



CITY OF HAYWARD AGENDA REPORT

Meeting Date: 9/19/02

Agenda Item: 1

TO: Planning Commission

FROM: Richard Patenaude, Principal Planner

SUBJECT: Appeal of Planning Director's Denial of Administrative Use Permit Application No. PL-2002-0172 – By The Bay Investments (Applicant) / Big "O" Tires (Owner): Request to Provide Parking for a Proposed Carl's Jr. Restaurant on an Adjacent Lot

The Property Is Located at 28030 Mission Boulevard between Webster and Hancock Streets in the CG (General Commercial) District

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from environmental review and uphold the Planning Director's action and deny the appeal, subject to the attached findings.

BACKGROUND:

The Planning Commission approved the proposed Carl's Jr. restaurant on July 13, 2000. It was depicted to be part of a project that spanned the entire block along Mission Boulevard between Hancock and Webster Streets. The anticipated tenants included the restaurant, a *Big "O" Tires* auto service center, and an *AutoZone* auto parts retailer. Although each tenant was approved under separate permit, the project anticipated shared parking through the use of common parking and access agreements. The restaurant is not able not provide the required parking on its site alone; the other tenants would have been able to provide an excess number of spaces so that the project as a whole would have provided adequate parking. However, *Big "O" Tires* and *AutoZone* later withdrew from the project. The City has not been able to issue a building permit to *Carl's Jr.* as adequate parking cannot be provided. Therefore, the restaurant applied for an Administrative Use Permit for a *parking lot* on the adjacent property still owned by *Big "O" Tires* to provide the additional nine parking spaces required.

The Planning Director denied the request for the Administrative Use Permit on April 30, 2002. There is currently uncertainty regarding the long-term use of the *Big "O" Tires* property. A building permit was accepted by the City but was later cancelled by the Building Official due to inactivity. Until there is certainty regarding the future use of the property, the City cannot

evaluate the impact of this request on a long-term basis. Without knowing the specific user of the *Big "O" Tires* property, and having the ability to review plans associated with that parcel, it cannot be known whether an adequate number of parking spaces would be provided for both the restaurant and the future user. Future use of this parcel could be severely limited by committing a certain number of parking spaces to the restaurant at this time. The "remainder" piece of land between the proposed parking lot and the street could create an undesirable vacant parcel.

The original joint project anticipated that the parking areas would be screened primarily by the buildings, as called for by the City's *Design Guidelines*. While it may be located in an area originally proposed for parking, the parking lot would be exposed to the Mission Boulevard frontage. Significant landscaping would have to be installed between the street and the parking lot, and these improvements would have to be removed when the property is developed in the future. Without development plans for the *Big "O" Tires* site, the joint design and circulation issues cannot be planned effectively and this impairs the integrity of the neighborhood. It was anticipated that the joint project would be served by driveways from both Webster and Hancock Streets and balance out the traffic impact. Its development potential in light of needing to provide parking for the restaurant is not known and the creation of undevelopable parcels is not in harmony with City policies.

The City understands that *Big "O" Tires* may again be planning to build its auto service center. Staff believes that it would be more appropriate to address this parking issue once new plans have been received from *Big "O" Tires*; should its building be constructed, the AUP might not be necessary. Staff has also been meeting with the owner of the adjacent property at the corner of Mission Boulevard and Hancock Street regarding its development with a 45-room hotel. To date, the hotel proponent has been unable to show that adequate parking can be provided without also impacting the adjacent properties. It is possible that the *Big "O" Tires* property will need to provide the "overflow" parking for both the restaurant and the hotel, and approving this project makes it difficult to cohesively plan this block.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15304, Minor Alterations to Land.

PUBLIC NOTICE

On September 6, 2002, a Notice of Public Hearing for the Planning Commission meeting was mailed to all property owners and residents within 300 feet of the project site. Three responses expressing opposition to the project were received following the earlier notification of receipt of application: two by e-mail (attached), and one verbal from the property owner to the immediate west.

CONCLUSION

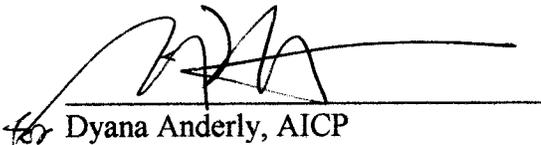
Staff recommends that the Planning Commission uphold the Planning Director's denial of the Administrative Use Permit as 1) it cannot be shown that the parking lot is desirable or adequate for the public convenience or welfare, 2) the lot will impair the character and integrity of the surrounding area, and 3) the lot is not in harmony with City policies and the intent and purpose of the General Commercial (CG) zoning district. Should the Planning Commission wish to approve this project, staff will have to return to the Commission with conditions of approval.

Prepared by:



Richard E. Patenaude, AICP
Principal Planner

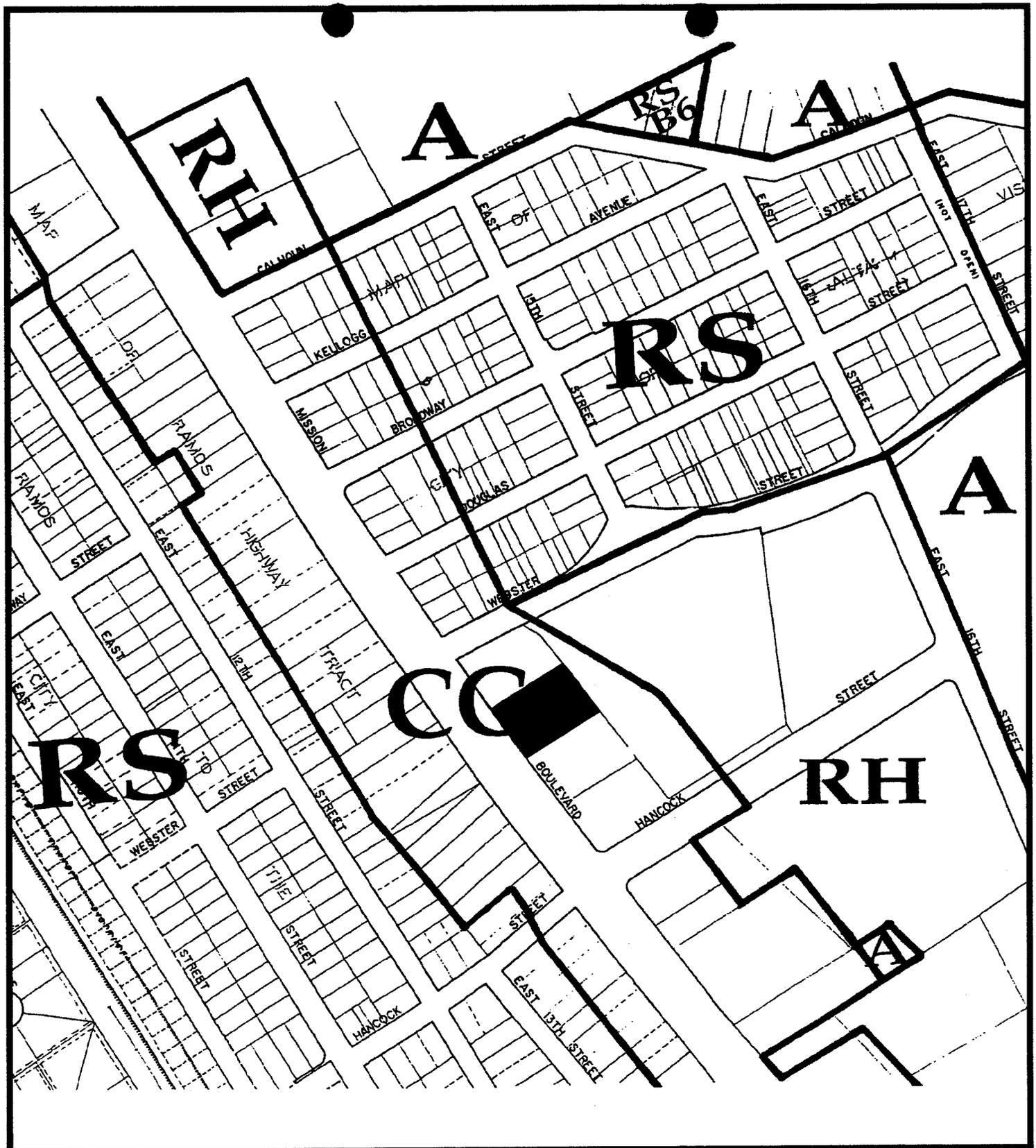
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Denial
- C. Public Responses
Plans



Area & Zoning Map

PL-2002-0172 AUP

Address: 28030 Mission Blvd.

Applicant: By the Bay Investments

Owner: Big 'O' Tires

**CITY OF HAYWARD
PLANNING DIVISION
September 19, 2002**

ADMINISTRATIVE USE PERMIT APPLICATION NO. PL 2002-0172 – BY THE BAY INVESTMENTS (APPLICANT) / BIG “O” TIRES (OWNER)– Request to Provide Parking for a Proposed Carl’s Jr. Restaurant on an Adjacent Lot

The Property Is Located at 28030 Mission Boulevard between Webster and Hancock Streets in the CG (General Commercial) District

FINDINGS FOR DENIAL

- A. The project proposed by Administrative Use Permit Application No. PL-2002-0172, a parking lot for a proposed Carl’s Jr. Restaurant, will have no significant impact on the environment, cumulative or otherwise. This project is exempt from the provisions of California Environmental Quality Act pursuant to Section 15304, Minor Alterations to Land.
- B. The parking lot is not desirable for the public convenience or welfare in that the parking lot will create an undesirable vacant “remainder” piece of property between it and Mission Boulevard that will not comply with the City’s Design Guidelines and that cannot be properly planned for a future use.
- C. The parking lot will impair the character and integrity of the General Commercial District and the surrounding area in that cohesive planning for this block of land is not possible without knowledge of the uses proposed for the adjacent properties and without review of the plans for such proposed projects; the approval of parking for the restaurant may limit the potential use(s) of the adjacent properties in that it commits the use of a minimum area of land.
- D. The parking lot will be detrimental to the public health, safety or general welfare in that it will be visible from Mission Boulevard. The City’s Design Guidelines provide for screening of parking lots with both structures and landscaping; a vacant parcel of land will be left between the parking lot and Mission Boulevard, which may not be able to be sufficiently landscaped to screen the parking lot. The project also creates an undesirable vacant “remainder” piece of property between it and Mission Boulevard that cannot be properly planned for a future use.
- E. The parking lot is not in harmony with applicable City policies and the intent and purpose of the General Commercial District in that it will be visible from Mission Boulevard and an undesirable vacant “remainder” piece of property between it and Mission Boulevard will result that cannot be properly planned for a future use.

Richard Patenaude

From: meltonbro Brown [meltonbro@msn.com]
Sent: Tuesday, March 26, 2002 4:54 PM
To: Richard Patenaude
Subject: Re: Carl's jr. @28030 Mission Blvd.

Well then sir, I'm against the parking lot, so that they lose money and go out of business. then something nice can be put in it's place.

----- Original Message -----

From: Richard Patenaude
Sent: Tuesday, March 26, 2002 4:48 PM
To: meltonbro Brown
Subject: RE: Carl's jr. @28030 Mission Blvd.

Thank you for your comment. The Carl's Jr. restaurant was already approved by the Planning Commission some time ago. The current application, for which you got notice, is only for a parking lot serving the restaurant.

If you have further questions, feel free to contact me.

Richard Patenaude

-----Original Message-----

From: meltonbro Brown [mailto:meltonbro@msn.com]
Sent: Tuesday, March 26, 2002 4:44 PM
To: Richard Patenaude
Subject: Carl's jr. @28030 Mission Blvd.

Another fast food restaurant is not what was is needed in this location, especially a Carl's jr. There is already one located 3 miles away at the corner of Tennyson and Hesperian. It would be nice to see a park, a library extension, or something community related.

Richard Patenaude

From: bderych@bart.gov
Sent: Thursday, May 02, 2002 11:06 AM
To: Richard Patenaude
Subject: Carl's Jr. temporary parking!

Follow Up Flag: Follow up
Flag Status: Completed

Dear Richard,

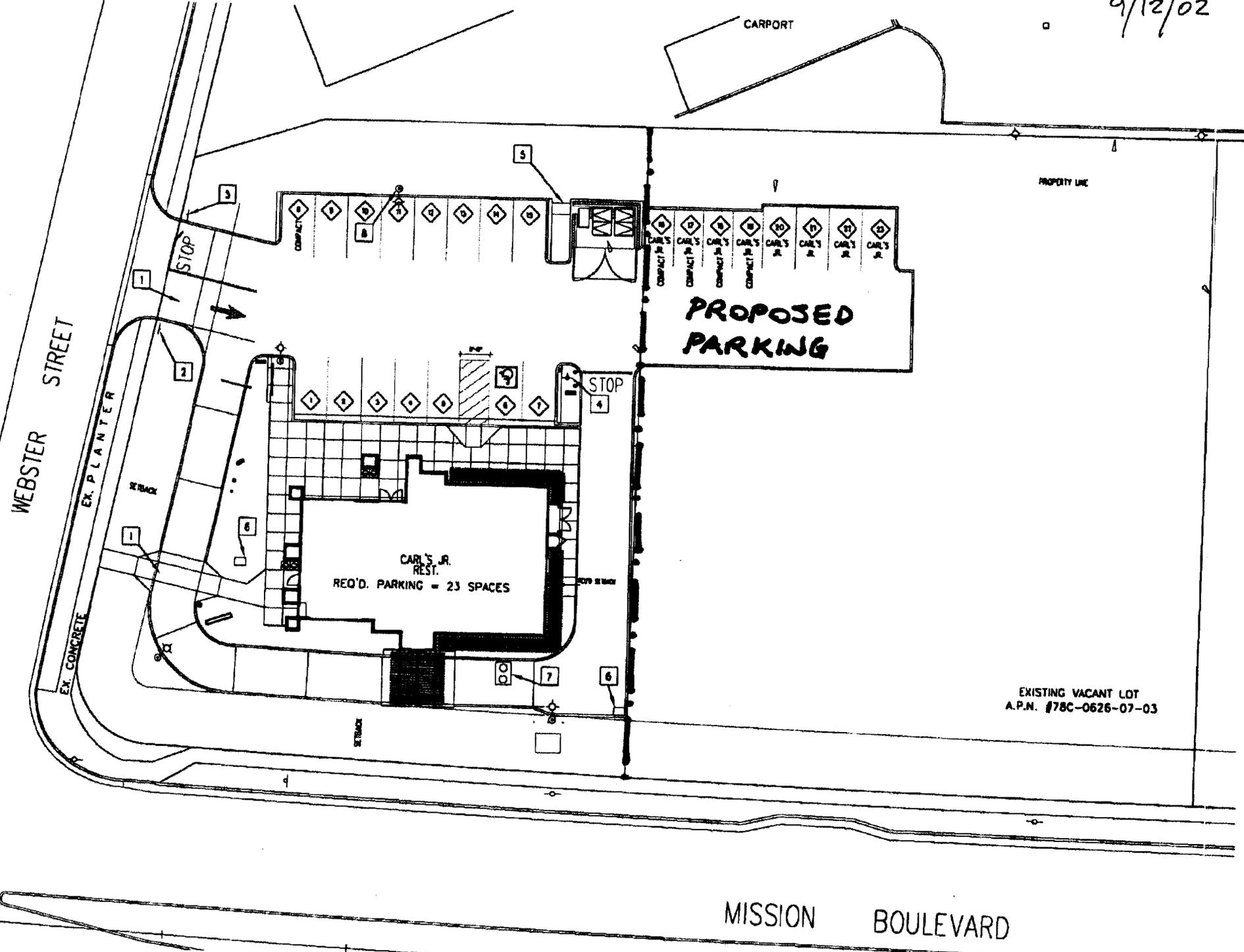
My wife and I are residents at 809 Hancock Street. We received your flyer in the mail about temporary parking for a presumably new Carl's Jr restaurant to be located on the south east corner of Webster Street and Mission Blvd. I apologize for responding so late, but better late than never!

The temporary parking is shown approximately 3/4 of the way south from Webster on the east side of Mission Blvd., just north of Hancock Street. I don't know if you are aware of the traffic jam that happens at Moreau Catholic High School every morning that backs traffic up on Mission Blvd. to the south past Hancock Street, sometimes all the way to Tennyson. At this time, it is impossible to make a left hand turn and almost as difficult to make a right hand turn onto Mission Blvd. Mission Blvd. is a very busy street at almost all times during the day, making it dangerous and almost impossible to make a left hand turn from either Hancock, Webster or Broadway onto Mission. Adding an additional parking lot from a busy restaurant into this same area without proper traffic control will only make things more dangerous and compound the already existing traffic problem.

I suggest the City investigate adding a traffic signal either to the Hancock/Mission or the Webster/Mission intersection, coordinated with the traffic signal already existing at the Calhoun/Mission intersection, to try to alleviate this dangerous congested traffic area. This action could be part of the traffic changes necessarily caused by adding the Carl's Jr restaurant, and the necessary temporary and permanent parking, to the corner of Webster/Mission. The cost of which could then be passed on to the developers or franchisees building the new Carl's Jr.

Thanks for listening!
Bill DeRycke

9/12/02



EXISTING VACANT LOT
A.P.N. #78C-0626-07-03

MISSION BOULEVARD

WEBSTER STREET