



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date: 6/21/01

Agenda Item 2

TO: Planning Commission

FROM: Arlynne J. Camire, Associate Planner

SUBJECT: Use Permit No. 01-160-09 - Sonja Azizian And Celedonio Rabello, Jr. (Applicants/Owners) dba American Cycle: Request for a Use Permit for the Sale and Repair of Motorcycles within an Existing One-Story 3,100-Square-Foot Retail Building and Enclosed Yard at 22200-22206 Mission Boulevard, at the Southeast Corner with Simon Street, in a Central City-Commercial (CC-C) Subdistrict

RECOMMENDATION:

It is recommended that the Planning Commission finds that the project is categorically exempt from environmental review and approves the use permit, subject to the attached findings and conditions of approval.

BACKGROUND:

Setting

The site contains 5,000 square feet with 50 feet of frontage on the easterly side of Mission Boulevard and 100 feet of frontage on the southerly side of Simon Street. The existing 3,100-square-foot, one-story retail building contains vehicle display, repair and storage areas. The rear yard is enclosed by a 6-foot tall wood fence and a slatted chain-link gate across the driveway access to Simon Street.

There are no site modifications proposed with this application. There is no on-site parking; however, the property is within the Central Parking District and the proposed use is not a major change that would require the provision of additional parking. American Cycle has occupied the premises since January 1999 and the former owner applied for the subject permit after notification of the need to do so by the Community Preservation staff. The current owners state they bought the business without the knowledge that a use permit is required.

North - Volkswagen of Hayward new auto sales, zoned *Central City-Commercial* (CC-C) Subdistrict; miscellaneous general commercial, and single family homes (uphill)

East - Single-family residence, zoned *Central City-Commercial* (CC-C) Subdistrict; Prospect Hill Area, zoned *Single-Family Residential* (RS) District

- South - Volkswagen of Hayward, Western Motors and Kia used auto sales, zoned *Central City-Commercial* (CC-C) Subdistrict; miscellaneous auto-related commercial, and apartments
- West - (across Mission Boulevard) Volkswagen of Hayward used auto sales, zoned *Central City-Commercial* (CC-C) Subdistrict; miscellaneous general commercial and apartments

Minimum Development Standards

Several site modifications are necessary in order to comply with the development and design standards of the CC-C zoning subdistrict. The wood fence located along the rear property lines is required to be replaced by a masonry wall. A 5-foot landscape buffer is also required where abutting a residentially developed parcel at the rear and southerly property lines. Staff recommends waiving the landscaping along the south property line because the adjacent auto dealership has an adequate landscape buffer. In addition, the sliding, slatted chain link gate is required to be replaced with an attractive gate and fence that will be setback 10 feet from the Simon Avenue frontage. The area within the side yard setback is required to be landscaped with groundcover, shrubs and street trees on either side of the driveway. If on-site parking for two employee vehicles and circulation permits, a trash/recycling enclosure will be installed within the rear yard adjacent to the employee parking area.

There is no outdoor lighting. Therefore, exterior lighting that is adequate for the illumination and protection of the premises is required to be provided. Exterior lighting is required not to cast glare onto adjacent residential properties.

Signs

The building currently contains four signs: 3 face Mission Boulevard and 1 faces Simon Street. The maximum number of signs permitted per frontage in the CC-C subdistrict is 2; therefore, one of the signs facing Mission Boulevard must be removed. Two of the signs are can signs inset into the mansard roof and the third sign is a pole sign attached to, and extending above, the roof. Staff recommends that the roof pole sign be removed as pole signs and signs projecting above the roofline are prohibited under the Sign Ordinance

Hours of Operation

American Cycle is open Monday through Thursday, 10:00 am to 6:00 pm; Saturday, 10:00 am to 4:00 pm; and closed Sunday.

Zoning, General Plan and Neighborhood Plan Consistency

The property is designated on the Zoning Map as *Central City-Commercial* (CC-C) District and requires use permit review and approval by the Planning Commission for retail sales, and repair, of new and used automobiles. Although the Zoning Ordinance does not list motorcycle sales and repair as a permitted use in the CC-C District, the Planning Director has determined that motorcycle sales and repair is a similar use. The property is designated on the Policies Plan Map

as *Commercial/High-Density Residential (CHDR)*. These areas may include retail, office or general commercial uses.

The General 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 not within "auto row," this section of Mission Boulevard has been dominated by commercial auto uses since the 1960s. The North Hayward Neighborhood Plan points out that redevelopment of Mission Boulevard is inhibited by many factors, including the location within the Earthquake Fault Zone and uncertainty about the future development pattern.

Residents of Prospect Hill, immediately to the east, have indicated support of the proposed use as long as there are no noise impacts to their neighborhood. A condition of approval has been recommended that directs all test drives away from that neighborhood. The applicants have stated that the customers are not permitted to test drive a motorcycle prior to purchase. However, the mechanics complete a five mile test drive route that extends from Mission Boulevard to Mattox Road, onto the freeway, back down East 14 Street/Mission Boulevard through San Leandro back to the shop. In addition, the applicant has stated conditions of her insurance prohibit customers from test driving and driving on- or off-site. All motorcycles left for repair are brought on- and off-site by the mechanics. Repairs occur inside of the building and pneumatic equipment is not used. Therefore, little noise is generated by on-site activities.

Environmental Review

This project consists of a re-occupation of an existing building involving no expansion of facilities 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 Notice

On June 8, 2001 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 North Hayward Neighborhood Task Force members.

Conclusion

Staff believes the proposed project, as conditioned, is in compliance with all applicable zoning and general policy plan criteria. The General Plan Policies Map designates the site as "Commercial/High Density Residential." According to the General Plan Policies Map Consistency Matrix, commercial zones, allowing the sales of automobiles (a similar use), are consistent with the General Plan designation. The use would be compatible with the surrounding

businesses and the neighborhood, provided the recommended conditions of approval are adopted pertaining to signage and operating procedures.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

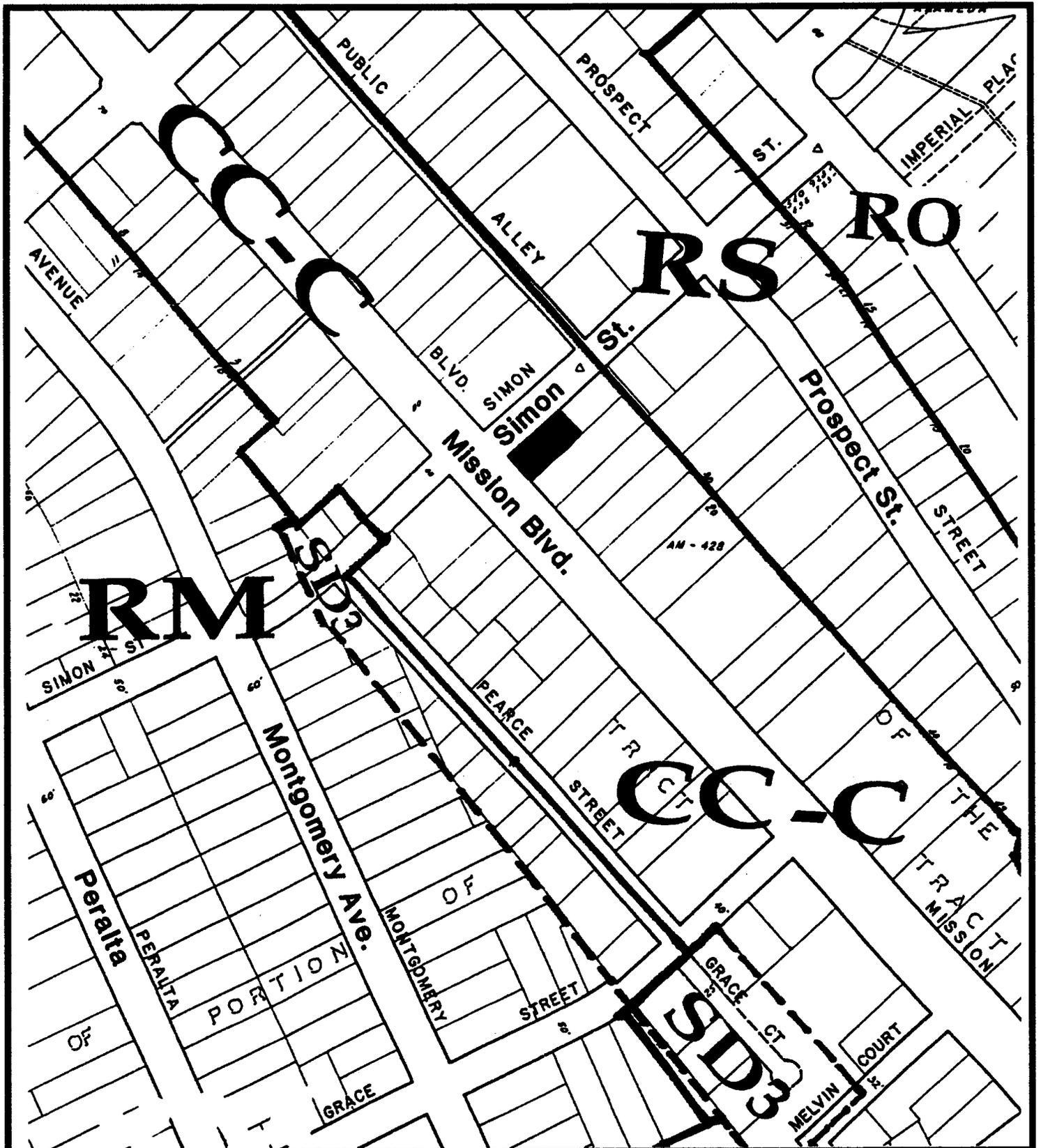
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Site Plan
- C. Findings for Approval of Use Permit
- D. Conditions of Approval



Area & Zoning Map

UP 01-160-09

Address: 22200 Mission Blvd.

Applicant: Sonia Azizian & Celedonio Rabello, Jr.

Owner: Sonia Azizian & Celedonio Rabello, Jr.

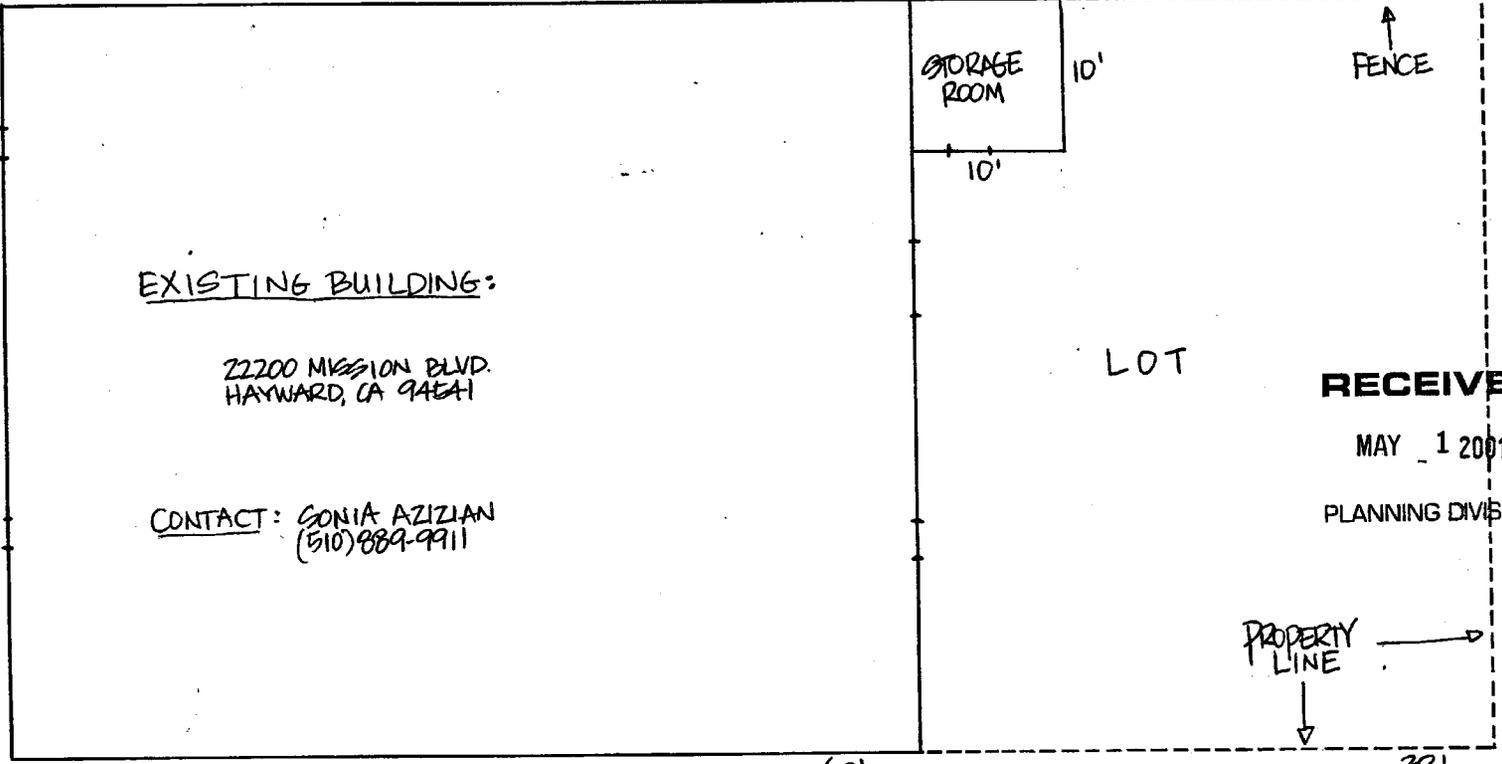
S I M O N A V E N U E →



S I D E W A L K

DRIVEWAY

S I D E W A L K
C U R B C U T



EXISTING BUILDING:

22200 MISSION BLVD.
HAYWARD, CA 94541

CONTACT: SONIA AZIZIAN
(510) 889-9911

STORAGE ROOM

LOT

FENCE

RECEIVED

MAY 1 2001

PLANNING DIVISION

PROPERTY LINE

50'

OWNER/APPLICANT:

SONIA AZIZIAN
CELEDONIO RABELLO, JR.
22200 MISSION BLVD.
HAYWARD, CA 94541
(510) 889-9911

SCALE 1" = 10'

UP 01-160-09

ATTACHMENT B

M I S S I O N B L V D. ←

FINDINGS FOR APPROVAL
Use Permit Application No. 01-160-09
American Cycle
22200-22206 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. The proposed motorcycle sales and repair shop, as conditioned, is desirable for the public convenience or welfare in that the establishment of the motorcycle sales and repair shop on this property will provide needed service within the previously-vacant structure and grounds, and will provide for proper maintenance of a property located along a major thoroughfare of the City.
3. The proposed motorcycle sales and repair shop, as conditioned, will not impair the character and integrity of the Central City-Commercial Zoning Subdistrict in that a retail/service use that is compatible with the surrounding retail auto dealerships and auto sales lots.
4. The proposed motorcycle sales and repair shop, as conditioned, will not be detrimental to the public health, safety, or general welfare in that test drives by mechanics and customers will be completed on Mission Boulevard and on freeways not in the Prospect Hill Area.
5. The proposed motorcycle sales and repair shop, as condition, is in harmony with the Central City-Commercial Zoning Subdistrict (CC-C) in that it meets minimum design and performance standards. In addition, the sales of motorcycles (a similar use to automobile sales) are consistent with the General Plan designation.

CONDITIONS OF APPROVAL
Use Permit Application No. 01-160-09
American Cycle
22200-22206 Mission Boulevard

1. Use Permit Application No. 01-160-09, to occupy a 3,100-square-foot, one-story, retail building, for sales of motorcycles and repair, at 22200-22206 Mission Boulevard, shall be subject to the description made by the staff report, plans approved by the Planning Commission on June 21, 2001, and these conditions of approval.
2. Any modification to the approved plans shall require review and approval by the Planning Director.
3. The existing roof-mounted pole sign shall be removed and the mansard roof shall be repaired where needed.
4. Not more than 25% of the window area shall be covered with signs. Fluorescent colors and not more than three colors are prohibited.
5. The sliding chainlink gate shall be removed and be replaced with a decorative wood or metal gate. The design shall be to the satisfaction and shall be approved by the Planning Director.
6. The wood fence shall be replaced with a 6-foot decorative masonry wall to be located at the rear and the north side of the property. The masonry wall shall be screened on the street side with vines and shrubs.
7. A 12-foot wide driveway shall be provided in compliance to Exhibit A and to the satisfaction of the City Engineer.
8. In accordance with Exhibit A, a 5-foot landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted at the rear of the property. A 10-foot landscape setback shall be provided on Simon Avenue at the rear of the property. The planter shall be 11 feet wide on the east side of the driveway and 5 feet wide adjacent to the storage area. Street trees shall be provided as determined by the City Landscape Architect.
9. An irrigation and landscape plan, prepared by a licensed landscape architect, shall be submitted and to the satisfaction of the City Landscape Architect.
10. 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.

11. Motorcycles for sale or storage shall be stored inside the existing retail building, outdoor displays are not permitted.
12. Drains in any wash, process or service 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 and Water Pollution Source Control.
13. The property owner shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, fencing, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 7 days of occurrence.
14. Locks and addressing shall be provided in accordance with the requirements of the City of Hayward Security Ordinance.
15. The 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 properties. The Planning Director shall approve the design and location of the lighting.
16. 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. A trash/recycling enclosure shall provide and be approved by the Solid Waste Manager and the Planning Director.
17. The applicant shall instruct employees and customers to avoid driving motorcycles through the Prospect Hill Area. All test drives are restricted to major arterials and freeways.
18. 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.
19. In the event that the type, location or quantities of hazardous materials are changed, a revised chemical inventory shall be submitted to the Fire Department.

20. Hours of operation shall be Monday through Thursday, 10:00 am to 6 pm; Saturday, 10:00 am to 4:00 pm; and closed Sunday. The hours may be changed upon approval by the Planning Director.
21. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.