



# CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 04/22/99

Agenda Item 2

TO: PLANNING COMMISSION

FROM: Richard E. Patenaude, Associate Planner

SUBJECT: USE PERMIT NO. 99-160-08 - DONALD RYAN (APPLICANT), ERNEST PESTANA (OWNER): Request for a use permit to re-open an automobile dealership for retail sales of used automobiles within an existing two-story 16,270-square-foot sales office/showroom building and related open display. The site address is 29000 Mission Boulevard, located 700 feet south of Tennyson Road, in a General Commercial (CG) District.

## RECOMMENDATION:

That the Planning Commission approve the use permit, subject to the attached findings and conditions of approval.

## DISCUSSION:

### Site

The site contains approximately 77,860 square feet (1.68 acres) with 419 feet of frontage on the east side of Mission Boulevard. The existing two-story automobile sales office/showroom building contains 16,270 sq.ft. and also houses a service center/parts sales facility. There are no major site modifications proposed with this application. The applicant will maintain the three existing driveway curb cuts on Mission Boulevard; only the northernmost driveway is used for customer access. The property meets the minimum parking requirements and the parking layout was designed to function adequately for an auto dealership. Most recently, this site housed a Chevrolet dealership. The existing site improvements for an automobile dealership were approved under UP #86-47. The property has been vacant for a period in excess of six months (since 12/31/97); therefore, a new use permit is required.

### Adjacent Land Use and Zoning

North - United Food & Commercial Workers Union Local 870 (union hall & business offices), zoned General Commercial (CG) District

East - Vacant property (proposed Route 238 right-of-way), zoned High-Density Residential (RH) District & General Commercial (CG) District

- South - Unauthorized recreational vehicle storage (on proposed Route 238 r-o-w), and Valle Vista Skating Center, zoned General Commercial (CG) District
- West - (across Mission Blvd.) Islander Motel, zoned Limited-Access Commercial (CL) District; Mission Bay Condominiums, zoned High-Density Residential (RH) District; P&K Auto Center and miscellaneous commercial uses, zoned General Commercial (CG) District & Neighborhood Commercial (CN) District

### Landscaping

Beginning in August 1997, Community Preservation staff attempted to have the property owner replace the dead and dying landscape materials and, thereby, achieve compliance with the originally approved landscape plan. A condition of approval requires that, prior to re-occupation of the site, a revised landscape plan, and revised irrigation plan, if necessary, shall be submitted to the Landscape Architect for approval.

### Signs

The applicant does not have specific details of any signs at this time and proposes to submit an application for a complete sign permit at a later date. The applicant will be required to submit a sign permit application, in compliance with the Sign Ordinance requirements for Auto Dealerships, to the Director of Community and Economic Development/Planning Director for review and approval prior to the installation of any sign. To ensure an attractive sign program, a condition of approval requires individual letters for the wall signs and a monument sign with a base and frame that complements the design of the building. The property owner has been asked to remove the existing illegal banners.

### Zoning, General Plan and Neighborhood Plan Consistency

The property is designated on the Zoning Map as a General Commercial (CG) District and requires use permit review and approval by the Planning Commission for retail sales of new and used automobiles. The Mission-Garin Neighborhood Plan (Policy #16) encourages, but does not prohibit, *new* car sales in this area north of the Proposed Route 238/Mission Boulevard intersection; the project proposes the sale of *used* cars.

The General Plan Policies Plan recognizes "auto row" to be that portion of Mission Boulevard between Harder Road and Orchard Avenue and seeks to consolidate and, therefore, strengthen such specialty uses. Auto dealers have claimed that the elongation of auto row has been a factor in the lack of success of a new car dealer at the subject site. While the subject site is southerly of Harder Road, it remains in the portion of Mission Boulevard that is currently characterized by automobile sales, both new and used. The Proposed Route 238 runs along the easterly side of the subject property and will cut across Mission Boulevard just to the south of it, creating a strong boundary between the auto row area to the north and the neighborhood retail area to the south in Fairway Park.

The proposal provides for re-use of an existing vacant building by its originally intended use. The previous tenant sold both new and used cars. The long-term vacancy may indicate that new car dealers indeed feel that this site will be unsuccessful for new car sales; the applicant proposes that the cars sold at this site will consist of "upscale," higher-value vehicles. The existing building may be difficult to adapt to another user given the large interior spaces devoted to the showroom and to auto repair facilities.

Staff believes the proposed project, as conditioned, is in compliance with all applicable zoning, design and performance criteria. The General Plan Policies Map designates the site as "Commercial/High Density Residential." According to the General Plan Policies Map Consistency Matrix, the General Commercial (CG) District, allowing the sales of automobiles, is consistent with the General Plan designation.

### Environmental Review

A Negative Declaration was prepared on September 18, 1986, for Use Permit No. 86-47, which allowed the existing development of the subject property. No substantial changes are proposed or are expected to occur in the current project, from that originally approved, which could require major revisions of the previous Negative Declaration; and no new information of substantial importance has been received which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Negative Declaration was adopted.

This project consists of a re-occupation of existing facilities involving no expansion of use beyond that previously existing. The State Secretary for Resources has determined that this is a class of project (Class 1) that does not have a significant effect on the environment, and is declared to be categorically exempt from the requirement for the preparation of environmental documents.

### Public Hearing Notice

On April 9, 1999, a notice of public hearing was mailed to property owners and occupants within 300 feet of the property as noted on the latest Assessor's records, and to the former Mission-Garin Neighborhood Task Force members. A member of the Mission-Garin Task Force registered opposition to the approval of this permit, emphasizing the recommendation of the Neighborhood Plan that *new* car sales be encouraged and stating that used car sales would be a detriment to the area. An adjacent property owner to the north submitted a letter of support.

### Conclusion

Staff believes the proposed project, in that it provides for re-use of a vacant site and structure for its intended original use, would be an improvement to this section of Mission Boulevard. The use would be compatible with the surrounding businesses and the neighborhood, provided the recommended conditions of approval are adopted pertaining to the landscaping, signage and operating procedures.

Prepared by:

A handwritten signature in black ink, appearing to read 'R. Patenaude', is written over a horizontal line.

Richard E. Patenaude  
Associate Planner

Recommended by:

A handwritten signature in black ink, appearing to read 'Dyana Anderly', is written over a horizontal line.

Dyana Anderly, AICP  
Development Review Services Administrator

Attachments:

- A - Findings for Approval of Use Permit
- B - Conditions of Approval
- C - Area Map

**FINDINGS FOR APPROVAL  
Use Permit Application No. 99-160-08  
Automobile Dealership  
29000 Mission Boulevard**

Based on the staff report and the public hearing record:

1. The Planning Commission finds that this project is categorically exempt (Class 1) from the preparation of environmental documents and reflects the independent judgement of the Planning Commission based on the fact that the project conforms to Article 19, Section 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines.
2. That the automobile dealership project, as conditioned, will not impair the character and integrity of the General Commercial (CG) zoning district, and surrounding area, as the use is compatible with surrounding commercial and residential land uses.
3. That the project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that it is in harmony with the Hayward General Plan land use designation (Commercial/High-Density Residential) and the existing zoning district (CG).
4. That, although the Mission-Garin Neighborhood Plan recommends that new car sales be encouraged north of the proposed Route 238 intersection with Mission Blvd., the proposed use is desirable for the public convenience or welfare since the re-establishment of the automobile dealership on this property will provide needed service within the currently-vacant structure and grounds and will provide for proper maintenance of a property located along a major thoroughfare of the City.

**CONDITIONS OF APPROVAL**  
**Use Permit Application No. 99-160-08**  
**Automobile Dealership**  
**29000 Mission Boulevard**

1. Use Permit Application No. 99-160-08, to re-occupy a 16,270-square-foot, two-story, sales office/showroom building and site improvements, for retail sales of used automobiles at 29000 Mission Boulevard, shall be subject to the description made by the staff report, plans approved by the Planning Commission on April 22, 1999, and these conditions of approval and the original conditions of approval of Use Permit No. 86-47.
2. This approval is void one year after the effective date of approval unless the automobile dealership has been re-established prior to that date. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
3. Prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
4. Prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs, all landscaping shall be restored as shown on the planting plans approved with Use Permit No. 86-47.
  - a. All missing, dead or dying (more than 30% dieback) plants shall be replaced. Replacement plants shall be of a size commensurate with the mature plants of their kind.
  - b. Trees shall be planted according to the city standard detail SD-122.
  - c. A minimum of one 15-gallon buffer tree shall be planted every 20 feet along the rear property line. Shrubs shall be planted between the trees to achieve a solid screen within 2 years.
  - d. An automatic irrigation system shall be provided to all landscaped areas. 100% coverage shall be provided.
  - e. All planting areas shall be covered with a 2" layer of bark mulch.
5. 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% dieback) 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.

6. Prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs, the property owner/applicant shall verify that the three driveways on Mission Boulevard continue to meet CalTrans' standard specifications to the satisfaction of the Director of Public Works.
7. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Permit Application to the Director of Community and Economic Development/Planning Director for review and approval, subject to the following:
  - a. compliance with the City of Hayward Sign Regulations for Auto Dealerships (Sec. 10-7.402);
  - b. the base and framing of any freestanding/monument sign shall reflect the architectural design, colors and materials of the building;
  - c. wall signs shall use individual channel letters;
  - d. directional signs shall not exceed 6 sq.ft. in area per face and 3 feet in height;
  - e. damage to wall surfaces, or any other feature, due to the removal of any sign, shall be repaired prior to the installation of any new sign(s); and
  - f. the existing illegal banners shall be removed, and all future promotional signage shall require approval of a sign permit prior to installation.
8. Prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs, all existing drainage inlets shall be retrofitted with filters to treat surface runoff prior to discharge to the storm drainage system.
9. All parking stalls and maneuvering areas, including handicapped stalls, shall meet the current minimum standards of the City Off-Street Parking Regulations. Prior to the issuance of a sign permit at this location, parking stalls shall be restriped and any compact or handicapped stalls shall be clearly marked. The parking areas shall be paved to the satisfaction of the City Engineer.
10. Automobiles for sale or storage shall be stored in the areas identified on the approved site plan. Automobiles shall be stored in such a manner as to not block driveways or driveway access for the public/customers.
11. No automobiles for sale or storage shall be parked in the required employee and customer parking spaces. The applicant shall ensure that employees do not park their personal vehicles on Mission Boulevard.
12. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer, prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into stormwater runoff.
13. The project plan measures shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

14. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to an approved collection system. The collection system is subject to the review and approval of the City Engineer prior to the issuance of a sign permit or business license at this location, whichever first occurs.
15. Prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs, all on-site storm drain inlets shall be labeled "No Dumping-Drains to Bay" using City approved stencil template.
16. Prior to the issuance of a sign permit at, or occupancy of, this location, whichever first occurs, the property owner/applicant shall indicate the location and dimensions of any existing and proposed enclosure(s) for trash and recyclables on a plan. The number and type of containers that will be used shall also be indicated. The property owner/applicant shall provide an enclosure(s) that conforms to City standards, including the retrofit of the existing enclosure, if necessary, including the following:
  - a. A 6-inch wide curb or parking bumpers shall be provided along the interior perimeter of the enclosure to protect the walls from damage by the dumpster. A 6-inch wide parking bumper, at least three feet long, shall also be placed between the dumpster(s) and any recycling container(s). A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of the enclosure and any recycling cart(s) to allow for the maneuvering of the dumpster(s).
  - b. All exterior trash enclosures, including the existing enclosure, shall be covered. The final design shall be approved by the Director of Community and Economic Development/Planning Director before occupancy. No other area shall drain into the trash enclosure.
  - c. The applicant shall provide for adequate on-site storage containers for recyclables within the buildings, including paper, glass/plastic/metal beverage containers, and other recyclables where generated.
17. The property owner/applicant shall submit, to the Solid Waste Manager, prior to occupancy, an on-site recycling plan that would be implemented during any demolition and construction phase(s). The plan must show the anticipated start and completion dates of any demolition and construction; estimate the quantities of construction and demolition waste that will be generated; and estimate the quantities of materials that will be recycled and identify the facilities that will be used.
18. The property owner/applicant shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
19. Locks and addressing shall be provided in accordance with the requirements of the City of Hayward Security Ordinance.

20. Any public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Director of Community and Economic Development/Planning Director.
21. The applicant/owner shall maintain exterior lighting for the establishment that is adequate for the illumination and protection of the premises. Lighting shall not be excessive and not shine into oncoming traffic or onto residential or motel properties across Mission Boulevard.
22. Except for automobiles, no outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes.
23. Water Pollution Source Control requirements shall include but not be limited to the following:
  - a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
  - b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.
  - c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
  - d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
  - e. All discharges and connections shall require approval from Water Pollution Source Control.
24. An exterior loud speaker system is prohibited. Paging shall be limited to the use of pagers, cell phones or other similar devices to ensure that paging does not create an audible nuisance for the residential and motel properties across Mission Boulevard.
25. The existing chain link fence, including its vinyl cladding, shall be repaired, where necessary, and maintained in good condition. All new fencing shall require the approval of the Director of Community and Economic Development/Planning Director prior to installation. Any new fencing that is in direct view of Mission Boulevard shall consist of wrought iron or other decorative metal.
26. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

AM-03

Alameda County

RMB3.5

RH

CN  
TENNYSON RD.

(NOT OPEN)

AM-78-C

BOULEVARD

PD

(PVT.)

BUCKWHEAT COURT (PVT.)

CG

MISSION BLVD.

MARINE COURT

RH

CG

CN

CL

MIST (PVT.) CT.

TRACT #1360

FR A C T  
COPPERFIELD

AVENUE

CAVALLE  
VISTA AVE.  
VALLE

ZONING/AREA MAP ■ UP 99-160-08

Donald Ryan (Appl.)  
Ernest Pestana (Owner)  
29000 Mission Blvd.