



Planning Commission Staff Report

May 10, 2017
Item 5.b.

SUBJECT: P17-0154

APPLICANT: Bruce Smith, Dusty Cars

PROPERTY OWNER: Douglas H. Berry

PURPOSE: Application for a Conditional Use Permit to operate an internet-based automobile sales business with interior vehicle storage but without servicing of vehicles.

LOCATION: 3440 Stanley Boulevard, Suites J and K

GENERAL PLAN: Retail, Highway, and Service Commercial; Business and Professional Offices

ZONING: C-S (Service-Commercial)

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Project Plans dated "Received January 30, 2017"](#)
- C. [Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt a resolution approving the Conditional Use Permit application to operate an internet-based automobile sales business with interior vehicle storage but without servicing of vehicles located at 3440 Stanley Boulevard, subject to the conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

Bruce Smith, with Dusty Cars, is requesting Conditional Use Permit approval to operate an internet-based automobile sales business with interior vehicle storage. The application is before the Planning Commission for consideration. Staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties and will not result in an impact to adjacent businesses.

BACKGROUND

In November of 2012, the Planning Commission approved a Conditional Use Permit (P12-1744) to allow Dusty Cars to operate an internet-based automobile sales business at 3724 Stanley Boulevard, Suites B and C (two buildings to the west of the subject building). Dusty Cars has been operating since 2012 without any apparent adverse impacts on the surrounding businesses or residents since no complaints have been reported to the City. Dusty Cars would

like to relocate from their leased space (3724 Stanley Boulevard) to the space they own at 3440 Stanley Boulevard, Suites J and K – previously occupied by Olde Towne Antiques. Although Dusty Cars’ existing location and new location are zoned C-S (Service-Commercial) District, Conditional Use Permits run with the land, meaning they cannot be transferred from one location to another. Therefore, a new Conditional Use Permit is required and subject to review and action by the Planning Commission.

SITE AND AREA DESCRIPTION

The subject site is an approximately 1.23-acre parcel located in Stanley Business Park at the southwest intersection of Stanley Boulevard and California Avenue (please refer to the location map in Exhibit C and Figure 1). The site is developed with two freestanding, single-story multi-tenant buildings. The subject building, located at the northern most end of the site, is approximately 20,110 square feet in area. The building was constructed with roll-up doors along the east façade and traditional storefront windows along the north façade (please refer to Images 1-3). Existing tenants within the two buildings include Spectacular Auto Restoration, Tri-Valley Sweeping, Metro Cab, Smog King, Village Cab, and URS Corporation (an engineering surveying business). Dusty Cars would occupy the two suites that Old Towne Antiques previously occupied – Suite K, fronting Stanley Boulevard, and Suite J, which faces east towards RyNck Tires & Auto Centers (3420 Stanley Boulevard). Vehicle access to the 59 shared on-site parking spaces is provided by one driveway on the west side of California Avenue.

The subject property is in an area of mixed land uses, bordered on the east by RyNck Tires & Auto Centers, the south and west by the Public Storage facility (3716 Stanley Boulevard), and across Stanley Boulevard to the northwest by single-family homes and to the northeast by the Central Self-Storage facility.

Image 1: Aerial Photo



Image 2: Street View from Stanley Boulevard



Image 3: View from Eastern Drive Aisle



PROPOSED PROJECT

Dusty Cars would occupy Suites J and K in the building located at 3440 Stanley Boulevard. The applicant's narrative and business description is attached to the staff report as Exhibit B. The floor plan (page 3 of Exhibit B) illustrates the organization of tenant spaces within the building in addition to the portion of the building Dusty Cars proposes to occupy.

Suites J and K would be combined into a single space, approximately 6,007 square feet in total area, that would include restrooms and display/storage area for vehicles. The existing roll-up door used for Suite J would provide access to the display/storage area. A total of three entrance/exit doors are already provided on the building's north and east façades. The display/storage area would store up to 10 vehicles. The applicant also proposes to use one of the five outdoor parking space directly in front of the building to display one vehicle.

The applicant is a partner of Spectacular Auto Restoration that presently operates Dusty Cars in conjunction with Spectacular Auto Restoration in the building located at 3440 Stanley Boulevard, Suite G. Spectacular Auto Restoration specializes in the repair and restoration of vintage or classic cars of domestic and foreign manufacturers. Dusty Cars functions as the retail outlet of Spectacular Auto Restoration; Dusty Cars would market and sell the vehicles restored by Spectacular Auto Restoration utilizing the internet, auctions held off-site, car shows, etc. All repair, restoration, and servicing would take place at Spectacular Auto Restoration. Vehicles sold by Dusty Cars would be picked up by the buyer or shipped to the buyer by a transport company.

The hours of operation are from 9:00 a.m. to 5:00 p.m., Monday through Friday. Similar to its previous location, customers would visit the facility by appointment only to view and/or test-drive a vehicle and possibly take ownership of a vehicle that they have purchased. The business would continue to be internet based with visits by appointment only. The relocated Dusty Cars would have two employees, similar to the current location.

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts are minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. The Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. The following sections provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

General Plan Consistency

The subject site is designated for Retail/Highway/Service Commercial, Business and Professional Offices by the Pleasanton General Plan and is zoned C-S (Service-Commercial) District. The proposed use is the retail sale of used automobiles, which is a conditionally allowed use of the C-S District under the previous Zoning Code and a minor conditional use under the new Zoning Code. The application was submitted and deemed complete prior to the Zoning Code update taking effect. Therefore, approval by the Planning Commission of a Conditional Use Permit is required.

The Land Use Element of the General Plan contains one program that support the proposed business in this location:

Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.

Staff finds that the proposed business would be consistent with Program 2.2, as the subject building was recently partially vacated and is therefore, underutilized. The Zoning Code allows conditional use permits to be approved when their operation will not be detrimental to the surrounding properties. The closest residential neighborhood is California Reflections on the northerly side of Stanley Boulevard, which is well-separated from the tenant spaces in the subject building. The conditions of approval will ensure that the business will not intrude on the use and operation of adjacent businesses. Furthermore, the subject site is located approximately 105 feet from Dusty Cars' previous location and staff has not received any complaints regarding the operation of Dusty Cars on the existing site.

Land Use

One of the purposes in reviewing a Conditional Use Permit application is to analyze the effect of the proposed use on surrounding land uses. The subject site has a commercial zoning designation where the sale of used vehicles is conditionally allowed. The proposed use consists primarily of the interior storage of vehicles for internet sales. Customers will visit the facility by appointment, and no automobile repairs, servicing, or part sales would be part of the business operation. Therefore, the proposed business and its operation would be compatible with the existing businesses at the subject location.

Parking

The subject site has 59 parking spaces and the combined floor area of the two buildings is approximately 22,158 square feet, resulting in a parking ratio of one parking space per 341 square feet. Section 18.88.030(C)(5) of the Pleasanton Municipal Code requires that "Commercial service enterprises, repair shops, wholesale establishments, and retail stores which handle only bulky merchandise such as furniture, household appliances, machinery and motor vehicles – [provide] one space for each 500 square feet of gross floor area, except for the floor area used exclusively for storage or truck loading." Based on this standard, 42 parking spaces are required for the two buildings of this development and four parking spaces are specifically required for Dusty Cars (6,007 square feet).

There would be two employees – the owner and office manager – and one customer would visit the facility only by appointment. With two employees, one vehicle display space, and customer parking, the use would need four parking spaces. Staff visited the site several times during the late morning and late afternoon and observed ample parking for the businesses and business visitors of the entire development (see Image 4). Therefore, adequate parking supply exists on the project site to meet the demand generated by Dusty Cars.

Figure 4: Parking Area Adjacent to Stanley Boulevard



As conditioned, should parking or circulation problems occur in the future as a result of operation of Dusty Cars, the Director of Community Development can refer the Conditional Use Permit back to the Planning Commission for possible mitigation measures.

Noise

Since the proposed use consists primarily of office and vehicle storage, the operation of the business is not expected to generate noise audible beyond the boundaries of the suite.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

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

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. Staff believes the proposed use, as conditioned, would be consistent with these objectives. The proposed business would be conducted so as to not impact or interfere with the surrounding business or adjacent neighborhood. The anticipated number of customers will not generate any unusual demand on existing parking for the building or generate a large number of vehicle trips.

The subject property is zoned C-S (Commercial Service) District. One purpose of this zoning district is to provide locations for uses “having features that are incompatible with the purposes of the other commercial districts” and that “are not found in shopping centers” and that “attract little or no pedestrian traffic.” Staff believes the proposed use complies with the purpose of the C-S district and that, as conditioned, it will be compatible with the adjacent uses.

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.

The business operation as described in the applicant’s narrative would be compatible with other uses within the subject site. The size and operation of the proposed use would not cause a parking impact since the site has sufficient parking spaces and visitation to the site would be low (generally one customer at a time). Further, the conditions of approval require the applicant to mitigate potential nuisances that may arise with the proposed use. Given the proposed activities and hours of operation, staff believes the use would not adversely impact surrounding uses. Staff does not believe the business would subject the surrounding uses to loud noises, heavy truck traffic, hazardous odors, or other objectionable impacts. In addition, all streets around the site are designed per City standards to provide safe ingress and egress into and out of the site.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

The commercial zoning of the subject site conditionally permits the sale of used vehicles. Granting a Conditional Use Permit to Dusty Cars for the proposed use would be consistent with the City’s ability to regulate land uses as prescribed by the Zoning Code. The proposed conditions of approval will ensure that the applicable provisions of the C-S District are met.

PROJECT ALTERNATIVES

The site conditionally allows retail sale of used automobiles with approval of a CUP by the Planning Commission. The applicant seeks to operate an internet-based automobile sales business with interior vehicle storage without service. Staff believes this use is consistent with the intent of the zoning district. Furthermore, the use has been operating nearby without any reported Municipal Code violations since 2012. Because the use is already operating nearby without land use compatibility issues, and because overall activity volumes associated with the business would be low, the need to explore lower-impact alternatives is diminished. Although the Planning Commission could deny the CUP, limiting the number of automobile retail business in the area, this alternative could preclude Dusty Cars from continuing its operation and could require residents to seek this type of service outside of Pleasanton. Staff believes the proposed use will not adversely impact any existing uses or the surrounding area based on its appointment-only business model and limited car display. Therefore, staff believes the proposed use is appropriate for the site.

PROS AND CONS

Pros	Con
Allows Dusty Cars to continue its operation in Pleasanton.	The use involves the sale of automobiles (including vehicle transfer and test drives), it has slightly greater potential to generate nuisances than retail businesses that don't sell vehicles.
Consistent with zoning regulations.	
Provides opportunity to continue auto sales in a service commercial area in the City and add vitality to the area.	

PUBLIC NOTICE

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 had not received any public comment.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

The conditional use permit will allow Dusty Cars to store and sell classic cars in close proximity to their existing location. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. The proposed use, as conditioned, will be compatible with the surrounding uses and properties and will not result in an impact to adjacent businesses.

Primary Author: Natalie Amos, Associate Planner, 925-931-5613 or namos@cityofpleasantonca.gov.

Reviewed/Approved By:

Steve Otto, Senior Planner

Adam Weinstein, Planning Manager

Gerry Beaudin, Community Development Director