



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 10/14/99
Agenda Item 4

TO: Planning Commission

FROM: Nancy M. Hutar, Project Planner

SUBJECT: Use Permit/Variance No. 99-160-20- Gene Mautauch (Applicant), Robert Ravano (Owner) - Request to operate a mortuary next to residential uses and to allow less than the required landscape setback from the north and south property lines.

The project location is 22297 Mission Boulevard, at the northwest corner of Grace Street in a Central City-Commercial (CC-C) District.

RECOMMENDATION

It is recommended that the Planning Commission find that the project is exempt from environmental review, and approve the project subject to the attached findings and conditions.

DISCUSSION

Background and Setting

The 20,000 square-foot (0.46 acre) site is located on the northwest corner of Mission Boulevard and Grace Street. The property is rectangular in shape with a 100-foot wide street frontage on Mission Boulevard, a depth of 200 feet and a rear property width of 100 feet that abuts Pearce Street. The parcel is developed with two commercial buildings, which formerly housed a mortuary: (1) a wood-frame, 4,501 square-foot building that includes a second-story, two-bedroom residential unit located at the front of the building, and (2) a concrete block, 4,900 square-foot building that faces Pearce Street. The two buildings are separated by a breezeway. The buildings and breezeway are located at the north half of the property, almost to the property line, and the south half of the lot accommodates the parking for the site, with minimal perimeter landscaping.

The applicant proposes to occupy the buildings with a mortuary in the front building and embalming facilities in the rear building. Planning Commission approval of a use permit is required for the mortuary, because it has been longer than six months since the last mortuary occupied the site. The applicant is also seeking approval of a variance from the required landscape setbacks in order to provide the required parking for the use entirely on site.

Surrounding Uses

The project site is within the Central City - Commercial (CC-C) zoning district, where a mortuary is permitted subject to approval of a use permit. Properties across Mission Boulevard include commercial uses with scattered vacant sites. Other commercial uses are located on both sides of Mission Boulevard, with single-family and multiple-family residential uses located across Pearce Street at the rear of the site. The following table summarizes the existing uses, zoning and general plan designations for the site and the surrounding area.

SUMMARY OF DESIGNATIONS AND USES			
Area	General Plan (and North Hayward Neighborhood Plan)	Zoning	Existing Uses
Subject site	Commercial/High density Residential (CHDR)	Central City - Commercial (CC-C)	Special social services
North	Commercial/High density Residential (CHDR)	Central City - Commercial (CC-C) and Medium density Residential - Special Design Overlay District (SD-3)	Multiple-family residential
South	Commercial/High density Residential (CHDR)	Central City - Commercial (CC-C) and Medium density Residential - Special Design Overlay District (SD-3)	Previously-owned vehicle sales, parking lot
East	Commercial/High density Residential (CHDR)	Central City - Commercial (CC-C)	Multiple-family residential, parking lot, auto repair
West	Commercial/High density Residential (CHDR)	Medium density Residential - Special Design Overlay District (SD-3)	Single and multiple-family residential

Use Permit/Project Description

In order to improve the property's appearance and reduce potential impacts of noise and on street parking on the surrounding residents, the applicant proposes the following improvements to allow for the mortuary at this site:

1. The demolition of a portion of the rear building. Approximately 1,400 square feet would remain to house the embalming service with minor interior improvements required by the State and exterior finish treatment to blend the exposed wall with the remainder of the building.
2. The addition of perimeter landscaping and planting areas in the parking lot and adjacent to the buildings.
3. Painting and general exterior maintenance of the remaining buildings and removal of the pole sign.

Due to the proximity of other commercial development in the immediate area, staff believes there will be no conflict between the proposed and surrounding uses. Renovation of this facility will also enhance the immediate area and contribute to the area's economic viability.

Architecture/Design

The buildings are constructed of both wood and concrete block with a stucco finish. The applicant proposes to paint the buildings and to provide general exterior maintenance. A portion (3,500 square-feet) of the rear building will be demolished up to a bearing wall to make room for adequate on-site parking. Conditions of approval would require that architectural detailing, such as cornices, raised stucco banding and vertical elements, be incorporated on all elevations of the rear building. Submittal of construction plans and color boards has been made a condition of approval.

Parking and Circulation

The mortuary requires 21 parking spaces, including the parking necessary for the second floor residential unit. The proposed parking layout provides a total of 22 parking spaces: 10 angled spaces between the mortuary and Grace Street toward the Mission Street frontage, and the new rear parking area that would accommodate 12 angled parking stalls with additional landscaping and trees. A new layout for the handicapped parking space shown near the building entrance will be required. Parking space number 23 indicated near the Grace Street driveway, and the unlabeled parking space next to the building near the Mission Boulevard driveway must be eliminated to prevent vehicle conflicts. Although on-street parking is allowed on the west side of Pearce Street, it is prohibited on Grace Street due to its narrow width.

One of the three existing curb cuts along Pearce Street would be closed. The remaining two driveways would provide ingress to the site with vehicles then circulating either out onto Grace Street or through the front parking area and onto Mission Boulevard. The Grace Street driveway would also serve as an entrance to the front parking area. This parking and circulation layout facilitates the orderly queuing of vehicles in a funeral procession.

Landscaping

The proposed perimeter landscaping will buffer the site from surrounding residential neighbors to the west and visually soften the existing and new parking areas. Additional landscaping will be required around the south end of the rear building and in place of the two parking places to be deleted. The applicant proposes flowering vines on trellises along the west façades of the rear building to provide some relief and softening to the resulting, large blank wall. Potted plants will be added on either side of the main building entrance. Small trees in containers will be placed on the deck outside the second floor apartment facing Mission Boulevard.

Lighting & Signage

Lighting plans have not been submitted. However, the project must comply with the City's Security Ordinance provisions that require exterior lighting be designed so that illumination is

confined to the property and directed to reflect away from the residential developments to the west of the project site. A condition of approval requires that unattractive or inoperable light fixtures be replaced and the new light fixture design be approved by the Planning Director. The pole sign and light at the corner of Mission and Grace would be removed. New signage incorporating individual channel letters will be provided on the wall over the main entrance facing Grace Street and on the Mission Boulevard façade.

Variance

The location of the existing buildings and the size and configuration of the site will not accommodate all the required parking on-site together with a 10-foot landscape buffer as required. Therefore, the applicant is requesting a variance from the landscape setback requirements. The purpose of the 10-foot landscape buffer is to incorporate a 30-inch high screen from the street into the parking area, provide room for trees and soften the visual impact of expansive paving. The angled parking throughout the site provides triangular planters as alternative landscape opportunities for trees and shrubs that achieve this purpose. In addition, a minimum 4-foot landscaped setback would be maintained for the rear parking area and extensive landscaping will be provided at the entrance to the rear parking area along Pearce Street and along Grace Street.

Conformance with the General Plan, Zoning Ordinance and Neighborhood Plan

The mortuary use is in conformance with the General Plan Designation of Commercial/High Density Residential in that it provides a commercial service to the community. The proposal is consistent with the intent of the Central City - Commercial Subdistrict to establish a mix of business and other activities, which will enhance the economic vitality of the downtown area. This project is consistent with the *North Hayward Neighborhood Plan*, which recognizes a need to build street appeal along Mission Boulevard, such as landscaping and façade renovations.

ENVIRONMENTAL REVIEW

The proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, it qualifies for a Categorical Exemption under Section 15332 Class 32 (In-fill Development Projects) of the CEQA Guidelines.

PUBLIC NOTICE

On June 14, 1999, 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 Task Force members and the California Department of Transportation. The Referral Notice provided an opportunity for persons to comment on the project at the early stages of the submittal. No comments were received.

On October 4, 1999, 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 Task Force members and the California Department of Transportation.

CONCLUSION

The proposed improvements will upgrade the area and will be an asset to the surrounding businesses, residents and the City of Hayward. Staff believes that the location of the project site and its relationship to the surrounding uses will not adversely impact the area.

Prepared by:

for Cathy Woodbury

Nancy M. Hutar, AICP
Project Planner

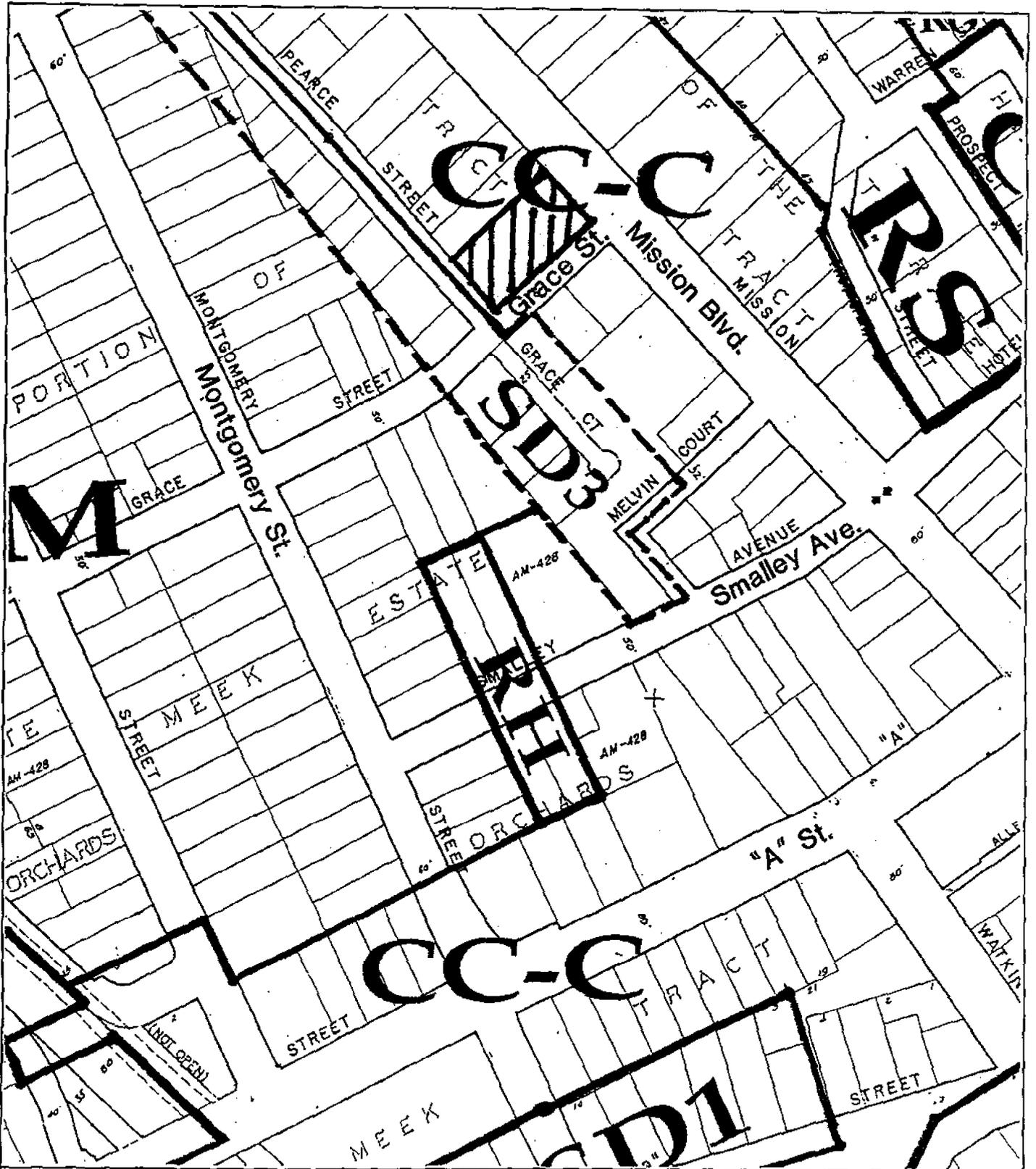
Recommended by:

Cathy Woodbury

Cathy Woodbury, ASLA/AICP
Principal Planner/Landscape Architect

Attachments:

- A Area Map
 - B Findings for Approval
 - C Conditions of Approval
- Plans



ZONING/AREA MAP ■ UP 99-160-20

Gene Mattauch (Applicant)

Robert Ravano (Owner)

22297 Mission Blvd.

FINDINGS FOR APPROVAL

Use Permit/Variance Application No. 99-160-20
22297 Mission Boulevard
Gene Mauttach (Applicant)
Robert Ravano (Owner)

- A. The approval of Use Permit/Variance Application No. 99-160-20, as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgement, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to section 15332 of the CEQA Guidelines; and
- B. The proposed use is desirable for the public convenience and welfare in that it provides a commercial service available to the community at large; and
- C. The proposed mortuary will not impair the character and integrity of the zoning district and surrounding area in that the design and materials incorporated in the building and the landscaping improvements will enhance and be complementary and compatible with the architectural character of the surrounding commercial and residential area; and
- C. The proposed mortuary will not be detrimental to the public health, safety, or general welfare in that sufficient parking will be provided on site, the hours of operation will be limited to 8:00 a.m. to 9:00 p.m. daily, except holidays, and security lighting will be provided; and
- D. The proposed use is in harmony with applicable City policies and the intent and purpose of the CC-C district in that it provides a commercial service to the community, adds to the mix of businesses and other activities, and will enhance the economic viability of the downtown area; and
- E. There are special circumstances applicable to the property including existing physical conditions, in that: (1) the existing building coverage of this particular lot has been in place for many years, so current parking standards could not be met, and (2) there are no convenient available sites in the vicinity that would be available for either a shared parking arrangement or the use of City parking facilities; and
- F. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in other areas of the City under commercial zoning classifications, in that other commercial sites are adequate in size to accommodate a commercial development and the required parking and landscaping setbacks; and
- G. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated, in that this is an older, established area of the City and most properties have been developed to their fullest coverage capacity, which invariably exceeds current City standards. While shared parking arrangements are encouraged in the Central City area,

there are many sites that will not be able to take advantage of shared parking and City parking lot availability, due to their inconvenient proximity to such parking alternatives. As the area re-develops with new uses and are improved and upgraded with new structures, each project will be evaluated by the City on its own merits and compliance with the City zoning standards.

CONDITIONS OF APPROVAL

Use Permit/Variance Application No. 99-160-20

22297 Mission Boulevard

Gene Mauttach (Applicant)

Robert Ravano (Owner)

GENERAL

1. The improvements shall be constructed and operated in accordance with these conditions and plans approved by the Planning Commission on October 14, 1999, labeled Exhibit "A", as amended by these conditions of approval.
2. This approval is void one year after the effective date of approval (on October 14, 2000), unless the City has accepted a building permit or construction and demolition permits as complete. Any modification to the approved plans shall require review and approval by the Planning Director.
3. Prior to the acceptance of an application for a building permit, the property owner/operator shall pay all outstanding Planning Division fees billed to the date of the application submittal.
4. Prior to the finalization of City building or construction permits, and prior to the onset of business operation, all conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. Prior to the finalization of City building or construction permits, and prior to the onset of business operation, the property shall be free of all zoning violations to the satisfaction of the Planning Director. This includes the removal of the existing sign pole and sign appurtenances.
6. A copy of these conditions of approval shall be included in and made part of any rental and/or lease agreement for the subject site and shall be posted alongside the necessary business license and be visible at all times to employees and patrons.
7. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.

PLANNING DIVISION

8. The hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. daily, except holidays.
9. No obnoxious odors shall be generated on the site.
10. The property owner/operator shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas.

11. The property owner/operator shall renovate, repair and paint the structures on the project site to beautify the property, per the approval of the Planning Director. Specific requirements include, but are not limited to, the following:
 - a) Painting the building in at least two tones or colors of paint, with one of the tones or colors as an accent trim.
 - b) Revealing (through sandblasting, paint removal or cleaning) the natural brick fascia.
 - c) Replacing the four windows facing Grace Street with more decorative, multi-paned windows. Decorative trim shall also include shutters for each window that are painted to match the buildings' new trim color.
 - d) Replacing the one set of double-doors facing Mission Boulevard, the two sets of double-doors facing Grace Street, the single office door facing Grace Street and the single embalming area door facing Grace Street with decorative, solid doors. Signs or plaques shall be placed on the doors to indicate the entrance to the facility.
 - e) Architectural detailing, such as cornices, revealed stucco banding and vertical elements shall be incorporated on all elevations of the rear building.
12. The property owner/operator shall not display any illegal banner signs, portable signs or other illegal signs on the property. The property owner/applicant shall submit a sign application and receive approval from the Planning Director prior to the construction of any new signs on the property. The sign application shall include the above required door signs/plaques.
13. Prior to building occupancy, the back portion of the rear building shall be demolished (approximately 49 feet in width and 69 feet in depth) to accommodate the new rear parking lot and landscaping.
14. Lighting shall be installed on site in compliance with the requirements of the Hayward Security Ordinance. Unattractive or inoperable light fixtures shall be replaced. Light fixture designs shall be approved by the Planning Director.
15. Prior to the approval of improvement plans or issuance of the first building or construction permit, detailed landscape and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscape and irrigation plans shall comply with the City's "*Water Efficient Landscape Ordinance*". The following shall also apply:
 - a) Landscape areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland cement concrete curb.
 - b) Masonry walls or fences facing a street shall be buffered with shrubs and vines.
 - c) Parking lots shall include at least one 15-gallon tree for two parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscaped median

at the end of each row. All tree wells and medians shall be a minimum of 5-foot wide measured inside the curbs.

- d) The front planter box, along Mission Boulevard, shall be replanted (and automatically irrigated) with a type of flowering vine. Trellis elements shall be added to the planter boxes to assist in the growth of the vines.
 - e) The existing planting along the building facing Grace Street shall be removed and replanted (and automatically irrigated) with new, flowering 5-gallon shrubs. Shrubs should be massed to provide visual interest and accent the walkway.
 - f) The existing planting along the Grace Street sidewalk shall be replaced with 5-gallon flowering shrubs that will grow to a 30-inch high continuous hedge in two years (the height at which it shall be maintained and not to exceed). The new areas of landscaping along the Grace Street sidewalk at the rear parking lot shall also be planted with the same 5-gallon flowering shrubs that will grow in the same manner.
 - g) A minimum 5-foot wide landscape strip shall be provided along the rear façade facing Pearce Street and the south facade that shall include flowering shrubs and vines and trellis elements to assist in the growth of the vines along the rear wall.
 - h) The two second floor balconies shall be provided with trees in planters, to the approval of the Planning Director.
 - i) All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street with shrubs.
 - j) Landscaped planters shall replace parking space number 23 and the parking space next to the building near the Mission Boulevard driveway.
16. 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 percent 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 immediately with a tree species selected by, and size determined by, the City Landscape Architect.
17. Prior to any final inspection by the City, 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.

BUILDING DIVISION

18. Prior to construction, demolition or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code, as adopted by the City of Hayward.

19. The facility shall be made handicapped accessible in compliance with Title 24 and ADA requirements.

FIRE DEPARTMENT

20. Prior to the issuance of a building permit or the installation of any improvements, the property owner/applicant shall report quantities of hazardous materials to the Fire Department. This includes formaldehyde and other chemicals used for embalming purposes. Allowable amounts for use and storage shall be per the Uniform Fire Code (UFC) for nonfire-sprinklered buildings.
21. The applicant shall comply with all requirements of the UFC and the City's Hazardous Materials Ordinance including, but not limited to, the following:
- a) A fire sprinkler system shall be required, unless a minimum 4-hour separation is provided between the mortuary and breezeway and also between the office/work building and the breezeway.
 - b) Alternative methods will be required for the chapel (5,600 square feet) to omit a fire sprinkler system. The applicant is being required to meet the UFC code amendments for the existing building where change of occupancy occurs.
 - c) The property owner/applicant shall file with the City the new proposed building occupancy classifications for the mortuary/chapel (A-3) and the office/work area (B). Clarification for H-4 storage room needed.
 - d) The mortuary/chapel area shall meet UFC, Article 25, for Places of Assembly, to include the following:
 - (i) Panic hardware on all exit doors leading to the exterior.
 - (ii) Exiting requirements to meet the California Building Code, Chapter 10.
 - (iii) Self-illuminating exit lighting throughout the A-3 area.
 - (iv) Posting of occupant load signs in the chapel.
 - (v) All decorative materials shall be flame retardant. Certificate of compliance shall be forwarded to the Fire Department.
 - e) Fire extinguishers are required throughout the building. Minimum size/type shall be 2A:10BC.
 - f) The applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
22. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by the Uniform Fire Code.

23. The property owner/applicant shall provide the building address on the building, at a minimum of 6-inch high letters and numbers, so as to be visible from Mission Boulevard.

ENGINEERING DIVISION

24. A queuing and traffic circulation plan shall be submitted to the Engineering Division for approval, which shall indicate how and where vehicles will line up for the procession out of the mortuary.
25. The on-site parking and circulation shall be amended to comply with the City of Hayward Off-Street Parking Regulations, except for the parking stall setback requirement of 10 feet, which shall now be 4 feet with the approval of the variance. The parking lot and parking circulation shall be designed so that vehicles shall not back-out onto any of the three public streets (Pearce Street, Grace Street and Mission Boulevard).
26. The two adjoining drive entrances/curb cuts on Grace Street shall either be made into one drive entrance/curb cut, or part of it shall be re-constructed into a standard street curb. The remaining rolled curb on Grace Street (to the corner of Pearce Street) shall be re-constructed to a standard street curb.
27. The rear parking lot access shall be reconstructed to allow the appropriate ingress, per approval by the Engineering Division.
28. The broken curb at the corner of Grace Street and Pearce Street shall be re-constructed to a standard street curb with a handicap ramp.
29. A grading and drainage plan shall be submitted for approval by the Planning Director. All inlets shall be equipped to treat surface runoff prior to discharging into the storm drainage system. The storm drains abutting curbs shall be labeled "No Dumping".
30. Any easements necessary for access drainage or utilities shall be acquired and recorded prior to issuance of building permits.

UTILITIES DIVISION

31. Outside utility meters, when not enclosed in a cabinet, shall be screened allowing sufficient distance for reader access.
32. Install a separate irrigation meter for irrigation.
33. Install a reduced pressure backflow prevention assembly for both domestic and irrigation meters, per City Standard Detail SD-202.
34. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
35. The trash enclosure area shall indicate proposed dimensions. The enclosure shall provide adequate area for storage of recyclable containers.

36. A recycling plan shall be submitted to the Solid Waste Manager prior to issuance of a building permit. The plan shall indicate the number and type of refuse and recycling containers, which will be used. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. The applicant shall provide for adequate on-site storage capacity for recyclables within the building, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated.