

Planning Commission Agenda Report

October 24, 2018
Item 5.a.

SUBJECT: P18-0154

APPLICANT: Rong Chi Lin

PROPERTY OWNER: Douglas & Mary Safreno

PURPOSE: Application for a Conditional Use Permit to operate an automotive repair shop at an existing service station.

LOCATION: 4212 First Street

GENERAL PLAN: Retail/Highway/Service Commercial/Business and Professional Offices

SPECIFIC PLAN: Downtown Specific Plan – Downtown Commercial

ZONING: Freeway Interchange Commercial District (C-F)

EXHIBITS:

- A. [Draft Resolution and Conditions of Approval](#)
- B. [Narrative dated "September 4, 2018," and Plans dated "September 4, 2018"](#)
- C. [Location and Notification Map](#)
- D. [Public Comments](#)

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Conditional Use Permit (CUP) application P18-0154 based on the required findings and subject to the draft conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant requests CUP approval to establish an automotive repair shop at 4212 First Street within the existing Shell service station building. Service of automobiles requires a Conditional Use Permit in the C-F zoning district. As such, this CUP application is before the Planning Commission for consideration. As proposed and conditioned, staff finds the use is consistent with the intent of the General Plan, Downtown Specific Plan, and zoning district and will be compatible with the surrounding uses as detailed in the report below. Conditions of approval have been included in Exhibit A to ensure the safety and general welfare of the surrounding area, and the City in general, is maintained, and that all findings for approval can be made.

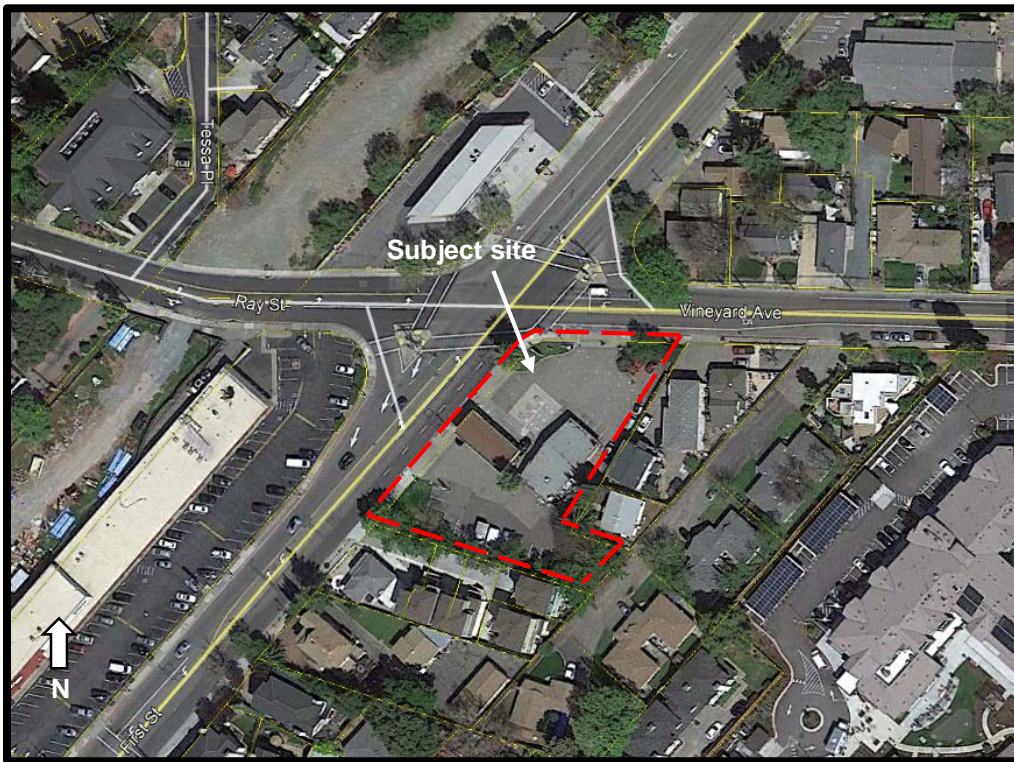
BACKGROUND

In 1966, the existing Shell service station (gas station) was approved on the subject parcel, 4212 First Street, through a Conditional Use Permit. There has been an approved smog inspection business operating on the subject parcel since 2010 with the current applicant operating a smog inspection business since early 2018. Rong Chi Lin, the applicant, submitted a CUP application to expand the smog inspection use and operate an automotive repair shop (“Tri Valley Auto Service”), occupying approximately 832-square-feet of the existing building on-site. Automobile repair is permitted in the C-F zone, subject to a Conditional Use Permit, and is therefore before the Planning Commission for review and approval.

SITE DESCRIPTION

The subject parcel is 0.67-acres in area and located at the southeast corner of Vineyard Avenue and First Street. Vehicular access to the site is provided from both of the adjacent streets. The existing Shell station on the site is located on the middle of the site with parking located to the north and south of the station, as seen in Figure 1 below. There are a total of 21 shared parking spaces (not including the fuel dispenser spaces) on the subject parcel which will be shared with the existing service station and the proposed automotive repair shop. Adjacent land uses to the east and south of the subject parcel include residential uses. To the west (across First Street) is a commercial shopping center (Pleasant Plaza), diagonally at the corner of Ray Street and Vineyard Avenue is another gas station, and across Vineyard to the north are residential uses.

Figure 1: Google Earth Aerial Photograph



PROPOSED PROJECT

As noted above, the subject CUP is to expand an existing smog inspection station to automotive repair which would include engine tune-ups, brakes, and other similar maintenance at two service bays in approximately 832-square-feet of an existing building. All automotive

repair work would occur inside the building and no repair work would be done outside. There would not be any interior or exterior modifications to the existing building on the site. The proposed automotive repair shop would have two employees on shift at one time and be open from 9am to 5pm. The existing smog shop currently services a maximum of eight cars per day and would continue to operate in a similar manner. See the attached narrative and project plans, Exhibit B, for additional information on the proposed use. Staff has received three public comments in opposition of the project; these comments are addressed in the “Public Notice” section below.

PROJECT AND ANALYSIS

Conditional uses are uses which, by their nature, require special consideration so they may be located properly with respect to the objectives of the Municipal Code and to their effects on surrounding properties. In order to achieve these purposes the Planning Commission can approve, conditionally approve, or deny applications for Conditional Use Permits. Based on the analysis below, staff is recommending conditional approval of the subject application.

General Plan

The General Plan land use designation of the subject property is “Retail/Highway/Service Commercial/Business and Professional Offices.” The proposed use is consistent with this land use designation. Below are some of the General Plan Goals and Policies the project is consistent with or promotes:

- Land Use Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.
- Land Use Element Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Specific Plan

The subject parcel is located within the Downtown Specific Plan and its land use designation is Downtown Commercial. The proposed use is consistent with the identified land use in the Specific Plan as an automotive repair shop is a commercial use.

Zoning District

The subject site is zoned Freeway Interchange Commercial District. Service of automobiles is a conditionally permitted use in the zoning district and therefore, if the Conditional Use Permit is approved, the proposed use will be consistent with the zoning district. One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. There are a variety of adjacent land uses, as described above, including residential, commercial, and other service stations. The proposed use will be located in an existing building with a gas station that has been in operation for approximately 52 years; the current location has also been used by smog check businesses for approximately eight years without any apparent adverse impacts on the surrounding businesses or residents. In addition, as noted, Tri Valley Auto Service will service cars exclusively indoors, which can help to mitigate impacts on adjacent uses. No activities that will generate odors, such as auto painting, or loud noise, such as bodywork, will be conducted. All waste fluids such as oil or coolant would have to be properly stored and disposed of, in accordance with applicable regulations. As such, if

the CUP is granted, the proposed use will be compatible with the surrounding uses and staff considers it unlikely that the operation will adversely impact the surrounding area.

Should future problems arise with the proposed use, the City has the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff believes such an action would be unlikely. In addition, staff has included conditions of approval to mitigate any potential noise, traffic, or parking shortages generated by the use such that surrounding uses will not be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be an acceptable use on the subject property, as conditioned.

Parking

As previously mentioned, there are a total of 21 shared parking spaces on the subject parcel which are used by the Shell service station and the proposed automotive repair shop. Pursuant to section 18.88.030 (E) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), the existing service station requires three parking spaces. A repair shop requires one space per 500-square-feet of gross floor area (except for area used exclusively for storage and truck loading). As currently proposed, the automotive repair shop would require two parking spaces. Pursuant to the Code, the uses on the site would require a total of five parking spaces. This is well below the 21 spaces currently available on-site.

Although all repair work will be performed within the existing service bays, cars awaiting service or customer pick-up would be parked outside, on-site. The applicant believes that up to 10 vehicles may need to be parked outside, rather than the two spaces required by the Code. This would bring the total parking demand on the property to 13 spaces for the service station and automotive repair shop, which would remain below the 21 spaces provided on-site. Per the conditions of approval, all vehicles awaiting repair or pickup would have to be parked on site, and have a valid repair order, to avoid vehicles being stored long-term or parked on neighboring streets.

Based on the above parking analysis, staff believes the proposed use will not adversely affect parking at the subject site or surrounding properties and adequate parking exists on-site to accommodate all existing and proposed uses. However, should parking problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Traffic and Circulation

The Traffic Engineering Division reviewed the project narrative and plan. The Traffic Engineering Division determined a traffic study is not required and the proposed use will not have a significant impact on existing traffic levels. Should the applicant wish to increase the size of their business, review by the City's Traffic Engineer would be required to assess whether a traffic study is required and payment of traffic impact fees and implementation of other mitigation measures is warranted.

Noise

The subject parcel and building are in a commercial area, and a certain amount of noise is expected. For commercial properties, such as the subject parcel, the Pleasanton Municipal Code Section 9.04.040 states, "No person shall produce or allow to be produced by any

machine, animal, device, or any combination of the same, on commercial property, a noise level in excess of 70 dBA [A-weighted decibels] at any point outside of the property plane.”

As proposed, the automotive shop proposes to work on cars entirely indoors. Although the roll-up doors facing First Street may remain open, the proposed repair services are not the types of services that generate an excessive amount of noise, such as those associated with auto body repair. Any noise generated from the use should be consistent with current and historical activities at the existing Shell station and should not generate more noise than is typical for this area. Therefore, it is unlikely noise will be an issue. To further minimize any noise impacts, staff recommends the following condition of approval:

- If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.

With the inclusion of the condition above, staff believes it is unlikely the noise produced by the proposed use will adversely affect adjacent tenant spaces or be in excess of 70 dBA at any point outside of the property plane as prescribed by the Municipal Code.

PROJECT SITE ALTERNATIVES

As articulated above, staff believes the use as proposed is consistent with the intent of the zoning district. However, alternatives to the proposal include:

1. Denial of the application. The Planning Commission can deny the CUP, limiting the use to smog check only.
2. Approval of the CUP application with modifications. The Planning Commission can approve the CUP to operate an automotive repair shop with changes to the operation.

These alternatives may reduce activity levels and potential impacts of a full automotive repair shop at this location. However, staff believes the Commission can make the findings to approve the project as proposed and does not believe the project will not adversely impact any existing uses or the surrounding area.

PROS AND CONS FOR THE PROPOSED PROJECT

Pros	Cons
Use is consistent with the General Plan, Specific Plan, and zoning designation.	The project would slightly increase parking demand and traffic on the subject lot, but traffic/circulation and parking impacts would not be adverse.
Provides automotive repair service to the community.	

PUBLIC NOTICE / PUBLIC COMMENTS

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit C for reference. At the time this report was published, staff received three public comments in opposition of the project attached as Exhibit D for reference. The comments note traffic, health,

code enforcement for the existing property, and incompatibility with the surrounding uses as further detailed in the attached comments.

While the public comments are in opposition of granting the CUP, as articulated above, the existing Shell gas station has been in operation since 1966 with a smog inspection shop operating since 2010, without record of issues relating to the gas station and smog inspection use. While the smog inspection use would be expanded to include automotive repair, staff believes the concerns outlined in the public comments have been considered in staff's analysis outlined above; and as conditioned, staff believes the Commission can make the findings to approve the project.

As noted, all repair activities would be required to take place in the building, and the use is not expected to create noise, odors, traffic or parking demand substantially different from that occurring at the site today. Further, the 1966 Conditional Use Permit, under which the gas station and smog check use are currently operating includes only limited conditions of approval to control or limit potentially adverse effects of those operations. The proposed CUP would establish a much more robust set of conditions with which the automobile service facility would need to comply, and, moreover, would provide the ability for the Planning Commission to review those operations should they prove to be problematic in the future.

Finally, one comment notes code compliance issues at this location. There is currently an open Code Enforcement case on this property to address the landscaping, which is failing and in poor condition. This issue is being actively addressed with the property owner through the Code Enforcement process and staff considers it unrelated to the subject automotive repair shop.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines (CEQA), California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities, Class 1) of the CEQA Guidelines.

CONCLUSION

As proposed, staff believes the proposed use will be compatible with the surrounding uses and the findings can be made for the requested Conditional Use Permit, as conditioned. Conditions of approval have been included to ensure the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff finds the proposed use will fulfill a community need and the proposed location is appropriate.

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