



SUBJECT

Proposed Major Automobile Repair Use in a Former Automotive Specialty Shop Facility Located at 629 Jefferson Street, Assessor Parcel No. 452-0068-013-00, Requiring Approval of a Conditional Use Permit, Application No. 202002682. Riaz Qureishi and Amjad Patel for DVargas Auto Body (Applicant), Haroon Khan (Property Owner).

RECOMMENDATION

That the Planning Commission approve the Conditional Use Permit, based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting a Conditional Use Permit (CUP) to establish a major automobile repair use on a site that formally contained an automotive specialty repair shop. The proposed major automotive repair would be located within two existing buildings (1,485 square feet and 1,800 square feet) located at 629 Jefferson Street. The previous automotive use ceased operations in 2019 and currently both buildings are vacant. The applicant is proposing major automotive activities that involve autobody repair, painting, and replacement of parts for rental cars. The project would not include oil change services. The project site is zoned MB-CN, Mission Boulevard Corridor Neighborhood, and contains a Sustainable Mixed Use (SMU) land use designation in the *Hayward 2040 General Plan*.

BACKGROUND

The project site has historically supported automotive uses. City records indicate that a Use Permit (UP 77-90) was conditionally approved on June 20, 1977, by the Board of Adjustments, which included an addition of an 1,800 square-foot building to an existing “automotive specialty shop facility.” This approval incorporated fourteen conditions, including conditions of approval pertaining to landscaping requirements, along the Jefferson Street frontage and in a planting strip along the project site’s southwestern boundary, which is adjacent to the single-family residences located to the southwest of the project site. The project site, comprised of two buildings, has been unoccupied since December 2019. A copy of the previously approved Use Permit with conditions are included as Attachment V.

Public Outreach: On August 3, 2020, a Notice of Application Receipt was sent to 98 property owners, businesses, and residents within a 300-foot radius of the project site, including interested parties in the Mission-Garin Neighborhood Task Force, South Hayward Neighborhood Group and South Hayward Parish. To date, staff received one comment from a

community member who expressed opposition to the establishment of another automobile repair business in the neighborhood because of concerns regarding potential noise and release of chemicals from the use.

On August 20, 2021, a Notice of Public Hearing was sent via standard mail to 98 property owners, tenants, interested parties, and community stakeholder groups within 300-feet of the project site and a legal ad was published in *The Daily Review* newspaper providing notification of the upcoming virtual Planning Commission hearing. Since the Notice of Public Hearing was mailed, staff has not received any additional public comments or correspondence on this project.

PROJECT DESCRIPTION

Existing Conditions: The project site is a 13,518 square-foot, rectangularly shaped parcel with approximately 68 linear feet of frontage on Jefferson Street, southwest of Mission Boulevard. The project site, accessed via a driveway from Jefferson Street, is predominantly paved and contains two, one-story buildings (1,485 square-foot and 1,800 square-foot), which are located along the site's northeastern boundary.

The buildings are constructed of concrete blocks. The 1,485 square-foot building contains three vehicle servicing ports and a tools and storage area. The 1,800 square-foot building contains three vehicle servicing ports, an office, a rest room, and a tools and storage area. Wood fences enclose the project site along its southwestern and southeastern boundaries. These fences appear to be newly constructed. As existing, the site is devoid of landscaping.

Uses surrounding the project site include single-family residences to the southwest, an automobile repair shop to the northeast, and retail establishments to the southeast of the site. Similar uses in the vicinity of the project site include an apartment complex, and automobile repair shops, which are located at the intersection of Jefferson Street and Mission Boulevard. The project site is located in an urban area and would be served by utilities such as sewer and electricity, other than an onsite storm drains. Drainage on the site will occur through sheet flow toward Jefferson Street.

Proposed Project: The proposed project would establish major automobile repair use within the existing buildings, which are currently vacant. As proposed, the project would include five standard car parking spaces near the front portion of the property for visitor use. The plans also propose six new parallel parking spaces placed along the side property line and in front of the existing buildings on the site. The applicant has indicated that they intend to use the parallel parking spaces for cars that will be brought to the site for repairs. Circulation on site would occur via an existing, 32-foot-wide driveway, which provides access to the site from Jefferson Street.

The project also includes new, six-foot tall wood fences along the southwestern and southeastern boundaries of the project site and includes a new cyclone fence and gate (security fence and gate) facing Jefferson Street. The security fence separates the front portion of the property, which includes the visitor parking area, from the remaining portion of the site which will be used for on-site temporary outdoor storage of vehicles needing repair. The rear

portion, approximately three-fourth of the property, contains the buildings, the outdoor storage area and the parallel parking spaces. A security fence and gate assembly has also been installed in the interim and staff has additional comments on these improvements in the Staff Analysis section below.

Landscaping: Currently, the project site does not contain any landscaping, although a use permit (UP 77-90) approved on June 20, 1977, for a similar former use, required landscaping along the Jefferson Street frontage and in a planting strip along the project site's southwestern boundary (Attachment V). The former automotive use of the facility on site was discontinued and the facility has been vacant since December 2019. Vacant commercial and industrial properties with previously approved landscape plans must maintain landscaping in accordance with the originally approved plans or Conditions of Approval, per HMC Section 10-29.060¹. The previously approved and required landscaping was not maintained and as such, staff has included a condition of approval that requires the submittal of a landscape plan with new planting materials be required for consistency with the landscape provision of HMC Section 10-14.203².

Parking: As previously identified, the project includes five visitor parking spaces located in the front portion of the property and six parallel car parking spaces intended for parking cars brought to the site for repairs. Parking on the site, including the parking for cars to be repaired, will be located behind a wood fence along the southwestern and southeastern property boundaries that would provide a separation between the parking on the site and surrounding uses. Although the Mission Boulevard Code does not contain a minimum parking requirement for commercial uses, staff notes that the proposed parking layout and location is inconsistent with the applicable standards of HMC Article 2 and Article 24, as follows:

- **Stall Size and Aisle:** The required standard parallel parking stall dimensions adjacent to walls/fences are 23 feet long by 9 feet wide. The stall at the southern corner of the project site does not meet these dimensions.
- **Landscape Planter:** A landscaped planter at least five feet wide shall be provided between any surface parking area and any property line for the length of the parking area. The proposed parking does not meet this standard along the southwestern property boundary.

Staff is recommending, as Condition of Approvals, that the proposed parallel parking spaces be revised to meet the minimum stall dimensions and a landscape planter be added to minimize the visual impact of the more intensive major automotive repair use, which will include the repair of inoperable vehicles. Adding a landscape strip will also comply with the previously approved Use Permit and help reduce the amount of impervious surface area and water runoff. Staff has added these conditions as a Condition of Approval in Attachment III.

¹ Vacant Property Ordinance, Chapter 10, Article 29

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² Security Gate Regulations, Chapter 10, Article 14

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Sustainability Features: The project proposes reuse of the two existing buildings on the project site to accommodate the proposed automobile repair use as opposed to demolition and reconstruction. Any future new construction on site would be required to be designed to meet all applicable California Building Code and CalGreen Standards. These standards require a minimal level of energy efficiency, conservation, material recycling, and air quality, for new construction. In addition, any landscaping added to the site will be required to be drought-tolerant and the irrigation system will be required to meet the Water Efficient Landscape Ordinance (WELO) standards.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan: The project site is designated Sustainable Mixed Use (SMU)³ in the *Hayward 2040 General Plan*. The Sustainable Mixed-Use designation generally applies to areas near regional transit that are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property. These building types will include, but not be limited to, mixed-use, residential and commercial buildings. The *Hayward 2040 General Plan* identifies Automotive Service and Repair Stations as a supporting use in the SMU district. The project does not propose any new building development and will accommodate the major automobile repair use in the two existing buildings on site that formerly supported a similar use. The Project would be consistent with the following policies of the *Hayward 2040 General Plan*, as also discussed in the required Findings (Attachment II):

- **Land Use Policy LU-1.4 – Revitalization and Redevelopment.** The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- **Economic Development Policy ED-1.3 - Commercial and Industrial Development.** The City shall encourage commercial and industrial development by ensuring the availability of suitable sites for development and providing appropriate zoning.

Zoning Ordinance: The project site is located along the Mission Boulevard corridor and was recently rezoned to Mission Boulevard-Corridor Neighborhood (MB-CN)⁴ from S-T4 Urban General Zone, with the adoption of the Mission Boulevard Code in July 2020.

The project proposes a major automobile repair use, which is classified as Automobile Repair (Major) per Use Table 2.3.010 of the Hayward Municipal Code (HMC). Automobile Repair (Major) use is permitted in the MB-CN zoning district, subject to a Conditional Use Permit. Additionally, HMC Section 10-1.3510 also subjects Automobile Repair (Major) use to Outdoor Storage limitations and performance standards within applicable Zoning District. Per Section 10-1.32255 of the HMC, the Planning Commission may approve or conditionally approve a Conditional Use Permit application when all of the following findings are made:

1. The proposed use is desirable for the public convenience or welfare;

³ Hayward 2040 General Plan, Sustainable Mixed Use
<https://www.hayward2040generalplan.com/land-use/mixed>

⁴ Mission Boulevard Code, Chapter 10, Article 24
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART24MIBOCO

2. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
3. The proposed use will not be detrimental to the public health, safety, or general welfare; and
4. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

Staff notes that the existing buildings and visitor parking area are considered legally nonconforming as they were legally established prior to the adoption of the Mission Boulevard Code. The new boundary fences are taller than six feet but are located contiguous to the parking on the subject property. Per HMC Section 10-24.3.2.040⁵, fences and walls may be constructed to a height of six (6) feet in any side or rear setback, although fences up to 8 foot tall are permissible when contiguous to a parking lot, as is the case with respect to the subject project. Project inconsistencies with the HMC and the staff recommended Conditions of Approval to address these issues are discussed in Staff Analysis below.

STAFF ANALYSIS

Staff believes that the Planning Commission can make the required Findings (Attachment II) to support approval of the Conditional Use Permit, subject to the Conditions of Approvals (Attachment III). These include conditions of approval that address the inconsistencies of the project with the applicable requirements and standards of the HMC, as discussed below:

Security Fence and Gate: As indicated above, a security fence and gate assembly has also been installed in the interim since the submittal of this application for a Conditional Use Permit. The security fence and gate, as installed, is shown in the photos in Attachment VI. Per HMC Section 10-14.100⁶, unless it is determined that the gate design meets all requirements, City policies, standards, and guidelines, Site Plan Review is required prior to the construction of a security gate. The subject security gate does not meet the following applicable requirements as outlined in HMC Section 10-14.203:

- All security gate and fence systems shall provide a pedestrian access gate, which shall meet Americans with Disabilities Act regulations. The pedestrian gate shall be self-closing and locking.
- All security gate systems shall provide security lighting for vehicle and pedestrian entrances, the visitor parking space(s), and the vehicle turn-around area in accordance with approved lighting design.
- A landscape plan prepared by a licensed landscape architect is required unless a plan is waived by the Planning Director because quality well maintained landscaping already exists, or the proposed design does not require additional landscaping. All landscape areas shall be irrigated.

⁵ Mission Boulevard Code, Chapter 10, Article 24

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⁶ Security Gate Regulations, Chapter 10, Article 14,

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The existing security gate and fence assembly may also be incompatible with other applicable standards, including but not limited to, HMC Section 10-2.626⁷ pertaining to controlled access. Therefore, staff has added a Condition of Approval that requires the applicant to obtain approval from Public Works, Planning and Fire prior to occupancy to ensure the gate meets the City's required accessibility and safety requirements per the Hayward Municipal Code.

ENVIRONMENTAL REVIEW

The proposed project is deemed categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, in that the proposed major automobile repair use as proposed by the project would be accommodated within an existing facility on site and would involve negligible or no expansion of the site's former use. As such, no additional environmental analysis is required.

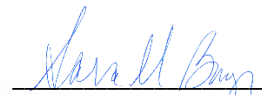
NEXT STEPS

If the Planning Commission approves the Conditional Use Permit, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the City Council for final disposition.

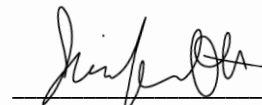
Prepared by: Ranu Aggarwal, AICP, Consulting Planner

Recommended by: Jeremy Lochirco, Acting Planning Manager

Approved by:



Sara Buizer, AICP, Deputy Development Services Director



Jennifer Ott, Assistant City Manager/Development Services Director

⁷ Off Street Parking Regulations, Chapter 10, Article 2

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