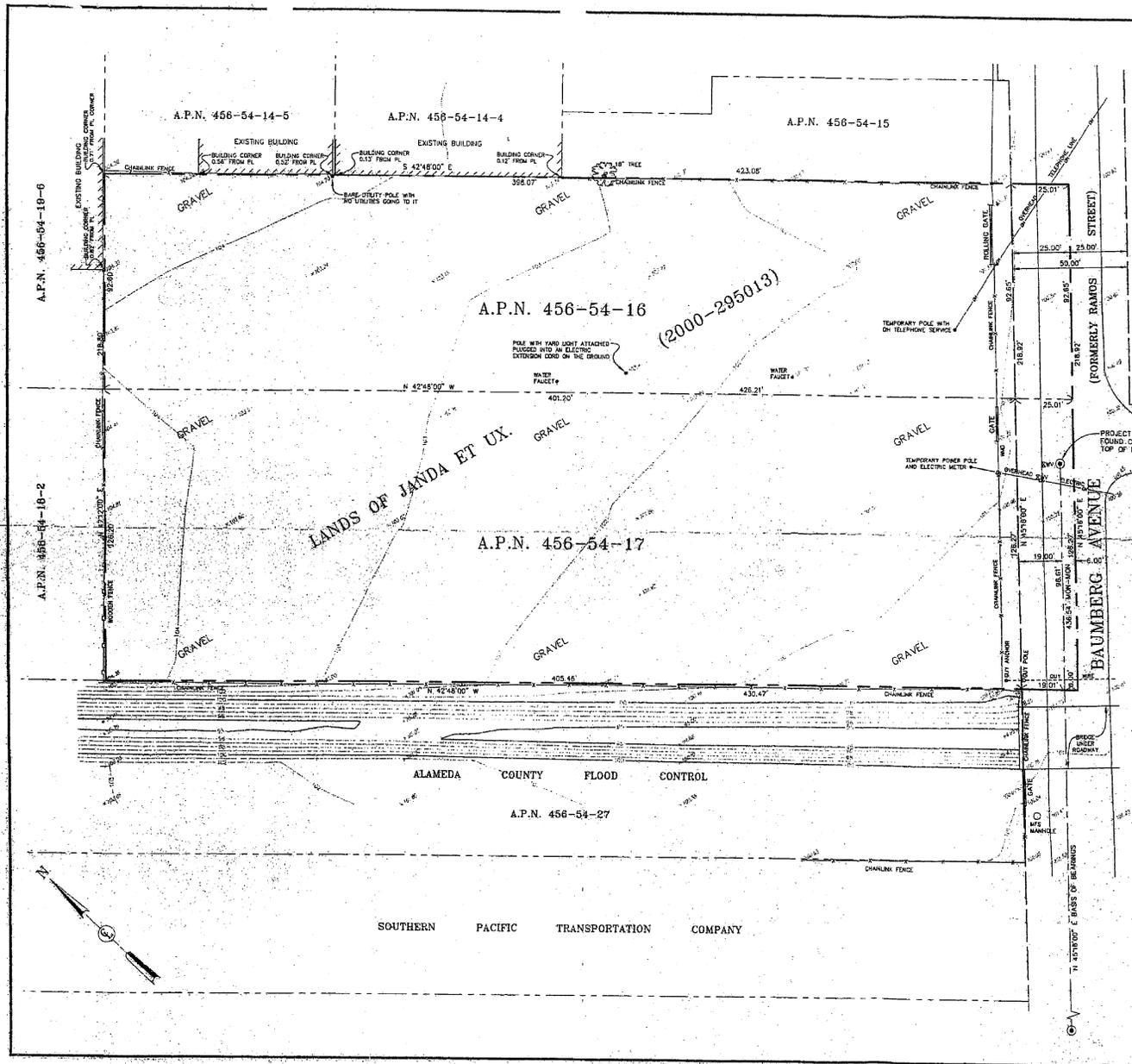
FINALED
BY: [Signature] 11/2/2009

UNITED MODULAR
CALIFORNIA-ARIZONA-TEXAS-FLORIDA

ARIZONA: 1001 N. GILBERT AVENUE, SUITE 100, GILBERT, AZ 85234 (480) 833-1500
FLORIDA: 1001 N. GILBERT AVENUE, SUITE 100, GILBERT, AZ 85234 (480) 833-1500
TEXAS: 1001 N. GILBERT AVENUE, SUITE 100, GILBERT, AZ 85234 (480) 833-1500
CALIFORNIA: 1001 N. GILBERT AVENUE, SUITE 100, GILBERT, AZ 85234 (480) 833-1500

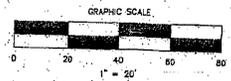
WILLIAMS SCOTSMAN
1001 N. GILBERT AVENUE, SUITE 100, GILBERT, AZ 85234 (480) 833-1500
#UM-2133-02-2460

DATE: 06-MAY-03
DRAWN BY: KEV
SALES PERSON: MICHAEL MARX
STATE: CA
DRAWING #: #UM-2133-02
QUOTE #: CA-0156-2003
SHEET NO. 1 OF 2



LEGEND

- PROPERTY BOUNDARY
- PROPERTY LINE
- MONUMENT LINE
- WOODEN FENCE LINE
- CHAINLINK FENCE
- OVERHEAD UTILITY LINE
- FOUND CITY MONUMENT
- ASSESSOR'S PARCEL NUMBER
- PROPERTY LINE
- MANHOLE (AS NOTED)
- WATER BOX
- WATER VALVE
- BOLLARD
- MISC. FEATURE (AS NOTED)
- TREE (SIZE & TYPE AS NOTED)



PROJECT BENCHMARK

THE TOP OF THE BRASS DISK IN THE CITY OF HAYWARD WELL MONUMENT AT THE INTERSECTION OF BAUMBERG AVENUE AND JULIA STREET AS SHOWN HEREON ASSUMED ELEVATION 100.00

BASIS OF BEARINGS

THE BEARING NORTH 45 16'00" EAST OF BAUMBERG AVENUE, FORMERLY RAMOS STREET, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF RANGE SUBDIVISION SITUATED IN EDEN TOWNSHIP, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 21, 1918 IN USER 6 OF MAPS, PAGE 33, ALAMEDA COUNTY OFFICIAL RECORDS, AND AS SURVEYED BETWEEN TWO CITY OF HAYWARD WELL MONUMENTS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

NOTES

1. THIS TOPOGRAPHIC SURVEY REPRESENTS THE CONDITIONS OF THE SUBJECT SITE ON JUNE 8, 2001 AND SHOWS SURFACE OBJECTS AND UTILITIES ONLY. SUBSURFACE STRUCTURES, IF ANY, INCLUDING BUT NOT LIMITED TO FOUNDATIONS, PILING OR OTHER CONCRETE STRUCTURES, UNDERGROUND TANKS, AND UNDERGROUND UTILITY LINES MAY NOT BE SHOWN.
2. PROPERTY LINES SHOWN ON THIS TOPOGRAPHIC SURVEY ARE TAKEN FROM RECORD INFORMATION. THIS SURVEY IS NOT INTENDED TO BE A BOUNDARY SURVEY.
3. NO ATTEMPT WAS MADE TO DETERMINE THE EXISTENCE OR LOCATIONS OF ANY POSSIBLE EASEMENTS OR OTHER MATTERS OF RECORD TITLE.
4. NOTE THAT PORTABLE TRAILERS AND STORAGE CONTAINERS ON THE PROPERTY WERE NOT LOCATED AND ARE NOT SHOWN HEREON.

Kevin D. Nicholas
 KEVIN D. NICHOLAS
 C.S. 1392 EXP. 12-31-2001
 DATE 7-17-01



DATE	7/17/2001
SCALE	1"=20'
PROJ.	01-528
DRAWN BY	AWPM
SHEET NO.	1
OF	1 SHEETS

CENTER LINE LAND SURVEYING, INC.
 CIVIL ENGINEERING • LAND PLANNING
 4047 FIRST STREET SUITE 101 • LIVERMORE, CA 94550
 Phone (925) 454-3050 • Fax (925) 454-3048

TOPOGRAPHIC SURVEY
 A-1 TRUCK DRIVING SCHOOL
 2977 BAUMBERG AVENUE
 HAYWARD
 CALIFORNIA

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mle
4/20/04

RESOLUTION DENYING ADMINISTRATIVE USE PERMIT
APPLICATION NO. PL-2003-0576, MOE JANDA
(APPLICANT/OWNER)

WHEREAS, the Applicant applied for an Administrative Use Permit, Application No. PL 2003-5675, to operate a truck driving school at 2977 Baumberg Avenue in an Industrial (I) District; and

WHEREAS, the Applicant has operated a truck driving school on the subject site without a use permit since 2001, although a use permit is required for this operation; and

WHEREAS, the property is basically unimproved, with only portable sanitary facilities, a dilapidated chain link fence on the street frontage, no landscaping, and a modular building used for an office and classrooms, which was installed without a building permit; and

WHEREAS, on February 5, 2004, the Planning Commission unanimously approved an Administrative Use Permit for a truck and bus driving school subject to conditions of approval which included requirements for replacing the modular building with a site-built structure that is designed to comply with City guidelines, installation of landscaping, paving, street improvements, a street light, new fencing, a sewer lateral between Industrial Boulevard and subject site, and the dedication of 5 feet of the Baumberg Avenue property frontage right-of-way purposes; and

WHEREAS, the Planning Commission imposed a strict schedule for improving the site in accordance with City standards, as conditions of approval for the Administrative Use Permit, several of which conditions required the submission of plans within 30 days of the approval of the use permit; and

WHEREAS, the Applicant has appealed the Planning Commission's approval of the use permit, indicating that strict compliance with the 30-day deadlines for plans and improvements required by the conditions of approval is not physically possible. Additionally, the Applicant is seeking relief from Condition No. 19 requiring installation of a sanitary sewer main from the property frontage to Industrial Boulevard and Condition No. 16, requiring installation of curb, gutter, sidewalk and tie-in paving; and

WHEREAS, with regard to the administrative use permit, the City Council hereby finds and determines that:

1. The proposed project is categorically exempt from the California

Environmental Quality Act (CEQA), pursuant to Guideline 15332, In-Fill Developments.

2. The proposed project would not be desirable for the public welfare in that significant delays in providing the required property improvements would be conferring special privileges not extended to other developers in the Industrial District.
3. The proposed project would not be consistent with the character and integrity of the Industrial District in that the inability of the owner to provide required property improvements in a timely manner would allow the maintenance of a property that would not comply with the City's Industrial Architectural Performance Standards. The Standards require the use of building materials to provide a variety of textures, use of interesting patterns, provision of interesting shadows, offsets, decorative siding, and attractive accent materials.
4. The proposed use would be detrimental to the public health, safety, or general welfare in that inability of the owner to provide required property improvements in a timely manner would allow the maintenance of an unsafe property and would allow the tracking of dust and mud onto City streets.
5. The project would not be in harmony with applicable City policies in that significant delays in the provision of required property improvements demonstrates that the proposed project cannot comply with the City's minimum design standards.

NOW THEREFORE BE IT RESOLVED, upon the basis of the aforementioned findings, and based on City staff's concerns and the Applicant's position that he is unable to improve his property expeditiously, the City Council hereby denies the Administrative Use Permit Application No. PL 2003-0576.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

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