

RESOLUTION NO. PC-2018-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON
APPROVING A CONDITIONAL USE PERMIT AT 4212 FIRST STREET FOR RONG CHI LIN
OF TRI VALLEY AUTO SERVICE [P18-0154]

WHEREAS, on May 22, 2018, Rong Chi Lin, on behalf of Tri Valley Auto Service, applied for a Conditional Use Permit to operate an automotive repair shop at an existing service station at 4212 First Street; and

WHEREAS, zoning for the subject property is Freeway Interchange Commercial District (C-F); and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, Class 1, since the project is within an existing building and no changes are proposed; and

WHEREAS, on October 24, 2018, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from interested parties; and

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: Findings for Conditional Use Permit Approval

With respect to the approval of Conditional Use Permit (Case P18-0154), the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.

The proposed automotive repair use is located in an existing service station building in the Freeway Interchange Commercial (C-F) zoning district. Some of the objectives of the zoning ordinance include: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and ensure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. In addition, a special stated purpose of the C-F district is to provide areas catering to freeway travelers.

The subject parcel has an existing service station (gas station) on-site that is complementary to the proposed use and the zoning district has a variety of commercial uses throughout the district that are compatible with the proposed use. The proposed automotive repair work will be conducted exclusively indoors and on a property with an adequate circulation system and parking supply to support the use. The applicant will also be required to mitigate any future nuisances that may occur as a result of the

proposed use. As conditioned, the Planning Commission finds the proposed automotive repair shop will be consistent with these objectives and zoning district purposes.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Automotive repair shops are not uncommon uses within commercial areas in Pleasanton. While adjacent to residential uses, the site has an existing service station that has been in operation since 1966. In addition, smog checks are currently being performed on-site. Expanding the use of this service station and smog check station to include automotive repair does not substantially expand or alter the nature of the operations on the site that currently exist. The City's past experience shows these uses, especially when combined with a service station, are generally compatible with other uses. The repair shop would not perform automobile painting or body work that could be the source of noise or odors. Automotive repair shops generally do not subject surrounding uses to heavy truck traffic or hazardous odors and when conducted indoors maintain adequate noise levels. Adequate safety and security are provided on the property (including ingress and egress to the site). The proposed use will have adequate off-street parking to meet project demand in the 21 off-street parking spaces provided on the site. There is no indication public health, safety, or welfare will be adversely affected by granting this Conditional Use Permit and as conditioned, the Planning Commission finds the proposed use will not detrimentally affect surrounding uses.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's zoning conditionally permits the establishment of an automotive repair shop. Granting a CUP is consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the Municipal Code. In addition, the Planning Commission finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and C-F zoning district.

Section 2:

The Planning Commission hereby approves Case P18-0154, the application of Rong Chi Lin, on behalf of Tri Valley Auto Service, for Conditional Use Permit to operate an automotive repair shop at an existing service station at 4212 First St., subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 3:

This resolution shall become effective 15 days after its passage and adoption unless: (1) appealed prior to that time by any member of the public, or (2) if a City Councilmember wishes to review the item, pursuant to Pleasanton Municipal Code section 18.144.010, he or she must indicate their desire to review within 15 days following the date of approval, or at the next regular meeting of the City Council, whichever is later. If the majority of the City Council agrees to review the item, a further hearing shall be set pursuant to Pleasanton Municipal Code section 18.12.040 and the Council shall consider the item at that time.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on October 24, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

ATTEST:

Ellen Clark
Secretary, Planning Commission

Greg O'Connor
Vice Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

**ATTACHMENT 1
DRAFT CONDITIONS OF APPROVAL**

**P18-0154
4212 First Street
Planning Commission October 24, 2018**

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project whether or not specifically noted herein.

This approval is granted for a Conditional Use Permit to operate an automotive repair shop at an existing service station located on Assessor Parcel No(s). 94-95-25-3 at 4212 First Street. Development shall be substantially as shown on the project materials listed below:

- a. Project plans, Exhibit B, prepared by Rong Chi Lin dated "Received" on September 4, 2018, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** The proposed development shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits. Planning Division approval is required before any changes are implemented in site design, grading, architectural design, colors or materials, green building measures, landscape material, etc.
2. **EXPIRATION – CONDITIONAL USE PERMIT:** This Conditional Use Permit (CUP) approval will lapse and shall become void 1 year following the date on which the CUP became effective, unless prior to the expiration of 1 year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP application; or a certificate of occupancy is issued for the structure which was the subject of the CUP application; or the site is occupied if no building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.
3. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including without limitation, reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

PLANNING DIVISION – 925-931-5600

Conditional Use Permits

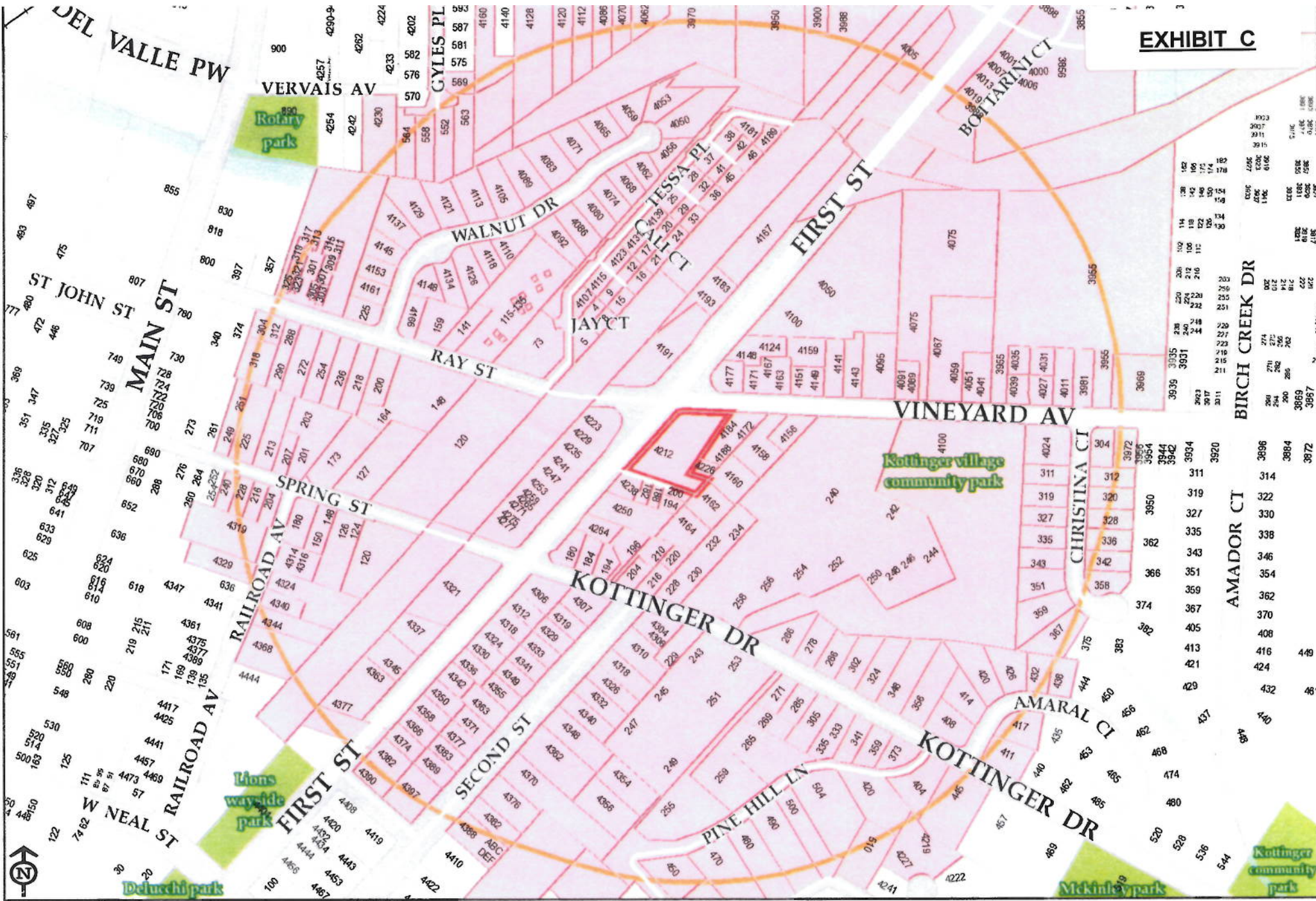
4. **OUTDOOR VEHICLE PARKING/STORAGE:** All vehicles awaiting repair or customer pick-up must be parked on-site and all vehicles parked onsite (other than employee vehicles) must have a current repair order. Vehicles that are wrecked or leaking substantial fluids are prohibited from being parked or stored outside of the building.
5. **MAINTENANCE:** The applicant shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.
6. **MODIFICATIONS:** If activities beyond what is stated in the “Approved Plans” are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
7. **CONDITIONAL USE PERMIT REVIEW:** 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.
8. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.
9. **SIGNAGE:** This approval does not include approval of any signage for Tri Valley Auto Service. If signs are desired, Tri Valley Auto Service shall submit a sign proposal to the Planning Division for review and approval prior to sign installation.
10. **EXTERIOR CHANGES:** Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
11. **RELOCATION:** If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.

ENGINEERING DEPARTMENT – LAND DEVELOPMENT – 925-931-5650

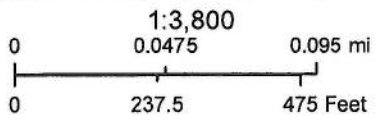
Stormwater and Provision C.3 of the National Pollutant Discharge Elimination System Permit

12. The project shall comply with the operation and maintenance requirements of the National Pollutant Discharge Elimination System (NPDES) Permit including but not limited to storage of and disposal of the oil, transmission fluid, brake fluid, etc., subject to staff review and approval. ***(Project Specific Condition)***
13. The Operation and Maintenance responsibilities shall include, but not be limited to the following:
 - a. Repainting text per City Standard Detail 210 or installing a marker as per City Standard detail 211 near the drain inlets to state “No Dumping – Drains to Bay.”
 - b. Ensuring wastewater from industrial, commercial, and covered vehicle wash areas and equipment washing operations is not discharged to the storm drain system.
 - c. Ensuring no one is disposing of vehicle fluids, hazardous materials or rinse water from cleaning tools, equipment or parts into storm drains.

- d. Cleaning all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.
- e. Sweeping regularly but not less than once a month, driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain. (***Project Specific Condition***)



P18-0154, 4212 First St., Rong Lin



Planning Division
October 11, 2018



Megan Campbell

From: Anton Navales
Sent: Sunday, October 14, 2018 9:57 PM
To: Megan Campbell
Subject: Re: Reject P18-0154, RongChiLin for Ron and J Auto,LLC

Hello,

I am requesting that you reject P18-0154, Rong Chi Lin for Ron and J Auto, LLC for application for Conditional Use Permit approval to operate an automotive repair shop at an existing service station at 4212 First Street.

Please reject the application because:

1) If you notice the gas station is surrounded by homes. If you are facing the gasoline station, there are homes on the right side of the gas station and behind the gas station.

My friends pass through that gas station on our their way to school/Amador HS/Pleasanton Middle School. I also pass through that gas station on my way to the basketball court.

If you allow an auto shop in an already crowded gas station, this will cause a dangerous foot traffic between children/teens passing through and cars having their cars repaired.

2) Allowing a repair shop will not be conducive to the health of the people living behind and side of this gas station. The fumes, noise and added traffic right at the corner of a very busy street is not healthy.

3) Please reject this application. There are other areas in Pleasanton that can accommodate a repair shop. Allowing a repair shop in the corner of the street does not blend well with homes and shops nearby. Pleasanton Plaza may look old, but the type of stores blend in to what a typical town square may have such as a salon, burger place, convenience store, laundry mat, and other local shop. None of these stores blends in with a car repair shop.

I love Pleasanton, I love the place where I live and go to school, do not make it a ghetto.

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Anton Navales

Megan Campbell

From: jean Galanida
Sent: Sunday, October 14, 2018 10:28 PM
To: Megan Campbell
Subject: Reject P18-0154 RongChiLin for Ron and J Auto, LLC

Hello M Campbell,

Please reject P18-0154 Rong Chi Li for Ron and J Auto, LLC Re:Application for Conditional Use Permit approval to operate an automotive repair shop at an existing service station at 4212 First Street.

reasons:

1) increased traffic - that area has busy foot traffic among children heading to Amador and Pleasanton Middle School.

This will be very dangerous and concerning re: safety of our children living in the area.

2) Adding a car repair shop does not go well with residences on the side and right behind the gas station. The car repair shop sticks out like a sore thumb among the residences surrounded by it.

3) For health reasons, a car repair shop is detrimental to the health of pleasanton residents living in the area. Banging noises, stifing fumes when spraying is hazardous to the neighborhood. The noises and chemical fumes can cause ill effects on children, elderly , and adults alike.

While my intention is not to take bread out if anyone's mouth, we would like if this permit is to be rejected by the City of Pleasanton.

Pleasanton remains to have a spacious area that can carry out business of a car repair shop, just not in an area surrounded by homes.

Sent from my iPhone

Megan Campbell

From: Tom Gill
Sent: Monday, October 15, 2018 10:56 AM
To: Megan Campbell
Cc: Beverly Gill
Subject: P18-0154 Rong Chi Lin for Ron and J Auto, LLC

Dear Ms. Campbell

I received a notice of an application for a conditional used permit at 4212 First St. This location is approximately 8 houses from my home.

I am not in favor of approving this application. Every auto repair shop I can think of becomes a storage area for derelict autos, as customers unable to pay for repairs abandon their cars. This particular location has an unusually large parking area, which makes such an outcome even more likely. This location is already a bit of an eyesore. My wife and I frequently pick up trash and pull weeds there, and have made many complaints to Code Enforcement about these issues, as well as the dumping of old furniture. In my opinion, turning this location into an automotive repair shop would just make it more of an eyesore.

Except for this gas station, that side of First Street is entirely residential, from the school district offices all the way to the new Irby Ranch development. Beyond Irby Ranch, there is an industrial area (which extends to the MacDonaldis at Bernal and Stanley). I think this industrial area is much better suited for a business such as Ron and J Auto, LLC. There is a new facility under construction there, which could provide the perfect location.

It is my understanding that the owners of the station at 4212 First St have in the past expressed their desire to re-develop this site with residential units. I suspect that leasing the site to the automotive repair shop is just a short term solution, and that their ultimate goal is residential development. I would much prefer to see residential development on this site, which is surrounded by residential uses.

There is already another gas station at this corner. We don't need a second one. The city is always looking for ways to develop more housing, especially at locations like this, near downtown. I think that's the direction we should go.

Thank you for your consideration.

Tom Gill