

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/28/04

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Revocation of Administrative Use Permit PL-2003-0576 – Truck and Bus Driving School - Initiated by the Planning Director – Moe Janda (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 revoking the use permit based on the attached findings.

DISCUSSION:

The owner began operating a truck and bus driving school in June 2001 without benefit of a use permit. He 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 the school. He transferred the business license, as a truck driving school, to the Baumberg Avenue property in 2001. The owner was informed of the need for permits by a building inspector who was inspecting work on an adjacent property. When the owner contacted the City regarding a building permit, he again was told about the need for the use permit for the school. He then applied for an Administrative Use Permit on October 2, 2003.

On February 5, 2004, the Planning Commission unanimously approved an Administrative Use Permit for the truck and bus driving school. The Planning Commission's conditions of approval included requirements for replacing the modular building with a site-built structure that is designed to comply with City guidelines, and installation of landscaping, paving, street improvements, a street light, new fencing, and a sewer lateral between Industrial Boulevard and subject site.

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. 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 was 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. Several of the conditions of approval required 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 in a timely manner, 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 owner appealed the Planning Commission's action as he believed it would not be possible to submit plans and complete the required improvements within the time required by the Planning Commission. The City Council acted on this matter on April 27, 2004, and agreed to allow the owner to come into compliance with City development standards according to the following schedule:

The following items were to be completed by May 27, 2004:

- Removal of the existing chain-link fence and replacement with a 6-foot-high chain-link fence with vinyl slats erected 10 feet from the front property line.
- Submittal of a detailed landscape and irrigation plan.

The following items were to be completed by July 26, 2004:

- Application for a building permit for temporary operation of the modular building.
- Submittal of a photometric lighting plan.
- Provision of an on-site trash enclosure.
- Removal of existing signs.
- Submittal of a drainage plan.
- Installation of landscape and irrigation improvements.

The owner has not taken significant steps toward meeting the conditions of approval according to this schedule. During its hearing, Council members expressed concern regarding the establishment of the business without permits and the need to bring the property into conformance with City standards. The Council indicated it would serve as the hearing body to consider revocation of the permit should the conditions of approval, and the required improvements, not be completed on time. While the owner had shared preliminary plans with staff, none of the required applications were filed by the required dates. On August 13, 2004, staff notified the owner that his use permit was subject to revocation. Subsequently, the owner attempted to submit improvement plans (site and street improvements, preliminary landscaping, and lighting), but was advised that the date for filing had passed and that a revocation hearing would be forthcoming. Without the required approval of site improvement plans, he also installed a new fence the week of August 23, 2004. While the improvement plans appear to be of good quality, the timing of their submittal is indicative of the pattern of neglect by which the owner has dealt with past permitting for this business. Staff has no reason to believe that the owner would perform satisfactorily should additional time be granted. While the owner had previously stated that it was difficult to line up contractors to install the improvements by the required deadlines, he now represents that he can do so.

In staff's opinion, granting additional time in meeting the conditions of approval would be conferring special privileges not extended to other developers in the Industrial District. Staff cannot support the continued use of the property for a truck and bus driving school and recommends revocation of the use permit. Based on recent history, there is no guarantee that the owner would follow through should he be granted additional time to comply with the conditions of approval. It is unfortunate that the owner 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.

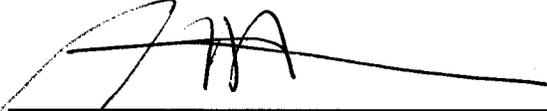
ENVIRONMENTAL REVIEW:

The proposed project is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.

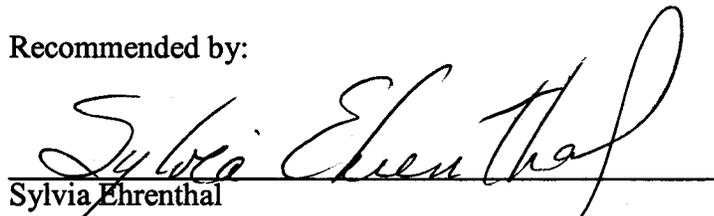
PUBLIC NOTICE:

On September 18, 2004, a Notice of Public Hearing for the City Council meeting was mailed. Staff notified the owner of the business, Moe Janda, by telephone on September 8, 2004. No public comment has been received in response to the Notice of Public Hearing.

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: Findings for Revocation
Exhibit B: Planning Commission Minutes and Staff Report, February 5, 2004
Exhibit C: City Council Meeting Minutes and Staff Report, April 27, 2004
Plans
Draft Resolution

9/22/04

ADMINISTRATIVE USE PERMIT PL-2003-0576

Moe Janda, Operator/Owner

2977 Baumberg Avenue

FINDINGS FOR REVOCATION

- A. The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.
- B. The truck and bus driving school continues to operate in a manner that impairs the character and integrity of the Industrial zoning district and surrounding area in that the property owner has operated the business out of compliance with the City's Design Guidelines and "Minimum Design and Performance Standards" for industrial properties.
- C. The applicant has not fully complied with or completed all conditions of approval or improvements as required by the City Council on April 27, 2004. Further delays in complying with or completion of the required conditions of approval and improvements would not be in the public interest in that the Zoning Ordinance requires compliance with its provisions and the conditions of all associated permits before operating the business and the delay grants special privilege not conferred upon other similar uses.

Planning Manager Anderly agreed it is not the right of the property owner to consider the space in front of their home as their personal parking area. It is public right-of-way.

Commissioner Fraas explained that staff has denied the application twice and since none of the conditions seem onerous, the Commission is trying to help them go forward with the project.

The public hearing closed at 8:08 p.m.

Commissioner Thnay suggested staff had come up with good conditions. Condition 7 is a good condition because of safety and the fact that they would be granting of a variance. He moved, seconded by Commissioner Halliday, to approve the variance subject to findings and conditions, and he added condition 13, to provide a more decorative door, install more substantial column posts, and add a decorative fence.

Commissioner McKillop said she felt that condition 7 is appropriate. It is not a right, it is a variance. She would support the motion.

Commissioner Sacks said she would not support the motion. She objected last time as well. The applicant had given her additional basis to be concerned about the accumulative effect of the cars on the street. This is the first step to making a mess in this neighborhood. If each house in the neighborhood were to double their size, there would be serious problems. This is a preserving the integrity of the neighborhood.

Commissioner Bogue commented on condition 7 saying that this recording is required from all new development. There might be an argument to have the gate but it should match the fence. He had assumed some give and take for the variance. It is sounding as though the applicant has opposition to parking cars in the garage, as a result he was not sure he could support the motion.

Chairperson Zermeño urged everyone to support the motion. He noted that there was one negative to all the positives from which the family would benefit. It is normally assumed that people who are building an extension will not live in a garage. He suggested that the family could live with condition 7.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS	Halliday,	Thnay,	Fraas,
		McKillop		
	CHAIRPERSON	Zermeño		
NOES:	COMMISSIONER	Sacks, Bogue		
ABSENT:	None			
ABSTAIN:	None			

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 subject to challenge. If the City is looking toward a change in circumstances of that property in the future, it might 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 Zermefio 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 Zermefio 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 Zermefio 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 Zermeño 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.

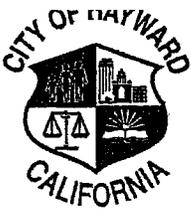
The motions was approved unanimously.

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

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

DRAFT



CITY OF HAYWARD
AGENDA REPORT

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 Categorical Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *In-Fill Developments*.

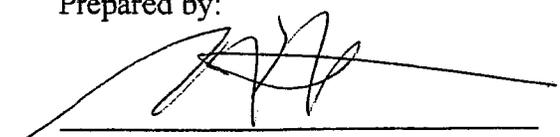
PUBLIC NOTICE:

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



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 approve, CEQA review will be required.

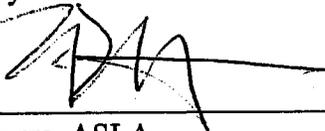
PUBLIC NOTICE:

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:

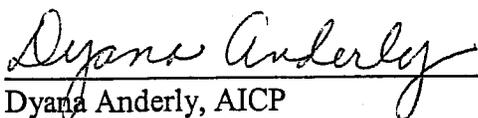
While staff is supportive of vocational opportunities in the Industrial District, it is recommended that the Planning Director's denial be upheld as this is not a good location for a truck and bus driving school because of the traffic conditions affecting this section of Baumberg Avenue. It is a heavily 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

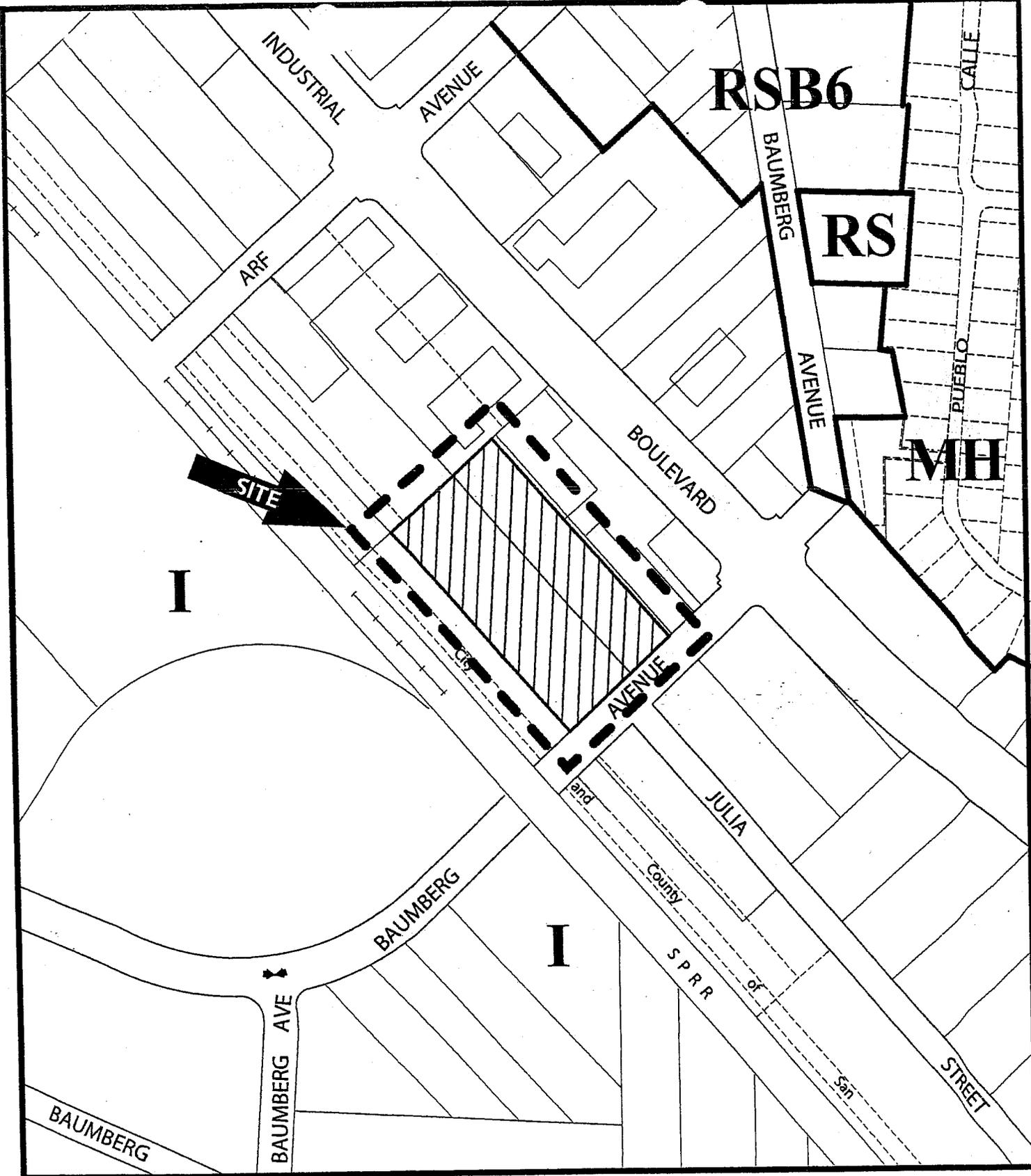
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

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



Area & Zoning Map

PL-2003-0576 UP

Address: 2977 Baumberg Avenue

Applicant: Moe Janda

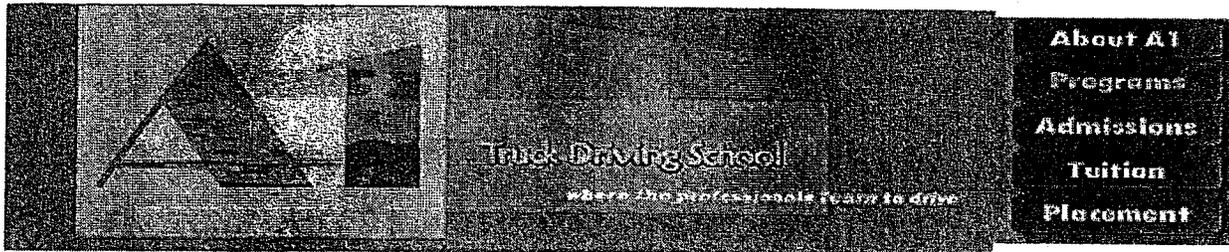
Owner: Moe Janda

I-Industrial

MH (P)-Mobile Home Park

RS-Single-Family Residential,RSB4,RSB6





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ABOUT A1
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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

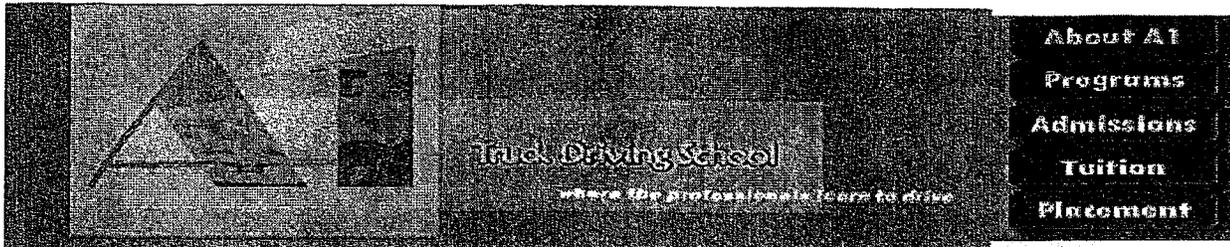
ATTACHMENT B

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



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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

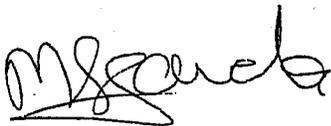
December 1, 2003
Page 2 of 2

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 written in a cursive, somewhat stylized font with a horizontal line underneath the name.

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.

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.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 04-056, "Resolution Approving Plans and Specifications for the Sanitary Sewer Lining and Spot Repairs at Highland Area and Spring Drive Area, Project No. 7598, and Call for Bids"

HEARINGS

7. Appeal of Conditions of Approval Imposed by the Planning Commission Approval of Administrative Use Permit - Application No. 2003-0576 to Allow Truck and Bus Driving School – Moe Janda (Applicant/Owner) – The Property is Located at 2977 Baumberg Street, in an Industrial District (*continued from 4/20/07*)

Staff report submitted by Principal Planner Patenaude, dated April 27, 2004, was filed.

Principal Planner Patenaude made the staff report that recommended denial of the project as the business has been in operation without a use permit. The Planning Commission imposed a schedule for improving the site, but noted that improvements have not begun although the applicant has stated they have.

Council discussion ensued relative to the timeline, the addition of a condition to cause revocation proceedings should the applicant not meet the deadline, as well as the length of time this business has been operating. It was noted that there is a five-foot dedicated easement as part of this project.

Mayor Cooper asked for confirmation as to when the applicant was informed about the need for a use permit. Staff informed that on the issuance of a business license, the applicant was made aware of the use permit issuance. The initial business license was limited to a business office and the business trucks were parked throughout city streets as he had no yard to store them in.

Council Member Quirk indicated that the conditions of approval do not address any traffic safety issues. Principal Planner Patenaude responded that the nearest intersection is not impacted, but drivers in training using large trucks could trigger another traffic problem not previously discussed.

Mayor Cooper opened the public hearing at 9:11 p.m.

Moe Janda, the applicant, reported that he was out of the country for over a month and had some family problems but was working on the paving, and had received fencing proposals and was not aware of what he had to do. He felt that 30 days was not enough to install a fence as he had to submit the plans first.

Steve Hunn, engineer for Mr. Janda, displayed photos of the site before and pointed out the improvements. He indicated that the base rock is adequate for the business. He thought that it was reasonable to complete the improvements within 120 days. He felt that plans could be completed within 30 days and construction started. Mr. Hunn cautioned that there could be unknowns such as issues with the flood control channel next door. He anticipated that a quality set of plans for the



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC
FINANCING AUTHORITY OF THE CITY OF HAYWARD**
City Council Chambers, 777 B Street, Hayward, CA 94541
Tuesday, April 27, 2004, 8:00 p.m.

street improvements can be submitted within 30 days and 120 days to complete the construction was optimistic. He did not expect issues in the construction of the building.

Council Member Henson felt that the applicant needs to adhere to the rules and the Council does not want to make special adjustments. He expressed concern on the time line. He asked about the trailers parked along the streets. Mr. Janda stated that he parks the trailers there to prevent the parking of junk vehicles. In response to a question from Council Member Henson, Mr. Janda reported that he has spent over \$600,000.

Council Member Dowling was emphatic that providing additional time might not be the solution, as he could not see a good faith effort or a sense of urgency from the applicant. He declared that he would deny the project unless the applicant accepts the Planning Commission time line.

Council Member Halliday asked whether the applicant would continue to operate the school during the re-construction. When the applicant affirmed, she suggested the business be temporarily closed until this project was completed.

Council Member Ward suggested that the applicant submit the plans within 30 days from Council action today and questioned whether the work could be completed within 120 days. In response to his question on meeting the schedule, City Attorney O'Toole stated that the conditions of approval could be restructured to include revocation procedures.

Mayor Cooper closed the public hearing at 9:21 p.m.

Council Member Jimenez would support the project as there is now a project engineer who understands the issues.

Council Member Dowling moved to uphold the Planning Commission recommendation and follow their schedule from today's Council hearing approval and if the timeline is not met that a revocation hearing be scheduled before the City Council. The motion was seconded by Council Member Ward.

Council Member Henson stated that he would be supporting the motion. Time has past and nothing has been done since the project was before the Planning Commission. He urged both the applicant and his engineer to complete the project prior to the deadline.

Council Member Quirk appreciated that the applicant spent a lot of money, but felt that it was necessary to go through the normal permit process as certain issues in that process have not been discussed such as traffic.

Mayor Cooper would not be supporting the motion based on what has been presented and what has not been presented that could precipitate additional issues. This owner has been operating illegally and now the City is allowing him to continue. She did not agree with this.

Council Member Dowling appreciated the concerns of both Council Member Quirk and Mayor Cooper that this is an illegal business without a use permit. His motion would allow the applicant opportunity to rectify his situation, but emphasized that he would not be supporting any further extensions as this business is already operating without the proper use permit.

Council Member Halliday stated that she was on the Planning Commission when this matter was heard and has carefully listened to all the information and felt that she could be fair in her consideration and review of this project. She agreed that this is a bit unusual, but in her visit to the property, she found it maintained. She supports small businesses and felt that a truck driving school is needed in Hayward.

It was moved by Council Member Dowling, seconded by Council Member Ward, and carried by the following roll call vote to adopt the following Resolution upholding the Planning Commission approval and maintaining the timeline.

Resolution 04-060, "Resolution Upholding Planning Commission's Approval of Administrative Use Permit Application No. PL-2003-0576, Moe Janda (Applicant/Owner)"

AYES:	Council Members Jimenez, Halliday, Ward, Dowling, Henson
NOES:	Council Member Quirk MAYOR Cooper
ABSENT:	None
ABSTAINED:	None

LEGISLATIVE BUSINESS

8. Authorization for the Issuance of Redevelopment Allocation Bonds and Approval of Contracts for Financial and Legal Services

Staff report submitted by Acting Assistant City Manager Carter, dated April 27, 2004, was filed.

Acting Assistant City Manager/Treasurer Carter made the staff recommendation to authorize to issue Redevelopment Agency tax allocation bonds to accomplish two objectives. The first is to refinance outstanding 1996 Tax Allocation bonds to realize a savings of approximately \$175,000. Secondly, the proceeds from the bonds will be utilized to fund the downtown parking project and the cannery area project. The cannery area plan is in coordination with the Hayward Unified School District and the Hayward Area Park District. It includes construction of a new Burbank Elementary School, expansion of Cannery Park and installation of needed infrastructure. One additional deck will be added to the parking structure across from the City Hall and another two additional decks associated with the cinema project. He noted that the resolutions to be acted on include particular conditions on the sale of the bonds and the aggregate principal of the bonds cannot exceed \$48.5 million, the interest costs cannot exceed 5.5%, and the underwriters discount may not exceed 1%. The date of the bonds will be May 26 and it will be a negotiated sale for a term of 30 years. He noted that the financial team is available to respond to questions including the



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 04/27/04

AGENDA ITEM 7

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 (continued from April 20, 2004)

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:

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.

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 allowed for a departure from this requirement and imposed 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.

At the City Council meeting of April 20, 2004, the applicant appealed the decision of the Planning Commission as he indicated that strict compliance with the deadlines for submittal of plans and improvements, set forth in the conditions of approval, is not physically possible. The applicant 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 would have delayed the construction of improvements until early spring of 2005, approximately one year hence. The City Council indicated that it would not be willing to accept a significant delay and the appellant responded that he could possibly work under a shorter timeframe. The appellant was directed to meet with staff to submit an alternative schedule.

Following a meeting with staff, the appellant asked that his construction timeline be extended as displayed in the following chart, and compared with the Planning Commission conditions.

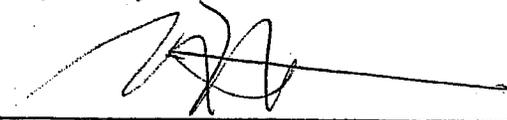
Although it appears that the appellant's request would establish a fixed timeline for installation of the required improvements, the dates are dependent upon the issuance of grading and building permits. It is difficult to gauge the timing under which the permits would be issued as much depends on the quality of plans submitted and the timeliness by which the applicant responds to correction punchlists.

	Planning Commission Conditions	Appellant Request
Submittal of Building/Grading Permit Applications	30 days from Commission approval	30 days from Council approval
Replacement of chain-link fence	30 days from Commission approval	180 days from Building/Grading Permit issuance
Lighting Installation	90 days from Commission approval	180 days from Building/Grading Permit issuance
Trash Enclosure Construction	90 days from Commission approval	180 days from Building/Grading Permit issuance
Installation of Drainage Improvements/Pavement	90 days from Commission approval	180 days from Building/Grading Permit issuance
Installation of Landscape	90 days from Commission approval	180 days from Building/Grading Permit issuance
Completion of Permanent Building	1 year from Commission approval	1 year from Building Permit issuance

To date, the applicant has not taken significant steps toward meeting the Planning Commission's 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.

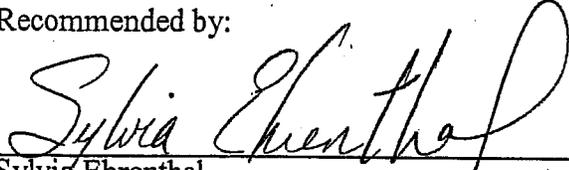
In staff's opinion, granting the requested delays in meeting the conditions of approval would be conferring special privileges not extended to other developers in the Industrial Zone. With the appellant's position that he is unable to improve his property as the Planning Commission required, staff cannot support the continued use of the property for a truck school and recommends denial of the use permit.

Prepared by:



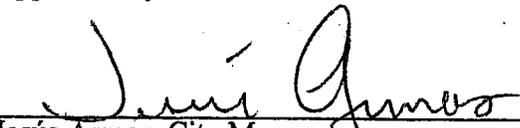
Richard E. Patenaude, AICP
Principal Planner

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A. Findings for Denial
Draft Resolution

4/22/04

**CITY OF HAYWARD
CITY COUNCIL
April 27, 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 the applicant began operations of the truck driving school prior to obtaining the required permits and the applicant has indicated that it is not possible to install the required site improvements in a timely manner. Granting the delays requested by the applicant would confer special privileges not extended to other developers in the Industrial District.
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. The applicant has indicated that it is not possible to replace the modular with a permanent building in a timely manner. Granting the delays requested by the applicant would confer special privileges not extended to other developers in the Industrial District.
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. The applicant has indicated that it is not possible to install the required site improvements to alleviate these conditions in a timely manner. Granting the delays requested by the applicant would confer special privileges not extended to other developers in the Industrial District.

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 in a timely manner.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

mle
4/20/04

Introduced by Council Member _____

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:

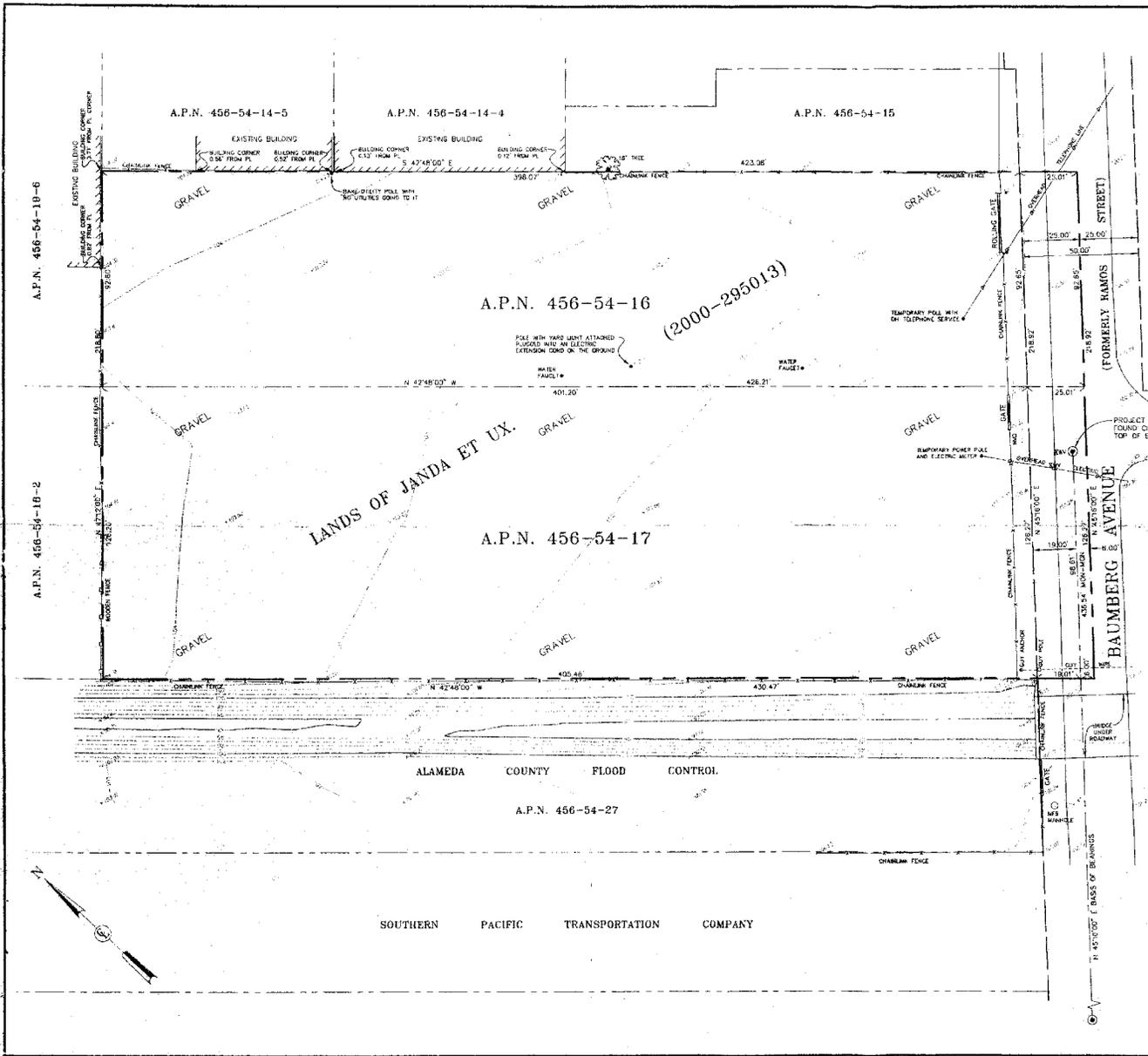
ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

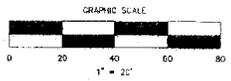
APPROVED AS TO FORM:

City Attorney of the City of Hayward



LEGEND

- PROPERTY BOUNDARY
- PROPERTY LINE
- MONUMENT LINE
- MONUMENT LINE
- WOODEN FENCE LINE
- CHAINLINK FENCE
- OVERHEAD UTILITY LINE
- FOUND CITY MONUMENT
- ASSUMED'S PARCEL NUMBER
- PROPERTY
- 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 18'00" EAST OF BAUMBERG AVENUE, FORMERLY RAMOS STREET, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF RAMOS SUBDIVISION SITUATED IN EIGHT TOWNSHIP, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 21, 1919 IN LIBER 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, PIPES 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 RECORDED 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.

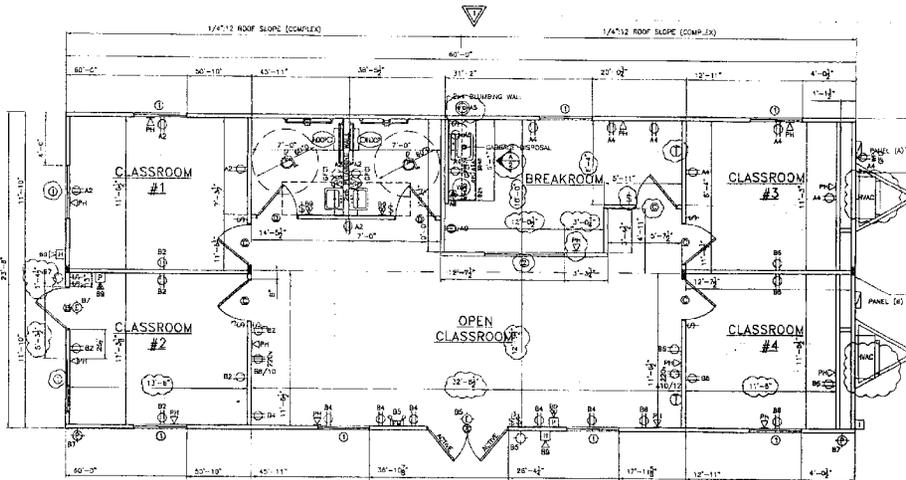


DATE 7-17-01
 KEVIN D. MCGEE
 U.S. 7352 EXP. 11-3-2001

DATE	7/17/2001
SCALE	1"=20'
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DRAWN BY	ANPM
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OF	1 SHEETS

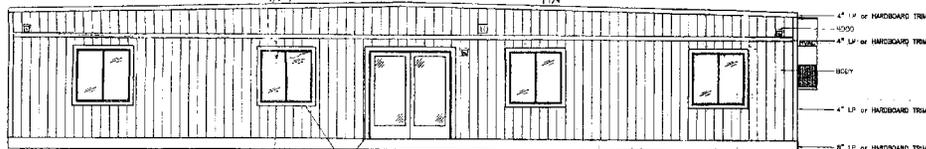
TOPOGRAPHIC SURVEY
 A-1 TRUCK DRIVING SCHOOL
 2877 BAUMBERG AVENUE
 HAYWARD CALIFORNIA

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

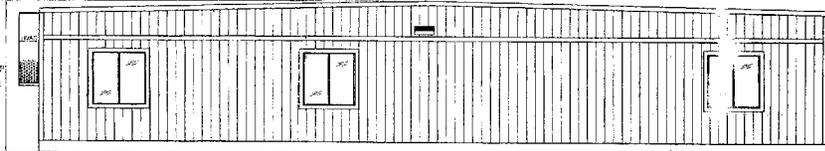


FLOOR PLAN
SCALE: 1/4" = 1'-0"

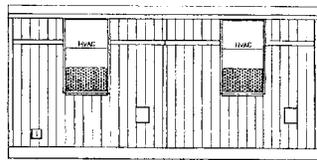
NOTE: PARTITIONS DO NOT INCLUDE WALL COVERING. ALL PARTITIONS ARE FROM BAW (SEE T1) RAW SHED UNLESS OTHERWISE NOTED (CLEAR).



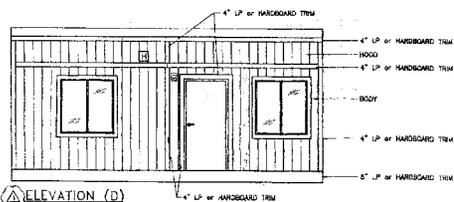
ELEVATION (A)



ELEVATION (B)



ELEVATION (C)



ELEVATION (D)

PROVIDE MBI SEALS ON UNIT

(EXTERIOR BUILDING) PAINT SCHEDULE
(BY PAINTS) (TO MATCH KELLY MIDDLE PAINTS)

ROOF/FLOOR:	FLAME RETARDANT WHITE
VERTICAL CORNER TRIM:	FLAME RETARDANT WHITE
VERTICAL MOLDING TRIM:	TO MATCH BODY/PANO
Z-BAR TRIM:	TO MATCH BODY/PANO
EXTERIOR WINDOW/DOOR TRIM:	FLAME RETARDANT WHITE
TOP/BOTTOM HORIZ. TRIM:	FLAME RETARDANT WHITE
CALCULATING:	FACTORY STANDARD

NOTE:
PROVIDE & INSTALL
DEALER SIGNS

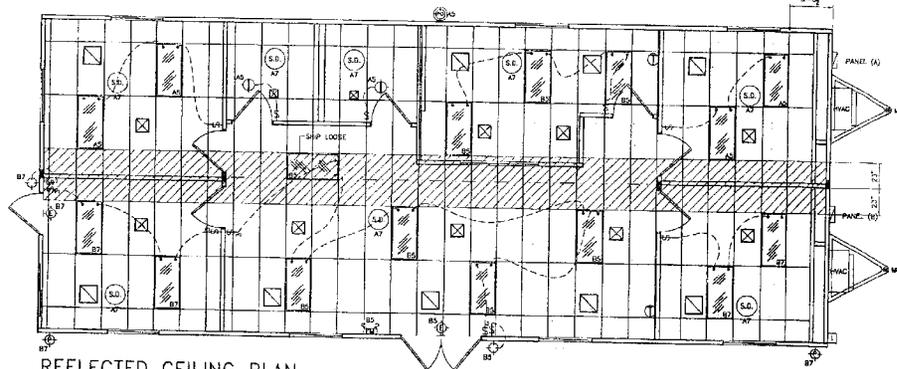
- GENERAL NOTES - CALIFORNIA -
1. SEE OCCUPANCY AND TYPE OF CONSTRUCTION.
 2. PROVIDE SMOKE ALARMS TO EXISTING SYSTEM. THIS ROOM IS REMAIN UNLOCKED DURING BUSINESS HOURS.
 3. THIS STRUCTURE IS NOT TO BE LOCATED MORE THAN 25 FEET FROM ACTUAL OR ASSUMED PROPERTY LINE.
 4. OCCUPANCY LOAD SHALL BE UNLESS OTHERWISE INDICATED AS SHOWN.
 5. EXIST DOORS SHALL BE OBTAINABLE FROM THE ISSUER WITHOUT USE OF KEY OR ANY SPECIAL KNOWLEDGE.
 6. LAMINATE AT EXIST DOORWAYS SHALL COMPLY WITH ASME (S) USED 1991 EDITION.
 7. INSTALL A SELF-OPERATING VENTILATING SYSTEM PROVIDING A MINIMUM OF 15 CFM PER OCCUPANT WITH 5 CM OF OUTSIDE AIR. ROOF COVERING SYSTEM SHALL BE PER CHAPTER 32 OF THE 1991 USC.
 8. GLAZING SHALL COMPLY WITH CHAPTER 54 OF THE 1991 USC. SYSTEM TO BE USED FOR FLOORING. AS SHOWN.
 9. BUILDING IN ACCORDANCE WITH 1991 USC, 1991 IBC, 1991 UPC, AND 1993 IBC.
 10. DESIGN LOADS:
 - DECK FLOOR: 60 LBS/SQ. FT.
 - ROOF: 20 LBS/SQ. FT.
 - WIND: 130 M.P.H.
 - SEISMIC ZONE: 2
 11. SEPARATE TOILET PACKAGES TO BE PROVIDED FOR EACH SEX & ADJACENT BUILDINGS ON SAME PROPERTY IF ADEQUATE TOILET FACILITIES ARE NOT PROVIDED IN BUILDING.
 12. BUILDING IS FOR BUSINESS/RECREATIONAL/EDUCATIONAL USE. THIS PLAN MAY BE REUSED AND IS UNRESTRICTED.
 13. CALIFORNIA STATE STRUCTURE PACKAGE APPROVAL # 2320
 14. PROPOSED ADDRESS AND/OR LOCATION OF UNIT.

FINISH SCHEDULE

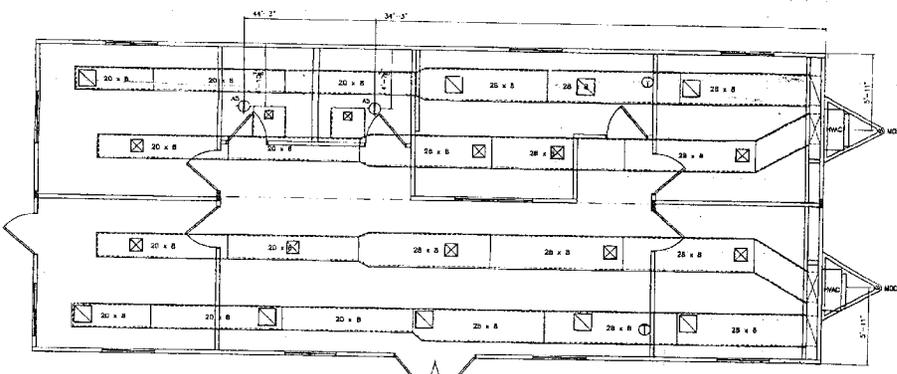
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DOOR SCHEDULE

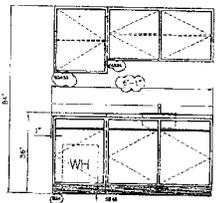
SYM	SIZE	THK.	DOOR	JAMB	JAMB	FIN. HRS	QTY	ROUGH	REMARKS
			MATL.	TYPE	TYPE	GR/GR		OPENING	
1	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
2	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
3	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
4	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
5	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
6	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
7	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
8	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
9	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
10	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
11	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
12	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
13	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
14	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
15	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
16	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
17	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
18	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
19	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
20	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
21	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
22	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
23	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
24	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
25	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
26	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
27	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
28	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
29	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
30	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
31	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
32	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
33	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
34	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
35	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
36	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
37	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
38	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
39	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
40	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
41	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
42	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
43	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
44	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
45	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
46	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
47	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
48	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
49	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
50	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
51	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
52	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
53	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
54	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
55	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
56	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
57	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
58	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
59	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
60	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
61	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
62	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
63	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
64	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
65	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
66	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
67	36" x 80"	1 1/2"	WOOD	ST	ST	1	1	36" x 80"	SEE SCHEDULE
68	36								



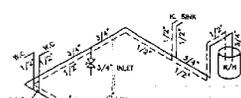
REFLECTED CEILING PLAN



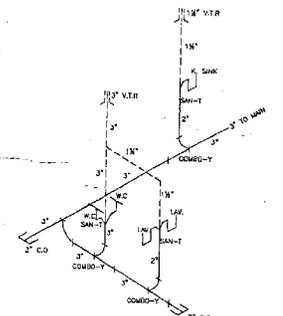
MECHANICAL PLAN



CABINET ELEVATION



COLD & HOT SCHEMATIC
MAXIMUM PRESSURE RANGE @ POINT OF CONNECTION AS TO 60 PSI
GREATEST OCCURRED LENGTH 40'
NOTE: PLUMBING MANHOLE TO BE SUPPLIED BY
FACTORY AND INSTALLED ON SITE BY OTHERS.



WASTE & VENT SCHEMATIC
ALL PIPE TO BE RED SCHEDULE 40
AND 1/2" SLOPE (1" PER 100)

PLUMBING SCHEDULE

SYMBOL	DESCRIPTION	QTY
(S)	FLOOR W/10' ELONGATED SINK FOR THE HAND-CARRIED W/ STANDARD TANK (NO BRAND SPECIFIED)	2
(M)	WALL HUNG LAVATORY W/ 28" SPACE UNDERNEATH FOR HAND-CARRIED W/ STANDARD FACETS (NO BRAND SPECIFIED)	2
(K)	3/4" DIA. STAINLESS STEEL KITCHEN SINK W/ SINGLE STANDARD FAUCET (NO BRAND SPECIFIED)	1
(D)	GARBAGE DISPOSAL (1/2) HORIZONTAL	1
(H)	BRAND: HURLBAY #1200PC 3 GAL. ELECTRIC WATER HEATER (110V) (NO BRAND SPECIFIED)	1
(L)	ONE SET GRAB BARS, INCLUDES (1) 36" LONG & (1) 48" LONG MOUNTED @ 34" AFF.	2
(T)	TOILET PAPER HIKER (NO BRAND SPECIFIED)	2
(R)	18"x36" MIRROR @ 40" AFF. (NO BRAND SPECIFIED)	2
(V)	LIQUID SOAP DISPENSER (NO BRAND SPECIFIED)	2

FIRE ALARM SCHEDULE

SYMBOL	DESCRIPTION	CLR	QTY	REMARKS
(F)	FULL STATION MOUNTED 8 1/2" x 11" MOUNTED 8 1/2" x 11" HARDWARE	RED	2	NO BRK
(H)	ARMED VIBRATOR ALARM W/10" AFF. HARDWARE	RED	2	NO BRK
(E)	EXTERIOR HORN MOUNTED 8 1/2" x 11" HARDWARE	RED	2	NO BRK
(D)	CEILING MOUNTED SMOKE DETECTOR HARDWARE W/ BATTERY BACK-UP	WHITE	8	
(M)	FAIRLY NEAR A HORN SMOKE DETECTOR W/10" AFF. W/ BATTERY BACK-UP	METAL	1	FUTURE USE

HVAC SCHEDULE

SYM	DESCRIPTION	QTY
(H)	3 TON AC W/ 104W HEAT STRIP (F.A.O.) BRAND: BAHG W/36-410 OR EQUAL	2
(R)	28" x 18" GALV. SLEEVE 12" LONG	2
(P)	RETURN AIR PLENUM	1
(D)	28" x 18" x 1/2" FINISH/SLATE DUCT	1
(F)	20" x 18" x 1/2" PREINSULATED DUCT	1
(E)	8 1/2" x 11" 4-WAY THROW DIFFUSER (FUTURE USE ONLY)	2
(D)	12" x 12" 4-WAY THROW DIFFUSER	8
(D)	10" x 16" RETURN AIR GRILL	8

ELECTRICAL SCHEDULE

SYMBOL	DESCRIPTION	CLR	QTY	REMARKS
(S)	DUPLEX RECEPTACLE W/ COVER PLATE (NO BRAND SPECIFIED)	WHITE	20	
(R)	GROUNDING FAULT CIRCUT INTERRUPTER (NO BRAND SPECIFIED)	WHITE	3	
(S)	250V RCPT. W/ COVER PLATE 6 1/2" AFF. (NO BRAND SPECIFIED)	WHITE	2	SHOWN RCPT FOR FUTURE USE
(S)	HARD WIRED SINGLE CIRCUIT 4-BRK FOR WATER HEATER W/ COVER PLATE (NO BRAND SPECIFIED)	N/A	1	
(S)	INDICATED DUPLEX RECEPTACLE W/ COVER PLATE 6 1/2" AFF. (NO BRAND SPECIFIED)	WHITE	1	FOR FUTURE REFER
(S)	DUPLEX RECEPT. W/ WEATHER RESISTANT COVER PLATE 6 1/2" AFF. UNO. (NO BRAND SPECIFIED)	N/A	1	
(S)	SINGLE POLE SWITCH W/ WEATHER RESISTANT COVER PLATE 6 1/2" AFF. UNO. (NO BRAND SPECIFIED)	WHITE	1	RCPT @ 10' AFF. SWITCH @ 10' AFF.
(S)	2-WAY SWITCH W/ WEATHER RESISTANT COVER PLATE 6 1/2" AFF. UNO. (NO BRAND SPECIFIED)	WHITE	3	RCPT @ 10' AFF. SWITCH @ 10' AFF. COLOR: WHITE
(S)	1-WAY SWITCH W/ WEATHER RESISTANT COVER PLATE 6 1/2" AFF. UNO. (NO BRAND SPECIFIED)	WHITE	2	
(S)	1-WAY SWITCH (1) SINGLE POLE SWITCH W/ COVER PLATE 6 1/2" AFF. UNO. (NO BRAND SPECIFIED)	WHITE	2	
(S)	MISC. WAFER SWITCH 1/2" x 1/2" UNO. BRAND: VITROTEC LIGHTING PRODUCTS-TR	N/A	2	PHOTOCELL
(S)	FORN LIGHTS 8 1/2" x 11" UNO.	N/A	2	
(S)	BRAND: HARRIS 800	N/A	2	
(S)	SPRING RETURN 8 1/2" x 11" x 1/2" PHOTOCELL CONTROL	N/A	1	
(S)	10' CFM FAN LIGHT (BRAND: VENT-LINE OR EQUAL)	N/A	2	
(S)	TERMINAL STRIP 6 1/2" x 11" UNO. BRAND: WHITE RODGERS #100844	N/A	2	
(S)	WALL MOUNT EXT LIGHT MOUNTED 8 1/2" x 11" AFF. W/ BATTERY BACK UP AND GREEN PANE LETTERS UNO.	N/A </tr		

EXTERIOR SURFACE MOUNT PANEL W/ 125 amp MAIN BRKR

DESCRIPTION	CLR	BRK	WS	A	B	WS	BRK	CLR	DESCRIPTION
HVAC UNIT	1	100	#8	#12	20	2			(5) RECEPTACLES
(1) GEN. LIGHTS	3	2	#10	#12	20	4			(8) RECEPTACLES
(2) F.L.C. (1) PAT. L.	5	20	#12	#12	20	6			GARBAGE DISPOSAL
(6) SMOKE DETECTORS	7	20	#12	#12	20	8			HORN HIKER
FUTURE RCPT	9	20	#12	#12	20	10			FOR FUTURE USE
SPACE	11			#12	20	12			

NOTE: 1. ALL WORKMANSHIP FOR DEVICES WHICH REQUIRE A HEIGHT ARE TO BE BOTTOM OF SOURCE UNLESS NOTED OTHERWISE.
2. ALL EXTERIOR ELECTRICAL DEVICES TO BE WEATHERPROOF.
3. ALL ALARM SYSTEM DEVICES AND INSTALLED ON SITE BY OTHERS. (WHEN APPLICABLE)

ELECTRICAL CALCULATIONS: PANEL 'A'

GEN. LIGHTING	387	W/LP x 2.25 x 1.25	=	1,200.6	(1) FUTURE W/ATER	=	850	
(1) HVAC UNIT	1		=	13,600	(4) SMOKE DETECTORS	=	100	
(14) RECEPT.	2,800		=	2,800	(1) GARBAGE DISPOSAL	=	200	
(1) WATER HEATER	2,000		=	2,000	(1) FOR FUTURE USE	=	800	
				27,687.6				
				27,687.6	=	240	=	(142.2) AMPS TOTAL

ELECTRICAL CALCULATIONS: PANEL 'B'

GEN. LIGHTING	610	W/LP x 2.25 x 1.25	=	4,010	(19) RECEPT.	=	3,420	
(1) HVAC UNIT	1		=	13,600	(1) FIRE ALARM	=	100	
(14) RECEPT.	2,800		=	2,800				
(1) FUTURE USE	800		=	800				
				17,210				
				17,210	=	240	=	(67.35) AMPS TOTAL

UNITED MODULAR
CALIFORNIA-ARIZONA-TEXAS-FLORIDA

ARIZONA: 101 W. WASH. ST. PHOENIX, AZ 85001 (602) 955-7000
CALIFORNIA: 101 W. WASH. ST. PHOENIX, AZ 85001 (602) 955-7000
FLORIDA: 101 W. WASH. ST. PHOENIX, AZ 85001 (602) 955-7000
TEXAS: 101 W. WASH. ST. PHOENIX, AZ 85001 (602) 955-7000

WILLIAMS SCOTSMAN
DATE: 05-18-03
DRAWN BY: SKS
CHECKED BY: JAM
STATE: CA
DRAWING #: AUM-2133-02
CADD #: CA-0158-2003

#100-2133-02-2460

SHEET NO. 2 OF 2