



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/20/01  
Agenda Item 5

**TO:** Planning Commission

**FROM:** Erik J. Pearson, AICP, Associate Planner

**SUBJECT:** **Conditional Use Permit Application No. 2001-0105 – Phil Acton for East Bay Motorsports, Inc. (Applicant); Mahesh K. Puri (Owners):** Request to Establish a Yamaha Recreation Vehicle Dealership and to allow an ancillary parking Lot in a Residential Zone District. The property is Located at 27156 Foothill Boulevard in the General Commercial (CG) and Medium-Density Residential (RM) Zoning District.

### RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*; and
2. Approve the use permit, subject to the attached findings and conditions of approval.

### BACKGROUND:

This property has been used for a furniture store and is currently occupied by a Goodwill thrift store. The front portion of the site has been zoned CG (General Commercial) since 1959 when the City's first Zoning Ordinance was adopted. In 1994 the rear portion of this and adjacent lots were rezoned from CG to RM (Medium Density Residential) as a result of recommendations by the North Hayward Neighborhood Task Force. The Task Force noted that a previous study by a consultant had suggested that surplus land left from the construction of the planned Route 238 freeway be used for residential development in this area; the undeveloped portion of this property could be made available for such use. The existing parking lot on the rear portion is accessed by a driveway off Foothill Boulevard along the northerly side of the building.

The property is located on Foothill Boulevard, in the North Hayward Neighborhood. The site is bordered on the north by Hayward Tool and Equipment, to the south by the Super 8 Motel and to the east by a steep, open hillside with homes located in the County, upslope in the distance. The future Highway 238 freeway corridor lies just to the east of the property.

## Project Description

This proposal is for the establishment of a recreational vehicle dealership selling motorcycles, all-terrain vehicles and other personal size vehicles. All display and storage will be inside the existing building with a repair shop on the mezzanine level. Because the site slopes down toward the Foothill Blvd, the repair area is accessed at the rear of the building close to ground level.

The parking lot will be improved significantly with new landscaping, trees and restriping. The building's appearance will also be upgraded with new paint and tiles, a new parapet over the entry and upgraded landscaping between the front of the building and the sidewalk. The site plan indicates that the eucalyptus trees on the eastern portion of the site will be removed. There is no reason to remove these trees at this time, and a condition of approval would prohibit removal without justification by a qualified arborist. Furthermore, a condition of approval requires the unimproved slope to be stabilized and enhanced with an appropriate groundcover.

## Discussion – Use Permit

The front portion of the property and the existing building is zoned CG (General Commercial). The rear of the site is zoned RM, however only the parking lot is located in the RM District. The CG District allows vehicle sales with the approval of a conditional use permit. The RM District also allows a parking lot with the issuance of an administrative use permit.

The General Plan designation for the site is CHDR (Commercial/High Density Residential), which is intended for general commercial businesses that are compatible with high-density residential development. The North Hayward Neighborhood Plan states that vehicle sales should be discouraged along this section of Foothill Boulevard. However, staff believes the use will not be inconsistent with the Plan because the proposed store is unique to the area and is not the typical outdoor vehicle sales business intended to be excluded. The recreational vehicle dealership will have specialty vehicles and related sporting merchandise all displayed inside the building with large storefront windows to attract the public traveling along Foothill Boulevard.

The parking lot is bordered by a hardware store building on the north side and the parking lot of the motel on the south side. The continued use of the parking lot in the RM zoning district is compatible with the General Plan as it supports the continued use of the building for retail commercial use. The lot has been in use since prior to the current zoning and is not expected to be a suitable site for residential development in the foreseeable future.

The Neighborhood Plan requires new development to be compatible with a Mediterranean theme based on the existing olive trees, off-white stucco and natural tile roofs. The design of the modernistic building will be modified with the addition of architectural elements to bring it into conformance. Staff has worked closely with the applicant and his architect to arrive at the proposed design of the parapet shown on the elevations. The shape of the parapet is derived from classical shapes used in historic Mission style architecture. The architect has also made an effort to use colors and materials consistent with this theme. Large square ceramic tiles are proposed for the front of the building at the corners and adjacent to the entry to replace the existing stone veneer.

The existing parking lot has 40 spaces. The proposed vehicle sales in a building of this size would require a total of 86 parking spaces. With 30 percent of the spaces proposed as compact spaces, the applicant has been able to redesign the parking lot with the addition of a trash enclosure and new landscaping while maintaining a total of 40 parking spaces. The existing retail store would require one parking space for each 225 square feet of gross floor area and the proposed dealership is required to have one space for each 250 square feet of gross floor area, with a lesser requirement for the service area. Because the proposed use is less intensive than the existing use in terms of required parking, the applicant is not responsible for providing additional parking. As a retail use, the existing parking lot has not been overtaxed. It is not expected that this specialty store would do so either, and there should be no impact to the immediate area.

An 8-foot-high wrought iron gate is proposed for the north side of the building where there is currently a chain link gate with barbed wire. The applicant has requested the gate to ensure security at the rear of the building and so that loaded delivery vehicles can be left in the parking lot over night. The gate, as proposed, is not permitted by the City's Security Gate Ordinance due to the required vehicle turn-around. It has been made a condition of approval that any gates meet all requirements of the Ordinance.

The applicant has requested to keep the existing pole sign on the roof of the building to obtain maximum public exposure. The sign is nonconforming per the current sign ordinance. A condition of approval requires that the sign be removed.

#### **ENVIRONMENTAL REVIEW:**

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

#### **PUBLIC NOTICE:**

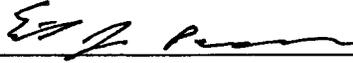
On July 26, 2001, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the North Hayward Neighborhood Plan Task Force members. The Referral Notice provided an opportunity for persons to comment on the project. Staff received no comments from the public regarding the project.

On September 8, 2001, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the North Hayward Neighborhood Plan Task Force members. In addition, a public notice sign was placed at the site prior to the Public Hearing to help notify neighbors and interested parties residing outside the 300-foot radius.

**CONCLUSION:**

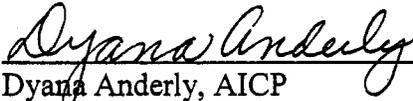
The proposed project is consistent with adopted land use policies of the General Polices Plan and the North Hayward Neighborhood Plan. The project also meets all applicable requirements of the Zoning Ordinance and other applicable ordinances.

*Prepared by:*



Erik J. Pearson, AICP  
Associate Planner

*Recommended by:*



Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval for Use Permit 2001-0105
- C. Conditions for Approval for Use Permit 2001-0105
- D. Plans (Architectural and Landscaping)



**FINDINGS OF APPROVAL**

**CONDITIONAL USE PERMIT APPLICATION NO. 2001-0105**

**Phil Acton for East Bay Motorsports, Inc. (Applicant)**

**Mahesh K. Puri (Owner)**

**27156 Foothill Boulevard**

**Request to establish a recreational vehicle dealership.**

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*; and
- B. The proposed project is a unique business not found elsewhere in the City and is desirable for the public convenience and welfare; and
- C. The proposed recreational vehicle dealership will not impair the character and integrity of the zoning district and surrounding area in that the design and materials incorporated in the buildings and the landscaping improvements will enhance and be complementary and compatible with the architectural character of the surrounding commercial area incorporating Mission-style architectural elements required by the North Hayward Neighborhood Plan; and
- D. The proposed project will not be detrimental to the public health, safety, or general welfare in that the proposal will meet all requirements of all applicable Zoning, Building and Fire codes; and
- E. That the proposal is compatible with the policies and strategies of the General Plan and North Hayward Neighborhood Plan in that the site is intended for general commercial businesses that are compatible with high density residential development, which the project satisfies. This recreational vehicle dealership will display its specialty vehicles and related sporting merchandise within the building and not in outdoor sales lots.

## CONDITIONS OF APPROVAL

### CONDITIONAL USE PERMIT APPLICATION NO. 2001-0105

Phil Acton for East Bay Motorsports, Inc. (Applicant)

Mahesh K. Puri (Owner)

27156 Foothill Boulevard

#### General:

1. Application No. **PL-2001-0105** is approved subject to the conditions listed below. This permit becomes void **one year** after the effective date of approval, unless prior to that time a building permit application has been accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division **15 days** prior to the above date.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
4. Prior to final inspection/occupancy, all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
5. Any new roof-top mechanical equipment shall be screened from public view.
6. All storage, display and repair shall be conducted indoors.
7. All signs shall comply with the Sign Ordinance regulations for the General Commercial Zone District.
8. The existing roof mounted pole sign shall be removed prior to issuance of any building permits or sign permits.
9. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties.

10. Lighting in the parking areas and exterior walkways shall conform to the Security Ordinance and be controlled by photocells. The lighting plan shall be approved by the Planning Director.
11. Windows shall remain visually unobstructed by merchandise per Section 10-1.1045(v) of the Zoning Ordinance.
12. Not more than 25 percent of the surface area of any window or door shall be covered by any temporary or permanent sign per the City's Sign Regulations.
13. Violation of conditions is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

**Landscaping Conditions:**

14. Landscape plans shall comply with the minimum landscape requirements in the General Commercial Zoning District.
15. Landscape plans shall be revised to incorporate the following:
  - a. Landscape planters shall be a minimum of 5 feet wide (interior dimension)
  - b. Planters shall be provided around the trash enclosure.
  - c. Groundcover shall be planted in all planters and on the undeveloped slope easterly of the parking lot.
  - d. Additional shrubs shall be planted in all planters to fill the place up.
  - e. Dead and/or missing plants shall be replaced in the front of the building.
  - f. Large trees shall be used along the rear of the building.
  - g. Trees along retaining wall shall be spaced between 25-40 feet on center, depending on species of trees.
  - h. Pavement shall be removed and planting restored at the front of the building at area between the Motel and the building and the driveway and the building.
  - i. The planter along wall from spaces 10 through 23 shall be widened to five feet.
  - j. Tree wells protruding into the parking spaces shall be used on the east side of the parking lot.
16. Landscape Plans shall be reviewed and approved by the City Landscape Architect prior to issuance of a building permit.
17. 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.
18. Existing trees within the undeveloped portion of the property shall not be removed without justification provided by a qualified arborist. A tree removal permit is required

prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

19. Landscape improvements shall be installed according to the approved plans and inspected by project Landscape Architect. All correction items shall be completed prior to submitting a Certificate of Substantial Completion form and scheduling a City Landscape Inspection with the City Landscape Architect. Landscape Inspection must be approved by the City Landscape Architect prior to issuance of a certificate of occupancy.

**Engineering:**

20. Prior to the issuance of any building permits, a Certificate of Merger application shall be approved by the City Surveyor and the merger document recorded in the Alameda County Recorder's office.
21. The on-site paving shall be replaced or repaired to the satisfaction of the City Engineer.
22. The street frontage shall be repaired as determined by the City Engineer. All work within the Foothill Boulevard right-of-way will require an encroachment permit from Caltrans and the City of Hayward.
23. The on-site drainage system shall function to the satisfaction of the City Engineer. All on-site inlets shall be equipped with a fossil filter or other means of oil/water filtering as approved by the City Engineer.
24. The proposed security gate must be designed to meet the City of Hayward's Security Gate Ordinance including the provision for a turnaround area to prevent cars from backing into public streets.
25. The handicap parking shall be designed to meet Title 24 including van accessible parking requirements.

**Fire Department:**

26. No welding shall occur within the repair shop. A letter from the applicant agreeing to this requirement shall be submitted to the Fire Department.
27. Tire storage will be occurring within a 250 square foot room. Tires are allowed to be stored to 2' below the roof, since area of storage is less than 500 square feet.
28. Tire racks will require a separate building permit and fire permit if over 6' high.
29. Shelving used for parts storage shall not exceed six feet in height unless a building permit has first been issued.
30. No fuel dispensing shall occur within the building. The applicant shall obtain necessary permits from the Fire Department for any future outside tanks.

31. Building address shall contrast with the building background and the numbers/letters shall have a minimum height of 6" with a ½-inch stroke per UFC 10.301a.

**Water Pollution Source Control:**

32. Compressor condensate shall discharge to an oil/water separator, and then to the sanitary sewer. Alternately, condensate shall be allowed to evaporate or shall be properly manifested, contained, and removed from the site. Condensate shall not be discharged to the storm drain.
33. Any exterior painting, plaster, or grouting shall be completed in weather conditions that will allow the materials to dry prior to rainfall. In all weather conditions, prevent runoff of these materials to the storm drain.
34. Loading dock areas shall be designed to minimize stormwater run-on or runoff from the area. If significant volumes of liquid materials, or lesser volumes of hazardous materials are unloaded, the facility may be required to install shut off valves or other controls.
35. The only acceptable sanitary sewer discharge shall be from normal potable water usage, such as bathroom wastewater, or employee breakroom wastewater. The compressor condensate listed above shall also be acceptable discharge if properly pretreated to remove oil and grease from the discharge.
36. All on-site storm drain inlets shall be clearly stenciled "No Dumping, Drains to Bay."
37. All on-site storm drain inlets or catch basins shall be cleaned at least once per year immediately prior to the rainy season. Additional cleaning may be required by the City.

**Solid Waste & Recycling:**

38. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 7/17/01.
39. A Debris Recycling Statement must be approved prior to issuance of a building permit.
40. A trash enclosure shall be constructed at the location as depicted on the site plan. The trash enclosure shall be constructed of a decorative 6-foot-high masonry wall, which incorporates the architectural style, color and materials of the primary structure(s), with a solid and lockable, decorative metal access gate. The enclosure shall include internal concrete curbs to protect the side walls. The enclosure shall provide for an equivalent amount of space for recycling containers as for trash containers. The final design shall be approved by the Planning Director prior to the issuance of a building permit.
41. The applicant shall work with the Solid Waste and Recycling Division to design the trash enclosure to meet maximum slope requirements.
42. No outside storage of materials, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure as permitted by the fire code.

**Oro Loma Sanitary District:**

43. Design review fees, connection fees, permit fees, inspection fees, and any other fees charged by the District for the review, approval, permitting and inspection of the proposed development shall be paid by the Developer.
44. Pursuant to Government Code Section 66020, including Section 66020 (d) (1), the District HEREBY NOTIFIES the applicant for this Project that the 90-day approval period (in which the applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If the applicant/property owner fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, they will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
45. Prior to issuance of any building permits for the project, the Developer shall submit to the District Engineer, an estimate of the cost of all work and improvements to be performed, both within the public rights-of-way and the project boundaries.
46. Prior to the issuance of any building permits for the project, the Developer shall obtain a Permit from Oro Loma Sanitary District prior for work within the District right-of-way or facilities.
47. Any existing pipelines or structures, that are to remain after development, if damaged during construction, shall be replaced to the satisfaction of the District Engineer.
48. To control both during and post construction storm water pollution, the Developer shall comply with the regulations and provisions contained in the National Pollutant Discharge Elimination System (NPDES), to the satisfaction of the District Engineer and the Regional Water Quality Control Board.
49. Sanitary sewer is available within the project site. The applicant, at its cost, shall provide capacity analysis of the affected sanitary sewer system and provide alternative solutions if capacity deficiencies exist. If upsizing of the system is required, the Developer shall construct the required improvements as part of the subdivision improvements. Any approved sewer system upgrades shall be completed prior to issuance of the first occupancy permit.
50. The Developer shall install manhole(s) at the point(s) of connection to public sewers to clearly demarcate maintenance responsibilities of the sanitary sewer lines and appurtenances or as directed by the District Engineer.
51. This is a general plan of development. All details of design and construction of the sanitary sewer are subject to the approval of the District Engineer.