



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 03/27/01  
AGENDA ITEM 3  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Appeal of Planning Commission Denial of Zone Change Application No. 01-190-01 and Administrative Use Permit Application No. 01-150-09 – Abdul Mehdavi (Appellant), Patricia Wiese (Owner) – To Construct an Automobile Repair Facility. The Property Is Located at 28049 Mission Boulevard and 650-670 Hancock Street in the CG (General Commercial) and a RS (Single-Family Residential) Districts

**RECOMMENDATION:**

It is recommended that the City Council deny the appeal and uphold the Planning Commission action. Staff recommended denial of the application to the Planning Commission.

**DISCUSSION:**

On February 22, 2001 the Planning Commission (7:0) denied the zone change application and the administrative use permit application to allow the appellant to build and operate an auto repair facility. The facility would provide engine and collision repair, but would not involve vehicle painting.

The property consists of two vacant parcels, which are generally at the northwest corner of Mission Boulevard and Hancock Street and which surround a 6,560-square-foot vacant corner parcel that is not a part of this project. A portion of the parcel facing Hancock Street is zoned RS, which does not allow automobile repair. The appellant is seeking a zone change for this parcel in order to be able to use it for automobile repair. The General Plan Map designation for the property is *Commercial – High Density Residential*, and the proposal to change the zoning of the property from RS to CG is consistent with this map designation. Both staff and the Planning Commission find that the policies in the General Policies Plan do not support the project due to design and compatibility issues, which are further discussed in the Planning Commission staff report and minutes.

Due to the configuration of the two parcels, the project necessitates the construction of two garage buildings and segregated customer parking areas. There is inadequate space for two-way traffic in the driveway between the northern building and the property line, and the

architecture lacks interest. In addition, there is inadequate landscaping around the buildings to soften their appearance, and tall fences and walls are proposed about the perimeter of the site to provide noise attenuation and to prevent vandalism. The lack of adequate landscaping and the fence along the property lines are inconsistent with City requirements, and would necessitate approval of variances.

In his appeal letter of March 5, 2001 (Exhibit D), the appellant argues that the proposed use of the subject property is appropriate, particularly in light of the Planning Commission's recent approval of "Big O Tires" directly across the street (Mission Boulevard). He disputes the Planning Commission's objections to the use based on noise, undesirable vehicle storage, hazardous materials, odors, commercial viability, and blight conditions.

The appellant is accurate that the Big O Tires project was approved by the Planning Commission. However, that project differs from subject project in that the Big O Tire project facilitated the assemblage of four parcels and included a fast food restaurant and a retail componet. The Planning Commission found that the Big O Tire project would increase the economic viability of the site and the neighborhood.

With regard to noise, the appellant claims that that the noise on Mission Boulevard is significantly greater than anticipated noise from the auto repair shop. He also cites that a use that generates a similar amout of noise (Big O Tires) was approved across Mission Boulevard adjacent to a residential development. The major difference, however, is that the proposed auto repair facility is situated less than 10 feet from the nearest single-family dwelling, whereas the Big 'O' Tires project is at least 100 feet from the nearest dwelling (an apartment development) which is substantially higher in elevation. Also, a noise study (by Parsons Engineering Science) prepared for the Big O Tire project concludes that there will be no noise level from this project above the ambient level as long as Big "O" Tires closes by 10:00 pm. The appellant offers similar arguments relative to odor, and staff, again, points to the relative proximity of the project to a residential area.

With respect to unsightly vehicle storage, the appellant states that storing vehicles is not economically feasible and that their profit margin is based on the number of vehicles that have a one-day repair period. Staff assumed that there would be instances when vehicles would be parked overnight or possibly for several days awaiting engine and auto body parts or customer pick-up, which is typically the case for auto repair facilities engaged in body work and major engine repair. The appellant currently operates Trust Auto on Dollar Street, which has been know to use their parking area for outdoor storage of inoperable vehicles and auto parts.

The appellant indicates that the use of hazardous materials is widespread along Mission Boulevard and that they are not asking for a privilege that is not already bestowed on many others in the area, including Big O Tires. Staff points out that Big O Tires will not have the same types or amounts of hazardous materials as the proposed project since the services offered will be limited to tire replacement and oil changes. Several garages on Mission Boulevard have been in operation for several years; however, several of these facilities may

not be approved today because of their proximity to and incompatibility with adjacent residential properties. In staff's opinion, the fact that similar auto repair and collision garages that use, store and dispose of hazardous materials are located on Mission Boulevard is not justification to approve a new facility abutting residential properties. The approval of this application would allow hazardous materials to be introduced into a residential environment.

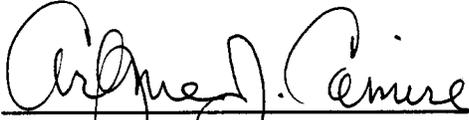
The appellant believes that since Mission Boulevard is known for automobile uses, this site is suited for the proposed auto repair and collision garage. However, a goal shared by the Growth Management Element of the General Plan and the proposed Amendment to the Downtown Hayward Redevelopment Plan-Mission-Foothill Boulevard, encourages the development of neighborhood and transit serving retail uses along this portion of Mission Boulevard. The proposed auto garage would provide services to the neighborhood but as the appellant has stated, the auto services that would be offered are currently available at numerous locations on Mission Boulevard.

According to the appellant, the Planning Commission indicated that the proposed facility would bring about blight. In establishing the expanded redevelopment area, a condition of blight must exist, which has been demonstrated in this area. The Planning Commission concluded that this project would not remedy the situation. The Planning Commission and staff expressed concern that the project could create a situation in which the small corner parcel (at Mission and Hancock) would be rendered undesirable and therefore not economically viable, which could contribute to the blighted nature of the area. The appellant and the owner of the subject property have on several occasions made offers of purchase of the corner parcel to no avail.

During the Planning Commission hearing, one neighborhood resident supported the project and the applicant presented a petition in support of "an automobile repair shop" petition signed by 51 Hayward business owners and residents, including 5 nearby residents. During initial project review period immediately after acceptance of the application, staff received an e-mail and several telephone calls urging denial of the project and indicating that there are currently too many auto shops in the area and it would be incompatible with the residential neighborhood (Exhibits E and F).

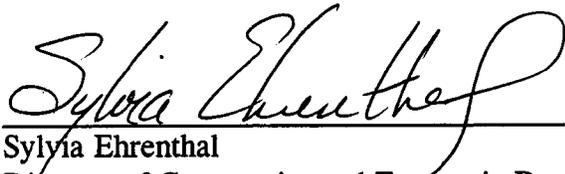
If the City Council is supportive of the project, the matter should be referred back to staff in order to provide an opportunity to work with the appellant with regard to the design of the project, to prepare an environmental evaluation of the project, to prepare appropriate findings and conditions, and to advertise requested variances.

Prepared by:



Arlynne J. Camire AICP  
Associate Planner

Recommended by:



Sylvia Ehrenthal  
Director of Community and Economic Development

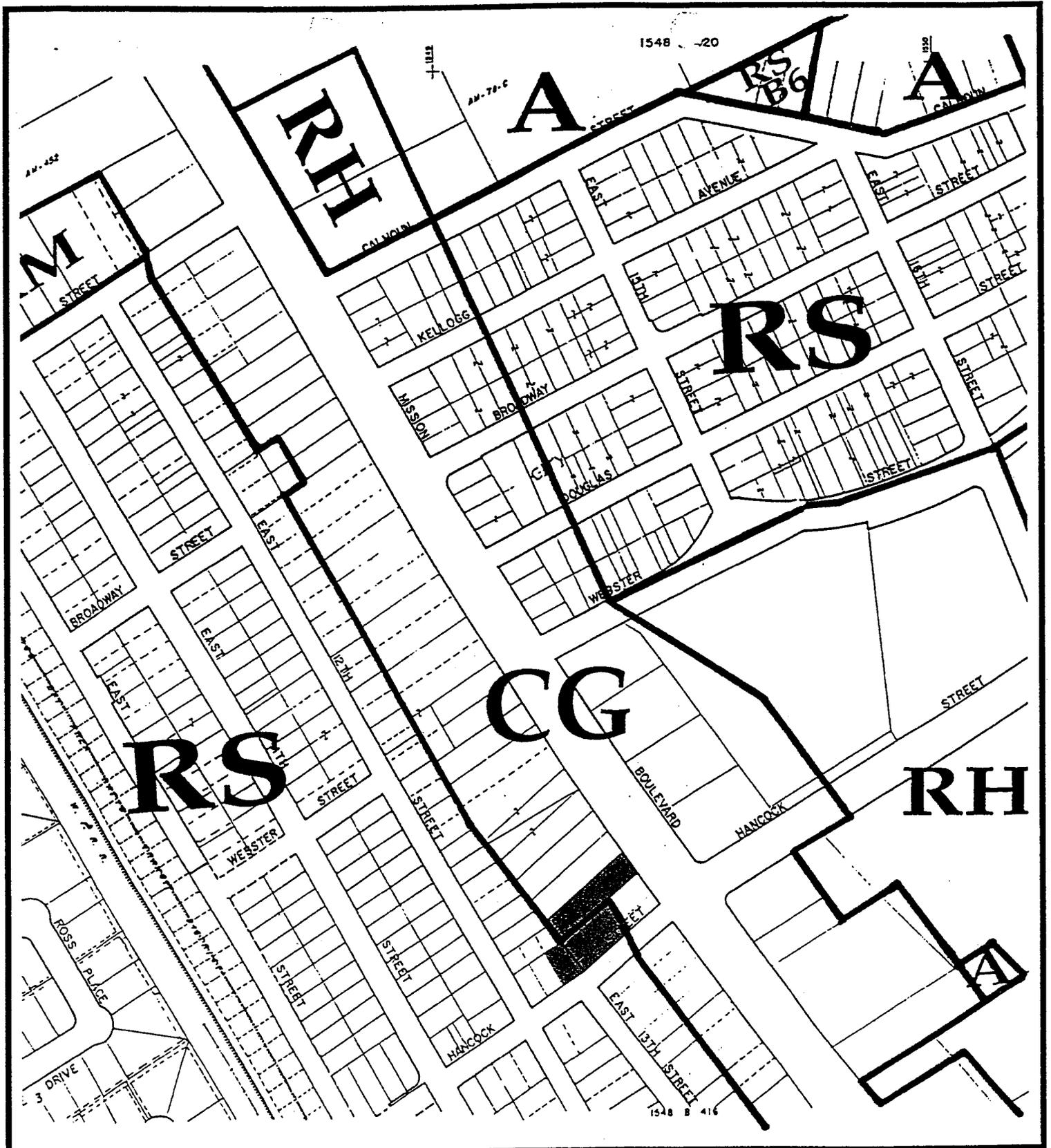
Approved by:



Jesús Armas, City Manager

Attachments:

- Exhibit A. Area/Zoning Map
- Exhibit B. Findings for Denial
- Exhibit C. Planning Commission Meeting Minutes and Staff Report dated February 22, 2001.
- Exhibit D. Appellants Letter of Appeal to City Council dated and received March 5, 2001
- Exhibit E. Petition In Support of the Project
- Exhibit F. Email of Objection from a Nearby Resident  
Plans  
Draft Resolution



**Area/Zoning Map**

**ZC & AUP 01-190-01 & 01-150-09**

Address: 28049 Mission Blvd & 650-670 Hancock Street

Applicant: Abdul Mehdavi

Owner: Patricia Wiese

**FINDINGS FOR DENIAL**

**Administrative Use Permit Application No. 01-150-09  
Abdul Mehdavi (Applicant), Patricia Wiese (Owner)  
28049 Mission Boulevard and 650-670 Hancock Street**

1. The proposed major auto repair services are not desirable for the public convenience or welfare in that they are detrimental to the desired pedestrian-oriented and transit-oriented uses envisioned by the Growth Management Element of the General Plan, the Mission-Garin Neighborhood Plan and the Proposed Amended Downtown Hayward Redevelopment Plan, and in that there are suitable locations for the proposed use elsewhere in the General Commercial and Single-Family Residential districts of the City. In addition physical blight would be continued by substantially hindering the economically viable use of the corner property which is not included in the proposed project site;
2. The proposed major auto repair service and body shop will impair the character and integrity of the General Commercial (CG) and Single Family Residential (RS) Districts as it is *not* a desirable use in the Proposed Amended Downtown Hayward Redevelopment Plan area amid the existing and proposed mix of pedestrian- and transit-oriented uses desired for the one-half mile radius of the South Hayward BART station; and
3. The proposed major auto repair service and body shop will be detrimental to the public health, safety, or general welfare in that the proposed use introduces traffic and parking conflicts and hazardous materials that are detrimental to the existing single-family residential uses and the proposed mix of transit-oriented uses desired for the one-half mile radius of the South Hayward BART station
4. The proposed major auto repair service will not be in harmony with applicable City policies as the *General Policies Plan*, *Growth Management Element* and the *Mission-Garin Neighborhood Plan* that envision uses that are transit-oriented and neighborhood serving.

**FINDINGS FOR DENIAL**  
**Zone Change Application No. 01-190-01**  
**Abdul Mehdavi (Applicant), Patricia Wiese (Owner)**  
**28049 Mission Boulevard and 650-670 Hancock Street**

Based on the staff report and the public hearing record

- A. The project is not in conformance with the General Policies Plan Map designation of Commercial/ High Density Residential. This designation is intended to permit infill development of vacant and/or underutilized parcels with either commercial uses or high-density residential projects where appropriate. It has been determined that the temporary outdoor storage of vehicles awaiting maintenance would not be compatible with the adjacent residential properties. In addition, the project is not in conformance with the Growth Management Element of the General Policies Plan. Furthermore, the project is not in conformance with the Mission-Garin Neighborhood Plan and the proposed Amended Downtown Hayward Redevelopment Plan in that, the use is not compatible to the goals and objectives of these Elements and Plans which urge the development of supporting uses and services lacking in the Plan area that are residential and transit serving and does not meet the needs from an economic development standpoint.
  
- B. The development will not provide a use that will not be appropriate in size and location and overall planning for the purpose intended, and will not create an environment of sustained desirability and stability through the design standards, and may have adverse effect upon surrounding residential and commercial development in that the proposed use is not needed at this location as required by the proposed Amended Downtown Hayward Redevelopment Plan.

## MINUTES

REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers

Thursday, February 22, 2001, 7:30 P.M.

777 "B" Street, Hayward, CA 94541

there are no prospects in sight for another use. He commented that between the first scheduled hearing and this one, staff encouraged the applicant to more fully develop the restaurant.

Commissioner Halliday noted that restaurants seem to be doing fairly well downtown at this point. This might be a good location for a restaurant. She added that she might not support this proposal but hopes someone will find a good use for the building.

Commissioner Williams said he was also disappointed that the applicant was not there. A family type restaurant should go into this location. He said he would like to see an upscale nightclub/restaurant such as Yoshi's at Jack London Square. He believes that could go in Hayward. It appears that we don't need another liquor outlet in the downtown. He then asked staff if a proposal for a restaurant, not to sell liquor, might be approved.

Acting Principal Planner Patenaude said he had worked with the applicant for quite awhile urging them to consider providing for more food. It is staff's intention to have this building occupied.

Commissioner Zermeño asked whether the City has looked into purchasing and doing something with this building.

Commissioner Bogue commented that between the previously scheduled meeting and this one, there were few changes made to the plans. It does not seem that they plan to have a restaurant.

Acting Principal Planner Patenaude commented that after staff recommended denial, the applicants indicated they probably would not proceed with the application. When he asked for letter of indication on this position, there was none forthcoming.

Commissioner Bogue moved, seconded by Commissioner Sacks, to deny the Use Permit, with the attached findings

Commissioner Thnay made several points. He thanked staff for findings for denial and mentioned that the downtown area policies call for fostering pedestrian business. He said he wholeheartedly supports this policy. It is essential that the right type of usage like the Yoshi-type of restaurant/entertainment center be established in this area.

The motion passed unanimously.

2. **Zone Change Application No. 01-190-01 and Referral of Administrative Use Permit Application No. 01-150-09 - Abdul Mehdavi (Applicant), Patricia Wiese (Owner):** Request to Change a Zoning District from "RS" Single-Family Residential to "CG" General Commercial in order to Build a Parking Area to Serve an Automotive Repair Shop Facility. In addition, Referral by the Planning Director of an Administrative Use Permit

Request to Construct and Operate an Automobile Repair Facility for the Purpose of Minor and Major auto Repair. *The property is Located at 28049 Mission Boulevard & 650-670 Hancock Street in the CG (General Commercial) and a RS (Single-Family Residential) Districts*

Associate Planner Camire described the proposal as an auto body repair shop. The proposal is partially in a residential zoning district. Across the street is the Big "O" Tire Store. The proposal calls for two buildings. However, the corner property is not included in the project area. Staff asked applicant to try to obtain the property. She explained that the use is contrary to goals of the Neighborhood Plan as well as the Growth Management portion of the General Plan. These call for transit serving businesses. The site is ½ mile to the South Hayward BART station. Separate development of this property takes away the economic viability of the corner property. It would be isolated. If approved, she asked that the Commission direct the applicant to redesign the building in the Mission-architecture style. Because use of site is contrary to General and Neighborhood Plan, staff recommends denial. Public email and phone calls have been negative.

Commissioner Halliday commented on the site layout, and asked whether the applicant was proposing a zero lot line. She was told they are, which is permitted in the CG Zone with no residential next to it. She then asked whether there would be other locations on Mission that could be viable for this application. She was told there were a number of locations along Mission, Boulevard and in the Industrial District.

Commissioner Zermeño asked about the zoning near the car dealerships.

Associate Planner Camire indicated that the applicants are presently occupying one of those sites on Dollar Street, but may have lost their lease. They have contacted the owner of corner lot at this site who indicated he might have other plans for it.

Commissioner Sacks asked about the sycamore trees on the property. She was told that if the project were approved, they would be removed and replaced.

Chairperson Caveglia opened the public hearing at 8:09 p.m.

Shafi Anwari, 28078 East 12<sup>th</sup> Street, said he would like for someone to build there. At this point the site is very unattractive. He supports the project.

Mogeeb Weiss, 21573 Foothill Boulevard, speaking for applicant, said there are a lot of businesses of the same types in the area. He argued against various points in the staff report. Noise from this project is non-existent when you consider the constant traffic noise on Mission Boulevard. Also, Big "O" Tire directly across the street will agree that there is more profit generated without storage of cars. The business wants to get them in and out. As to hazardous materials, all the Mission Boulevard businesses have similar problems. Any odor would be overwhelmed by the Big "O" smell of tires. He wondered how this business could impair the integrity and character of the neighborhood. The present dual ownership has created blight. This project will protect the neighborhood. If Big "O" was accepted with all its problems, this smaller project should be as well.

REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
ChambersThursday, February 22, 2001. 7:30 P.M.  
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Commissioner Williams said he made some very good points, but without the corner site, it's going to be terrible. He noted that this is going to be in the redevelopment area. If redevelopment comes in, there is a chance to come in and try to stay in Hayward. He said the Big "O" argument is a very good one. Without the corner-lot owner willing to sell the property, the redevelopment agency might create an opportunity to consolidate some of this land. He said he wants the best possible for Hayward, and would like to see something viable on this location.

Acting Principal Planner Patenaude explained that the Big "O" project combined 4 parcels for one project. The enterprises will share common parking and other cooperative needs. The Big "O" Tires and restaurant will be built while a non-auto business may go into the third pod. He noted that the Planning Commission looked very carefully at the architecture of the property and its shared elements. There was a noise study performed. On this location, it would be better to have these properties consolidated. The redevelopment district may be able to do that. This would end up with a corner property that would be very difficult to develop.

Commissioner Thnay asked whether the applicant had a chance to look into other sites.

Mr. Weiss responded that it is difficult to find other sites on Mission Blvd. This is the site they wanted and saw it as reasonable and rational for this area.

Commissioner Thnay commented that the corner site is an eyesore although it is all in the Redevelopment area. He explained that one underlying theory of the Redevelopment Agency is that instead of having projects develop haphazardly, they can be coordinated for the good of all. This is using Growth Management Plan for the good of the City.

Taher Mehdavi, 20785 Aldengate Way, applicant said this would be a great facility for Hayward.

Patricia Weise, 24077 2<sup>nd</sup> Street, owner of the property, said her contract with the auto repair ended December 1. Her husband has died during this process and she does not want the property, so she is trying to sell it. She noted that they had tried to buy the corner property. That corner cannot be developed. The owner is not amenable for selling and building. She asked whether the City could take the property by condemnation. They had it happen on D Street with other property they owned. It seems to be an alternative.

Commissioner Halliday said there were some good arguments in support of the application. She expressed sympathy for both owner and applicant. She noted that this approval might make the property on the corner unusable. The area is changing. It is becoming a more commercial retail area. She said that soon there would be more opportunities to deal with this property

Commissioner Williams said the problem is that we live here and we want our City to look nice. As the owner, you want to develop it. The corner of Carlos Bee and Mission is still vacant and

looks terrible. If you leave the corner undeveloped, it could be a problem. He said he would hope the Redevelopment Agency would be helpful.

Mahoud A. Khamosh, 26831 Whitman Street, drew attention to who is going to do this job, Abdul Mehdavi is not only an expert in auto works, but he has dedicated his life toward training young people in jobs. He wants to create jobs for young people. Mr. Mehdavi is a symbol among Afghans. He noted that this is being built for jobs.

Nate Rizvi, 29539 Chan Street, a resident of Hayward, said this looks like a good location for an auto body shop. He would support this.

Mogeeb Weiss added that the owners would have no problem buying the corner lot when and if it becomes available.

Sahila, no other name or address given, discussed the present shop now on Dollar Street. She said this is a good location on Mission. She prefers it to the present location behind another building. This area would feel safe and comfortable for her as a customer. This is a great opportunity for them and a great idea.

Chairperson Caveglia closed the public hearing at 8:44 p.m.

Chairperson Caveglia said the Commission has to look for the best possible use for a site.

Acting Principal Planner Patenaude reminded Members that if they were inclined to approve the application, they might want to continue it so that staff could develop conditions of approval and address the design issues, etc. Staff then answered questions from various members.

Commissioner Sacks asked for further information on the timetable proposed for the stop light across the Street as part of the Big "O" Tire proposal.

Development Services Review Engineer Garcia said he would check with the City Engineer and get back to her. Acting Principal Planner Patenaude stated that contribution toward the traffic light was a condition of approval.

Commissioner Bogue moved, seconded by Commissioner Zermeño, to deny the Zone Change and Administrative Use Permit, subject to findings.

Commissioner Bogue noted that the Mission-Garin Plan strongly suggests maintaining this zoning. It would impose on the residential neighborhood a heavy commercial zoning.

Commissioner Williams said it is a difficult decision because the City is working to improving the area. To deny this applicant the opportunity to improve that area created mixed feelings on the issue. However, he would support the motion.

Commissioner Halliday said she had sympathy for the applicant, and noted some very good points that had been made. However, the Redevelopment proposal is coming. It will facilitate the combination of the parcels to enhance the character of Mission Boulevard. She said she



hopes the applicant finds a suitable location more ideal for the auto body shop. She might be inclined to support a different project if the corner lot is included.

Commissioner Sacks noted the fact that someone can block a project like this corner landowner. This is a strange parcel since it goes into residential. It really does not improve the character of Mission. She added that she was very impressed with the applicant and spokesperson for it.

Commissioner Zermeño commented that he knew many of the people who signed the petition in support of the application. However, he added that the City has guidelines which must be met, and with the obstacle of the corner lot the process would be more difficult. He asked the applicant and owner to wait.

Commissioner Thnay echoed the previous sentiments adding that this is a good thing Mr. Mehdavi is doing. He noted, however, that Redevelopment is not that far off.

The motion passed unanimously.

#### ~~ADDITIONAL MATTERS~~

#### ~~3. Oral Report on Planning and Zoning Matters~~

~~There were no reports made.~~

#### ~~4. Commissioners' Announcements, Referrals~~

~~Chairperson asked for an introduction to one of the attorneys on the dais. Assistant City Attorney Conneely introduced Meg Fitzgerald a new Assistant City Attorney, who may be assisting the Commission in the future.~~

#### MINUTES

- January 25, 2001 - Approved

#### ADJOURNMENT

The meeting was adjourned by chairperson Caveglia at 8:57 p.m.

APPROVED:

Ed Bogue, Secretary  
Planning Commission



## CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 2/22/01

Agenda Item \_\_\_\_\_

**TO:** Planning Commission

**FROM:** Arlynn J. Camire, Associate Planner

**SUBJECT:** **Zone Change Application No. 01-190-01 and Referral of Administrative Use Permit Application No. 01-150-09 – Abdul Mehdavi (Applicant), Patricia Wiese (Owner):** Request to Change a Zoning District from “RS” Single-Family Residential to “CG” General Commercial in order to Build a Parking Area to Serve an Automotive Repair Shop Facility. In addition, Referral By the Planning Director of an Administrative Use Permit Requesting to Construct and Operate an Automobile Repair Facility for the Purpose of Minor and Major Auto Repairs. *The Property Is Located at 28049 Mission Boulevard & 650-670 Hancock Street in the CG (General Commercial) and a RS (Single-Family Residential) Districts*

### RECOMMENDATION

Staff recommends that the Planning Commission deny the 1) the zone change from Single-Family Residential Zoning District to General Commercial Zoning District and 2) the administrative use permit for construction and operation of an auto repair and body shop business subject to the attached findings.

### DISCUSSION

The applicant proposes to build and operate an auto repair facility, featuring both minor and major services excluding vehicle painting. The auto repair services include engine tune-up, repair and overhaul, computer diagnostics and collision repair. Auto repair facilities require approval of an Administrative Use Permit in the “CG” General Commercial District. A portion of the customer parking and temporary outdoor vehicle storage is proposed to be located in an area of the site that is currently zoned “RS” Single-Family Residential, therefore the approval of a zone change to General Commercial District is necessary. The Planning Director is referring the AUP application directly to the Planning Commission for consideration because the project requires a zone change and it is felt that it the use is not appropriate for the site.

Setting

The vacant 20,370-square-foot site includes two parcels which are generally at the northwest corner of Mission Boulevard and Hancock Street surrounding a 6,560-square-foot vacant corner parcel that is not included as part of this project. The site has frontage access on both Mission Boulevard and Hancock Street. The Mission Boulevard frontage is approximately 80 feet from the corner and is approximately 50 feet in length. The site frontage is approximately 163 feet on Hancock Street. The property is within the proposed expanded Redevelopment Plan Area.

The properties are located along a section of Mission Boulevard that is characterized by a mixture of commercial uses and services (including vehicle sales and service, restaurants, churches, grocery and convenience stores, and building and home improvement supplies) in the CG "General Commercial" Zone District.

The surrounding land uses, zone districts and General Plan land use designations are as follows:

	Existing Use(s)	Zone District(s)	Gen'l Plan Land Use Designation
North	Hertz Used Car Sales and Rentals	CG	CHDR
South	United Smith Memorial Christian Methodist Episcopal Church	CG	CHDR
East (across Mission Blvd.)	Site of future Big "O" Tires and Carl's Junior Restaurant and Jimenez Supermarket	CG	CHDR
West	Single Family Homes	RS	CHDR

CG = General Commercial District; RS = Single-Family Residential; CHDR = Commercial/High Density Residential

Project Description

The project consists of two, 2,920-square-foot, 2-story automobile service buildings. Each building contains 4 auto repair bays and 2 hydraulic vehicle lifts behind 4 roll-up garage doors. The first floor also contains a waiting area, a counter area, and a unisex restroom. The second floor is a mezzanine that contains 3 offices. The Off-Street Parking Regulations requires one parking space to be provided for each 500 square feet of gross floor area. Twelve parking spaces are required and 16 parking spaces are proposed.

The buildings are stucco with an arched stucco trim framing garage doors and entry doors. To give blank building walls facing Mission Boulevard and Hancock Street relief, arched stucco trim continues on featureless facades that do not have doors or windows. Window frames are not accented with this design element. The roofs are mansard like in design and are composition shingle. Staff recommends that if the Planning Commission is inclined to approve this project, the buildings should be redesigned to be compatible with the approved Big "O" Tires project that will be located on the east side of Mission Boulevard, directly across the

street from the project site. To illustrate the point, the Big "O" Tires project uses a Mission architectural style which ties in well with the thematic architecture required in the Mission Corridor Special Design District to the north and along the Tennyson Road corridor (Tennyson-Alquire Neighborhood Plan) to the southwest. In addition, the Big "O" Tires structures will be articulated on all sides with building offsets, and cornice bands will be used to cap off the walls.

### General Plan Issues

The General Plan Map designation for the properties along Mission Boulevard is *Commercial/High Density Residential*. This designation is intended to permit infill development of vacant and/or underutilized parcels with either commercial uses or high-density residential projects where appropriate. The Growth Management Element of the General Plan and the Mission-Garin Neighborhood Plan provide the option for properties that are so designated to be developed with either commercial or high-density residential uses as appropriate. As a policy of the Growth Management Element, retail commercial uses are meant to support existing and planned residential development. In addition, policies of this Element encourage opportunities for integrated mixed use development and seek to move beyond "piecemeal planning" that is reactive to new development on a project by project basis focusing on growth that promotes a complete and integrated community.

The Proposed Amendment to the Downtown Hayward Redevelopment Plan, which is not yet adopted, includes the goals of: 1) Attracting neighborhood serving commercial uses, 2) assisting in the assembly of parcels into more-developable sites and 3) alleviating problems associated with uses that are incompatible with adjacent uses. In addition the proposed Amendment to the Redevelopment Plan promotes the expansion and enhancement of shopping facilities by encouraging the development of new commercial uses and the development of mixed use.

The project site is located one-fourth mile from the South Hayward BART Station which places it within the traditional walking distance of one-quarter mile for transit-oriented development or takes advantage of existing transit. Both the Growth Management Element and the Mission-Garin Neighborhood Plan encourage automobile uses that do not impact adjacent residential properties. However, the proposed facility includes major auto repairs that would have noise impacts, introduce undesirable outdoor vehicle storage, hazardous materials, and possibly odors. The auto repair facility would not necessarily provide a needed commercial support service to the adjacent residential properties, which is contrary to the intent of goals and policies of the Growth Management Element of the General Plan, the Mission-Garin Neighborhood Plan and the proposed Redevelopment Plan Amendment.

The proposed Amendment to the Downtown Hayward Redevelopment Plan describes physical blight as including factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots. Blight condition can be caused by the existence of subdivided lots of irregular form and shape and inadequate size for proper usefulness and development that are in multiple ownership. Contrary to the objectives of both the Growth Management

Element and the proposed Amendment to the Downtown Hayward Redevelopment Plan, the development of the project could allow the 6,560-square-foot vacant corner parcel to lose its economic viability because its substandard lot size would not be able to adequately accommodate commercial development. The adjacent automobile repair facility limits the types of uses that can be developed due to use compatibility. Furthermore, site access onto the corner parcel and the potential siting of a building and parking will be limited since the corner property has an 80-foot frontage on Mission Boulevard, and driveways are required to be at least 25 feet from an intersection and 25 feet from an existing driveway.

## **ENVIRONMENTAL REVIEW**

Projects that are denied do not require California Environmental Quality Act review. If the Planning Commission were to consider recommendation of approval of the project to City Council, the public hearing would be continued to allow time to prepare the necessary environmental documents and findings and conditions of approval.

## **PUBLIC HEARING NOTICE**

On February 8, 2001, a Notice of Public Hearing was mailed to every property owner and resident within 300 feet of the property as noted on the latest assessor's records and the Mission-Garin Neighborhood Plan Task Force members.

## **CONCLUSION**

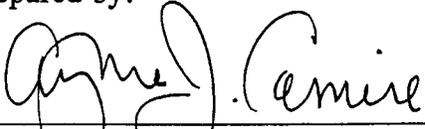
Staff believes that the development of a major auto repair facility on this site would introduce noise, undesirable outdoor storage of vehicles, hazardous materials and odors which would negatively impact the adjacent single-family residential neighborhood which is contrary to the intent of goals and policies of the Growth Management Element of the General Plan, the Mission-Garin Neighborhood Plan and the proposed Amendment to the Downtown Hayward Redevelopment Plan.

Major auto repair services and a body shop are not compatible with the mix of uses desired in the proposed Amendment to the Downtown Hayward Redevelopment Plan Area and are not transit-oriented uses that are desired in the vicinity of the BART station. In addition, the facility may not provide commercial uses and needed services to adjacent residents.

Furthermore, staff is of the opinion that the development of these two parcels without the third would create a situation that would limit the economic viability of the corner parcel because it is a substandard size to be developed as a commercial space which is contrary to the Growth Management Element and the proposed Amendment to the Redevelopment Plan. Therefore, staff recommends that the Planning Commission deny the conditional use permit and the zone change applications.

The decision by the Planning Commission on this proposal is final unless the Commission recommends that the City Council approve the conditional use permit and the zone change applications.

Prepared by:



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Arlynne J. Camire, AICP  
Associate Planner

Recommended by:



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*for* Dyana Anderly, AICP.  
Planning Manager

Attachments:

- A. Area/Zoning Map
- B. Findings for Denial Plans

March 5, 2001

**REFERENCE: UP 01-160-01 & ZC 01-190-01**

Arlyne J. Camire  
Associate Planner  
Planning Division  
777 B Street  
Hayward, CA 94541

**RECEIVED**

MAR 05 2001

PLANNING DIVISION

Dear Arlyne J. Camire:

**SUBJECT: APPEAL**

This is to inform you that we are appealing the decision by the Planning Commission of the City Hayward, which denied our application for UP 01-160-01 & ZC 01-190-01 on February 23, 2001.

The objections raised by the Planning Department, and the subsequent public hearing by the Planning Commission on those objections, failed to reasonably assess the viability of the proposed facility and zone change. In rejecting our application, the Planning Commission failed to raise sufficient reasonable cause for denial, other than reiterating the subjective evaluations of the Planning Department.

Further, several Commissioners expressed willingness to support our project given that the inevitable "Blight Condition" of the proposed location is resolved. We believe that the inevitable "Blight Condition" of the proposed location can reasonably be resolved with adequate amount of time. The Commissioner(s) support for our project, exclusive of the "Blight Condition", is a strong testimony to the viability of our application for the proposed location.

The specific reason we are appealing the Planning Commission's decision is the failure of the Planning Commission to raise valid and concrete objections to our proposed application. We believe that the Planning Commission overlooked a reasonable assessment of our application, despite the strong counter argument we raised.

**Counter Arguments Raised at the Hearing:**

The proposed facility is located at 28049 Mission Blvd, and 650-670 Hancock Street.

Specifically, within about two-mile radius of the proposed location, the Mission Blvd is scattered with the same or similar types of proposed facility already in operation.

It is difficult to understand how a different commercial entity other than the proposed facility, or similar genre of business, would become economically viable in this proposed location.

### **NOISE**

Further, it is unreasonable to argue that the impact of noise from a commercial entity such as the Proposed facility can create that level of noise as to overwhelm the current traffic noise from the Mission Blvd. Standing on 12th Street, which is parallel with Mission Blvd, the traffic noise is horrendous. In today's world noise is the inevitable outcome of city life.

Moreover, if the impact of noise from the proposed facility is undesirable, we have difficulty understanding that the proposed Big-O Tire project, across the street from the proposed project, and immediately below the residential complex, does not create substantial undesirable noise.

### **UNDESIRABLE VEHICLE STORAGE**

We have difficulty understanding why would the Planning Department assume that there will be "Undesirable outdoor vehicle storage". The proposed facility will be a business, and our margin of profit will be determined by the number of vehicles we can repair and release in a single day of work. It is not at all profitable to Store Vehicles within the premise because it will substantially reduce our profit.

### **HAZARDOUS MATERIAL**

We have difficulty understanding how the proposed facility can bring about the existence of alleged "Hazardous Materials" when the entire Mission Blvd is cluttered with exact or similar genre of business as the proposed facility. We have failed to understand that the hazardous materials created by the proposed facility will not be any more hazardous, or less, than the amount of materials of Hazardous nature that the accepted Big-O Tire project will create. Again, the current commercial entities along the Mission Blvd deal with the same or similar materials as the proposed facility, and we have failed to understand how the hazardous nature of these materials has been overlooked by the planning Department.

### ODOR

We have difficulty comprehending how the proposed facility will create the level of odor as to undermine the desirability of the project. When the number of commercial entities surrounding the proposed project, along with the accepted Big-O Tire project, is taken into account, it is difficult to rationalize how our proposed facility alone will create that level of odor as to force the Planning Department to view only our proposed project negatively.

### COMMERCIAL VIABILITY

We also can not rationalize why the Planning Department views our proposed project negatively to the extent that it **"will impair the character and integrity of the General Commercial and Single Family Residential Districts."** A reasonable and rational entrepreneurial decision is to avoid launching a commercial project in an area that has no potential base of customer support. We believe, as the support of the neighborhood for our project shows, that the Mission Blvd., has become known for the availability of the type of services and products as the proposed facility in question. We are of the strong opinion that those commercial entities that are not similar or of the same type as the current commercial entities in Mission Blvd, will have a difficult time generating profitable revenues. We believe, contrary to Planning Commission, that the commercial viability, character and integrity of both GC and RS districts will be better served with the proposed facility or by similar types of commercial projects.

### BLIGHT CONDITION

It is unreasonable to argue that our proposed facility will bring about the so-called "Blight Condition" that the Planning Department discusses in their objection to this project. On the contrary, it is the adamant refusal of the current owner of the corner Lot in question to sell his property that leads to the "Blight Condition". If we are to analyze this situation from a rational and reasonable angle, whether it is our proposed facility or any other projects for that matter, so long as the current owner of the Blight Condition Lot refuses to sell his property, a Blight Condition is inevitable. Thus, we disagree with the Planning Department that our proposed facility leads to a Blight Condition. On the contrary, a Blight Condition is an inevitable outcome of the current location.

**To reiterate our main point:**

Contrary to the Planning Commission's recommendations, we believe that the proposed facility will promote and protect the viability, integrity and character of both GC and RS districts. Further, comparatively speaking it is irrational and by far unreasonable to view our project as undesirable while the accepted Big-O Tire project across the street from our proposed location somehow not only provides a needed commercial support service to the adjacent residential properties, but also will not lead to noise and odor that the Planning Department found undesirable with our proposed facility. We are of the strong believe that the Planning Department's assessment of our proposed facility, and the subsequent Planning Commission hearing, falls short of an objective analysis and overlooked the diverse and tolerant history of the City of Hayward.

Respectfully,

Abdul Mehdavi

Dear Neighbors,

I am trying to build an Automobile Repair facility at the 28049 Mission Blvd and 650-670 Hancock Street. The construction of an automotive shop has the following advantages for the community:

1. Creates a source of income for my family and I
2. Creates jobs for the community.
3. Strengthens the commercial appeal of our community.
4. Transforms a vacant lot into a viable business-place.

As a potential neighbor and a member of the community, I urge you to support my attempt to provide for my family through the construction of an automotive shop. Please sign the letter of support and send a clear message to the City of Hayward that economic development and community expansion are vital for the protection and promotion of our communities.

I thank you in advance and genuinely appreciate your support.

Sincerely,

Abdul Mehdavi

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

S. mustafashefa

26331 Whitman St #154

[Signature]

25195 Hawthood Ave Hay

[Signature]

26135 Mission Blvd

[Signature]

26135 Mission Blvd

Jamshid Berf

26659 Mission Blvd

[Signature]

26649 Mission Blvd

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

Daughaz Dune

26699 MISSION BLV

FRANCS BASS

7/11/COMM/STORE



27917 TREVINTON CT  
HAYWARD CA 9454

Wahid

963-W. TENESON R  
HAYWARD CA 945

ABDUL BASIR

54791-ALEZAL  
UNION STY CA

Rami Johansson

620 River Oak Way  
Hayward CA 94544

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

Kyungsteek Min

21575 MISSION E

F. Minvi

27795 Mission Blvd

Nasheed Abdul

# 101 Dixon St Hayward

Am. M. Madhavi

25751 Deller St #2 H

Diana J

2076 Alder gate W

Y. H.

2078 Alder gate W

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

[Signature]

25006 Lucien way Hayward

[Signature]

25006 Lucien way Hayward

[Signature]

28074 E12th

[Signature]

27936 (church).

Frank Narayan

601 Gordon Rd.

[Signature]

27834 Myrtle St

Farwardo Car Vena

28059 East 12th St

Catherine A Williams

28087 E. 12th St.

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

*[Signature]*

26525 GADING DR  
HAYWARD

*Dolores Hernandez*

HAYWARD CA  
532 JEFFERSON ST

*James P. [Signature]*

Hayward Ca - 456 [Signature]

*[Signature]*

26953 MISSION BLVD  
HAYWARD CA 945

*Bertha Holloway*

29605 MISSION BLVD  
HAYWARD CA 945

*Raidy*

28905 MISSION  
BLVD. # 897

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

Harriet & Annelle Vait  
28679 ETTA AVE  
Hayward, Ca.

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Rosana & Ayub Hussain  
28657 ETTA AVE  
HAYWARD CA 94544

---

RITUPESH & ANJECTA MAHARAJ  
28685 ETTA AVE  
Hayward CA 94544

---

AMBHIKA PRASAD  
28744 ETTA AVE  
HAYWARD, CA. 94544

---

Jesus Hernandez C  
28743 ETTA AVE  
Hayward CA 94544

---

Rene Aravelo & Lidia  
28695 ETTA AVE  
HAYWARD CA 94544

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I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of Hayward.

SANDAGAR.



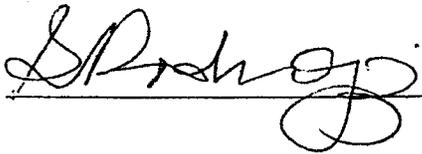
26643 MISSION



26643 MISSION.

Creech bnr

26644 mission



26657 Mission



26667 Mission Blvd

J. Davis

26671 Mission

M. Sharif

24930 Pontiac St

I fully support Mr. Abdul Mehdavi's project of building an automotive repair shop  
at 28049 Mission Boulevard and 650-670 Hancock Street, in the City of  
Hayward

Martina Galvan

611 Hancock St.

Bob P.

28116 E. 11<sup>th</sup> St.

Maria

28095 East 12<sup>th</sup> St

Kristin Jensen

27580 East 12<sup>th</sup>

Karen Ortega

27516 E. 12<sup>th</sup> St.

Ann John

27517 Mission

Manuel Castro

27754 Mission

Alh. Baez

27754 Mission

**From:** <EscAdrian@aol.com>  
**To:** COHD.CED(ArlyneC)  
**Date:** Tue, Feb 20, 2001 10:06 AM  
**Subject:** my neighborhood

Hello Arlyne, my name is Adrian Escoto and i live at 632 Hancock st. I am completely against the building of yet another auto body shop in south Hayward. Why do we get all the tacky, ghetto producing businesses? I've lived here over 30 years and have yet to see the type of uplifting planning done for other parts of Hayward. As a matter of fact the mayor and city council recently denied a permit to operate a body shop near city hall. Now, if they do not want to WORK next to a body shop, why do they want ME TO LIVE NEXT TO ONE??? Also, what about the sycamore trees growing on that lot? They must be 80 years old. I'm a horticulturist and can tell you it would be a crime to cut them down when the city is losing these valuable native trees. I feel like taking the city to court over this----and I would win. By the way, when did south Hayward become a subsidiary of Detroit? Sincerely Adrian Escoto----886-9347

# DRAFT

HAYWARD CITY COUNCIL

*Mal*  
*3/22/01*

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION DENYING APPEAL OF PLANNING  
COMMISSION'S DECISION TO DENY ZONE CHANGE  
APPLICATION NO. 01-190-01 AND ADMINISTRATIVE USE  
PERMIT APPLICATION NO. 00-150-09 - ABDUL  
MEHDAVI (APPLICANT) AND PATRICIA WIESE (OWNER)**

WHEREAS, Zone Change Application No. 01-190-01 and Administrative Use Permit Application No. 00-150-09 by Abdul Mehdavi (Applicant) and Patricia Wiese (Owner), concerns property located, generally, at the northwest corner of Mission Boulevard and Hancock Street; and

WHEREAS, the property consists of two vacant parcels, and Applicant is requesting a zone change for a portion of the parcel facing Hancock Street from RS (Single-Family Residential) to CG (General Commercial) and is requesting an administrative use permit, which is required in CG zoning, in order to construct and/or operate automobile repair facilities; and

WHEREAS, as a result of the configuration of the two parcels, the project necessitates the construction of two garage buildings and segregated customer parking areas. There is inadequate space for two-way traffic in the driveway between the northern building and the property line and the architecture lacks interest. In addition, the lack of adequate landscaping and fencing along the property lines are inconsistent with City requirements and would necessitate approval of variances. For these reasons, and the omission of the corner parcel, the Planning Commission determined that the project would not contribute in a positive way to the appearance of the neighborhood and found that the policies in the General Policies Plan do not support the project due to design and compatibility issues; and

WHEREAS, on February 22, 2001, the Planning Commission held a public hearing and denied Zone Change Application No. 01-190-01 and Administrative Use Permit Application No. 00-150-09, which decision was appealed by Applicant on March 5, 2001; and

WHEREAS, projects that are denied do not require review under the California Environmental Quality Act ("CEQA"); and

WHEREAS, the City Council has reviewed and considered all materials presented, including the record of the proceedings before the Planning Commission on February 22, 2001 (which is on file in the office of the City Clerk); and

WHEREAS, with regard to the administrative use permit, the City Council hereby finds and determines that:

1. The proposed major auto repair services are not desirable for the public convenience or welfare in that they are detrimental to the desired pedestrian-oriented and transit-oriented uses envisioned by the Growth Management Element of the General Plan, the Mission-Garin Neighborhood Plan and the Proposed Amended Downtown Hayward Redevelopment Plan, and in that there are suitable locations for the proposed use elsewhere in the General Commercial and Single-Family Residential districts of the City. In addition, physical blight would be continued by substantially hindering the economically viable use of the corner property which is not included in the proposed project site;
2. The proposed major auto repair service and body shop will impair the character and integrity of the General Commercial (CG) and Single Family Residential Districts as it is not a desirable use in the Proposed Amended Downtown Hayward Redevelopment Plan area amid the existing and proposed mix of pedestrian- and transit-oriented uses desired for the one-half mile radius of the South Hayward BART station; and
3. The proposed major auto repair service and body shop will be detrimental to the public health, safety, or general welfare in that the proposed use introduces traffic and parking conflicts and hazardous materials that are detrimental to the existing single-family residential uses and the proposed mix of transit-oriented uses desired for the one-half mile radius of the South Hayward BART station.
4. The proposed major auto repair service will not be in harmony with applicable City policies as the *General Policies Plan and Growth Management Element* that envision uses that are transit-oriented and neighborhood serving.
5. Projects that are denied do not require review under the California Environmental Quality Act ("CEQA").

WHEREAS, with regard to the zone change application, the City Council hereby finds and determines that:

1. The project is not in conformance with the General Policies Plan Map designation of Commercial/High Density Residential. This designation is intended to permit infill development of vacant and/or under-utilized parcels with either commercial uses or high-density residential projects

where appropriate. It has been determined that the temporary outdoor storage of vehicles awaiting maintenance would not be compatible with the adjacent residential properties. In addition, the project is not in conformance with the Growth Management Element of the General Policies Plan. Furthermore, the project is not in conformance with the Mission-Garin Neighborhood Plan and the proposed Amended Downtown Hayward Redevelopment Plan in that the use is not compatible to the goals and objectives of these Elements and Plans which urge the development of supporting uses and services lacking in the Plan area that are residential and transit serving and does not meet the needs from an economic development standpoint.

2. The development will not provide a use that will be appropriate in size and location and overall planning for the purpose intended and will not create an environment of sustained desirability and stability through the design standards, and may have adverse effect upon surrounding residential and commercial development in that the proposed use is not needed at this location as required by the proposed Amended Downtown Hayward Redevelopment Plan.

NOW THEREFORE BE IT RESOLVED, upon the basis of the aforementioned findings, the City Council hereby denies the appeal and upholds the Planning Commission action.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward