



CITY OF
HAYWARD
HEART OF THE BAY

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DATE: May 27, 2010
TO: Planning Commission
FROM: Carl T. Emura, ASLA, Associate Planner
SUBJECT: Conditional Use Permit Application No. PL-2010-0129 Ryan & Kim Thomason, M & F Auto Electric & Repair (Applicant) / Georgia Deterra (Owner) – Request to Permit Minor Automobile Repair

The Property is Located at 22101 Mission Boulevard, at the Southwest Corner of Sunset Boulevard, in the Central City - Commercial (CC-C) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Finds that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Facilities
2. Approves the Use Permit application, subject to the attached findings and conditions of approval.

BACKGROUND:

M&F Auto Electric & Repairs specializes in automotive electrical systems (including ignitions, starters, automatic windows, power door locks, headlights and GPS) and air conditioning. They are currently located in Castro Valley and would like to relocate to the subject property. The property, located at the southwest corner of Mission and Sunset Boulevard, was originally developed in 1946 and housed an auto dealership with a showroom in front and service area in the rear.

The property was last used as a used car and truck sales lot. Minor auto repair in conjunction with used car sales ceased six years ago. The applicant would like to re-establish minor automobile repair at the site and hopes the new location will help him expand his business. The applicant states that the shop would be open Monday through Friday from 8 am to 5 pm.

Approval of a conditional use permit is required for minor automobile repair in the Central City - Commercial District (CC-C). Automobile electrical and air conditioning repair is classified as minor automobile repair. A conditional use permit gives surrounding property owners and residents an opportunity to provide comments regarding the proposed use.

The surrounding area contains a mixture of uses. Across Mission Boulevard, on the northeast corner of Sunset Boulevard is a used car lot, and on the southeast corner a major auto repair business. Across Sunset Boulevard on the northwest corner of Mission is a commercial building that houses a market and beauty supply store. Adjacent to the west property line is a single-family dwelling and a church parking lot. Adjacent to the south property line is two-story mixed use building housing a bicycle shop at the street level and residential units above and to the rear. The Montgomery Street residential neighborhood is located to the west, and the Prospect Hill neighborhood is to the east.

DISCUSSION:

The conditional use permit is required to ensure harmony with the surrounding area and compliance with City policies. The proposed site is located on the City's northern end of Mission Boulevard which is interspersed with used car lots, auto repair shops and automotive parts stores. Minor automobile repair is compatible with these uses, will provide a service to proximate residents, and will enhance the economic vitality of this portion of the Mission Boulevard corridor.

Though the parking lot and building's walls provide separation of the repair shop from the adjacent properties, noise and fumes could become an issue. To address concerns about noise, the hours of operation have been restricted to 7:30 am to 5:30 pm Monday through Saturday as conditioned. Although the applicant plans to operate 8 am-5 pm, Monday to Friday, this condition gives customers time to drop off and pick up cars before and after work and the option to open on Saturdays if the applicant desires to adjust his hours of operation in the future. And though, it is not anticipated that electrical and air conditioning work would not cause significant fumes or odors, it has been conditioned that all repair work shall be done inside the building. In addition, to screen the facility from the church and adjacent residences, one 15-gallon tree would be planted approximately every 20 feet as conditioned.

The applicant proposes to enhance the parking area with new landscape planters on each side of the driveway. Street trees, shrubs and groundcover will be planted which will screen the parking area and improve the streetscape. To further enhance the site, the applicant will store classic and custom cars in the showroom. Staff believes that the use is suited for the area and the landscape improvements will improve the property. Staff is satisfied with the measures to minimize conflicts with the adjacent uses and therefore supports the application.

Conditional Use Permit Findings -

In order for the Conditional Use Permit to be approved, the following findings must be made.

A. *The proposed minor automobile repair is a use that is desirable for the public convenience or welfare.*

The minor automobile repair would be desirable for the public convenience in that it would provide residents of Hayward and the surrounding area with an automobile repair business that specializes in electrical and air conditioning systems.

B. *The proposed use will not impair the character and integrity of the surrounding neighborhoods.*

The automobile repair will not impair the character and integrity of the surrounding neighborhood in that it is located vicinity of other automobile uses. In addition the new entry driveway landscape planter will screen the parking lot and the display of classic cars will draw interest to the site. Furthermore, the hours of operation will be limited to 7:30 am to 5:30 Monday through Saturday.

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

The electrical automobile repair, as conditioned, would not be detrimental to the public health, safety or general welfare as the facilities would be required to be in compliance with California Building and Fire Code which would include yearly inspection by the Fire Department.

D. *The proposed electrical automobile repair will be in harmony with applicable City policies as well as the intent and purpose of the zoning district involved.*

The electrical automobile repair is a conditionally permitted use in the Central City – Commercial District and the business will enhance the economic vitality of surrounding area. In addition the site will be enhanced, the parking area will be screened with landscaping and all repair work would be done in the building

Environmental Review -

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities.

PUBLIC CONTACT

On April 19, 2010, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Staff received one response opposing the minor automobile repair citing concerns about automobile pollution. The homeowner lives around the corner on Montgomery Street would like to see a more neighborhood friendly use at the subject site.

On May 17, 2010, a Notice of Public Hearing for the Planning Commission meeting was mailed. Staff did not receive additional public comment.

NEXT STEPS

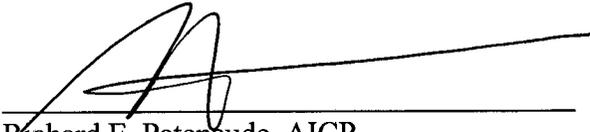
A 10-day appeal period would follow the Planning Commission's decision. If the decision is appealed, the City Council will make the final decision.

Prepared by:



Carl T. Emura, ASLA
Associate Planner

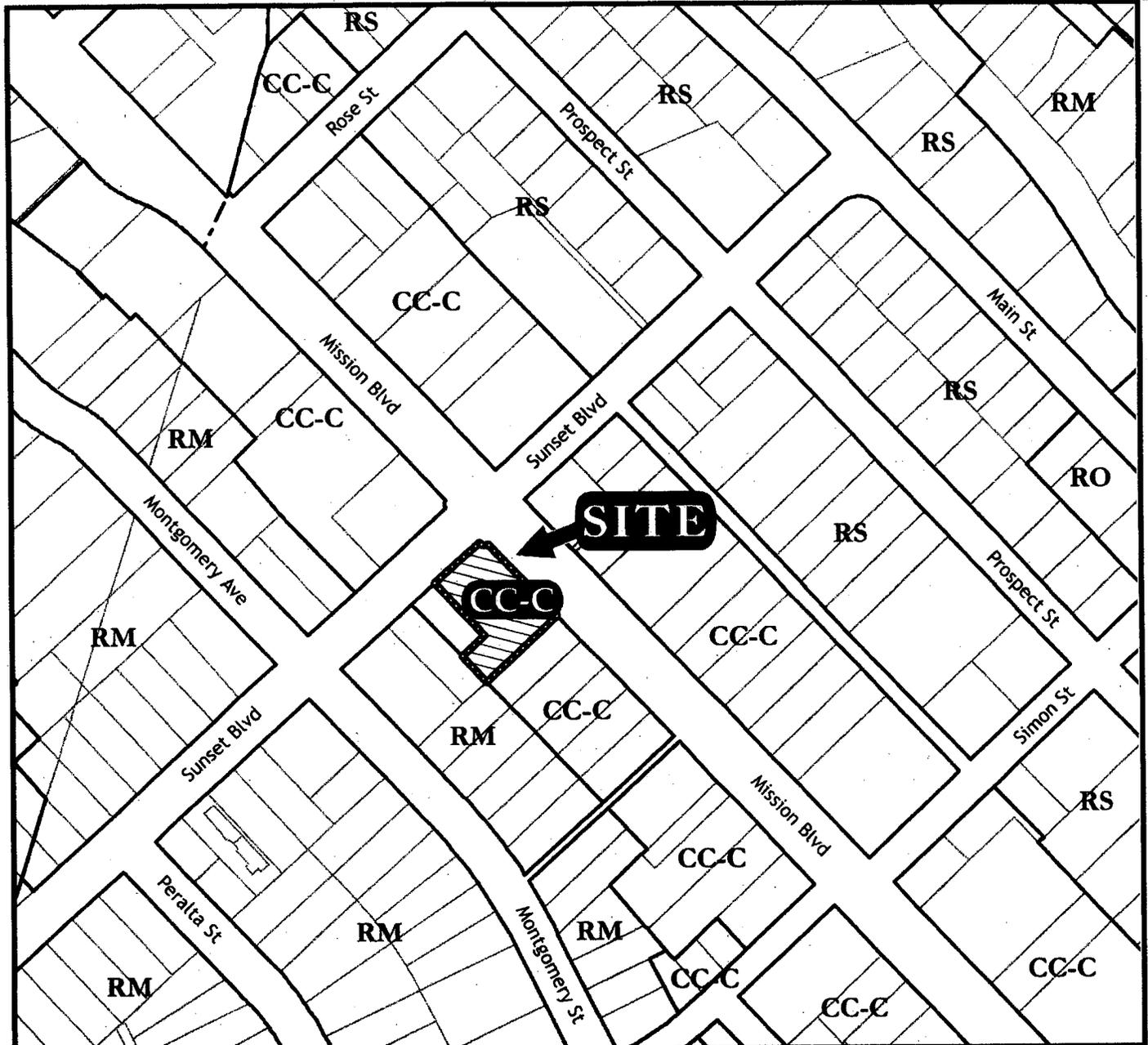
Recommended by:



Richard E. Patenaude, AICP
Planning Manager

Attachments:

- Attachment I: Area Map
- Attachment II: Findings for Approval
- Attachment III: Conditions of Approval
- Attachment IV: Email from Ms. Patricia Bengston-Jones dated 4/26/10
Plans



Area & Zoning Map

PL-2010-0129 CUP

Address: 22101 Mission Boulevard

Applicant: Kim & Ryan Thomason

Owner: Georgia Deterra

Zoning Classifications

RESIDENTIAL

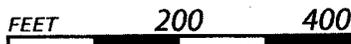
RS Single Family Residential, min lot size 5000 sqft

COMMERCIAL

RO Residential Office

CENTRAL CITY

CC-C Central City - Commercial



**CITY OF HAYWARD
PLANNING DIVISION
CONDITIONAL USE PERMIT APPROVAL**

May 27, 2010

CONDITIONAL USE PERMIT APPLICATION NO. PL-2010-0129: Ryan and Kim Thomason, M & F Auto Electric and Repair (Applicant)/Georgia Deterra (Owner) - Request to Allow Electrical Automobile Repair

The Property Is Located at 22101 Mission Boulevard in the Central City - Commercial (CC-C) Zoning District (APN 428-0036-029-00)

FINDINGS FOR APPROVAL

- A. Approval of Use Permit Application No. PL-2010-0129 to allow to use the property for the electrical automobile repair in the Central City - Commercial District is exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (e), Existing Facilities, of the CEQA Guidelines.
- B. The electrical automobile repair would be desirable for the public convenience in that it would provide residents of Hayward and the surrounding area with an automobile repair business that specializes in electrical systems.
- C. The electrical automobile repair will not impair the character and integrity of the surrounding neighborhood in that it is located vicinity of other automobile uses and it is located vicinity of other automobile uses. In addition the new entry driveway planter will screen the parking lot and the display of classic cars will draw interest to the site.
- D. The electrical automobile repair, as conditioned, would not be detrimental to the public health, safety or general welfare as the facilities would be required to be in compliance with California Building and Fire Code which would include yearly inspection by the Fire Department.
- E. The proposed electrical automobile repair will be in harmony with applicable City policies as well as the intent and purpose of the Central City – Commercial District in that the electrical automotive repair is a conditionally permitted use and business will enhance the economic vitality of surrounding area. In addition the site will be enhanced, the parking area will be screened with landscaping and all repair work would be done in the building.

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PLANNING DIVISION
CONDITIONAL USE PERMIT APPROVAL
May 27, 2010**

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This permit becomes void three years after the effective date of approval, unless prior to that time, improvements to the site, as conditioned, have been completed. A request made to the Planning Director for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to May 27, 2013.

CONDITIONS OF APPROVAL

1. Any modification to the approved plans or conditions shall require review and approval by the Planning Director.
2. The owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Graffiti shall be removed within 48 hours after occurrence.
3. All building signage shall comply with City's Sign Regulations.
4. Security bars shall not be installed on the exterior of the building.
5. Classic cars, custom cars or other automobile related products shall be on display in the showroom at all times.
6. The automobile repair operation shall not open before 7:30 am Monday-Saturday. The automobile repair operations shall close by 5:30 pm. The automobile repair operation shall be closed on Sundays and Holidays.
7. Noise from the auto repair establishment shall not exceed 60 decibels at the westerly property lines.
8. All vehicles to be serviced or picked up shall be stored on the property. On-street parking of these vehicles shall be prohibited.
9. The interior width of the new entry planters shall be a minimum of four feet. Two 24-inch box street trees shall be provided in the new entry planter. Shrubs and groundcover shall also be provided in the planters. Shrubs should grow to a maximum height of 30 inches in two years to screen the parking lot. Tree, shrubs and groundcover species shall be approved by the Planning Director and installed prior to occupancy.
10. The proposed landscape area shall be design to be used as treatment for surface runoff.

11. Along the perimeter of the parking lot, one 15-gallon tree shall be planted approximately every 20 feet to screen the parking lot from the church and residential properties. New tree wells will be cut into the pavement and provided with irrigation. Tree species and tree wells shall be approved by the Planning Director and installed prior to occupancy.
12. The narrow planter along the south property line shall be replanted with vines, shrubs and/or groundcover. Plant material shall be approved by the Planning Director.
13. The planter at the northeast corner of the building shall be replanted. The plant material shall be approved by the Planning Director.
14. 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 Planning Director, within the timeframe established by the City and pursuant to Municipal Code.
15. The existing storm drain inlets shall be retrofitted with insert filters in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable.
16. All on-site storm drain inlets shall be labeled with "No Dumping – Drains to Bay or equivalent, using methods approved by the City.
17. Any damage and/or broken sidewalk, curb and gutter along the property frontages as determined by the City Inspector shall be removed and replaced.
18. An Encroachment Permit shall be required from Caltrans for any work along Mission Boulevard.
19. All construction or any future proposed interior tenant improvements within the building shall meet the requirements of the 2007 California Building Code (CBC) and all other applicable codes and ordinances adopted by the City of Hayward.
20. Building exiting shall meet the 2007 California Building Code (CBC), Chapter 10.
21. Address numbers for the building shall have a minimum height of 6 inches on a contrasting background and shall be located so as to be visible from the street.
22. Portable fire extinguishers with the proper ratings (2A:10BC) shall be required within the building.
23. Hot works shall be regulated by the Hayward Fire Department. Welding or other type of open flame processes shall require an annual fire department permit. Hot works operations shall meet the proper safety requirements as dictated by the 2007 California Fire Code (CFC).
24. All automobile repair shall be conducted within the building.
25. No spray painting operations shall be permitted.
26. Interior storage of automobiles shall adhere to 2007 CFC guidelines which include fuel removal of the vehicle and battery disconnect.

27. A chemical inventory shall be required to identify what hazardous materials may be used and/or stored within the new service building.
28. Any installation(s) of above ground tanks storing flammable or combustible liquids shall be approved by the Hayward Fire Marshal.
29. A Hazardous Materials Storage Permit and other regulatory permits involving the use and/or storage of hazardous materials on site will be required by the Hayward Fire Department. The business shall obtain such permits prior to Certificate of Occupancy.
30. Removal of existing hydraulic automobile lifts shall require a closure permit from the Office of Hazardous Materials.
31. The applicant shall install a Reduced Pressure Backflow Prevention Assembly on the domestic water meter, per City Standard SD-202 if one has not already been installed.
32. If it comes to the attention of the Planning Director that there are problems occurring as a result of the automobile repair establishment, the Director may call the use permit up to the Planning Commission for consideration of imposing additional conditions or revocation.

Carl Emura

From: pbengjsculptor@aol.com
Sent: Tuesday, April 27, 2010 6:09 PM
To: Carl Emura
Subject: pl-20100129 CUP

Dear Mr. Carl T. Emura,

I would like to comment about the project around the corner from Montgomery. I've lived at 22123 Montgomery since 1984. I believe that site and structure deserves a better resolution of use. The air pollution, from even minor automobile repair is too much.

As I live beside a person that repairs cars, any hour, fumes come into our home.

I think a better cleaner project would be better for the area and more neighborhood friendly.

Sincerely,

Patricia Bengtson-Jones