



Planning Commission Staff Report

November 12, 2014
Item 5.b.

SUBJECT: P14-1169

APPLICANT: Irman Turanovic (B&T Motors)

PROPERTY OWNER: Robert Dondero (James Joseph, LLC)

PURPOSE: Application for a Conditional Use Permit to establish automobile sales in conjunction with an existing automotive repair/smog business.

LOCATION: 4262 Stanley Boulevard

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

ZONING: C-S (Service Commercial) District.

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received October 24, 2014"](#)
- C. [E-mails from Dr. Forest Thomas and Ginny Ferguson Opposed to Project dated November 3, 2014](#)
- D. [Location and Notification Map](#)

BACKGROUND

Irman Turanovic for B&T Motors is requesting approval of a Conditional Use Permit (CUP) to establish automobile sales in conjunction with an existing automotive repair/smog business (Pleasanton Smog and Repair) on the subject parcel at 4262 Stanley Boulevard. The existing business performs a variety of automotive repair services including smog testing and certification. The applicant is seeking to expand the range of services provided by the existing business by introducing on-site automobile sales with limited on-site display. The subject site is zoned C-S District. Automobile sales are conditionally permitted within the C-S District with the approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for review and action.

SITE AND AREA DESCRIPTION

The subject site is a flat and fully developed 0.39-acre parcel on the south side of Stanley Boulevard, north of Vervais Avenue (Figure 1). Properties adjacent to the subject parcel include: multi-family residential uses across Stanley Boulevard to the north; Main Street Green Park and a single-family residence across Vervais Avenue to the south; offices and newly constructed single-family residential uses to the east; and a carwash, bakery and offices to the west.

The subject site includes a single 5,580 square-foot building comprised of seven service bays, one used exclusively for Pleasanton Smog and Repair, and the remaining six for Chilton Auto Body, and offices for the respective businesses on the north and south ends of the subject building. The proposed automobile sales use will utilize the 243 square-foot office at the south end of the subject building, which is also used by Pleasanton Smog and Repair. The existing business performs a variety of automotive repair services including smog testing and certification. There are a total of 18 on-site parking spaces (excluding the seven interior service bays) located along the west side of the subject parcel. The subject parcel is accessible from a driveway off both Stanley Boulevard and Vervais Avenue.

Figure 1: Aerial Photograph



PROPOSED PROJECT

The applicant is proposing to establish automobile sales in conjunction with an existing automotive repair/smog business. The administration of the automobile sales portion of the business will be conducted within the existing automotive repair/smog business office located at the southern end of the existing building and would operate within the guidelines established by the State Department of Motor Vehicles (DMV). A maximum of four automobiles and/or motorcycles would be for sale at any given time; however, a maximum of two vehicles would be located on site at any given time, and would be displayed within two designated on-site parking spaces as shown on the project plans (Exhibit B). The DMV requires that two parking spaces be specifically designated on-site for automobile display. The remaining inventory would be stored off-site at a storage facility currently located in the City of Livermore. The applicant anticipates between five to eight vehicles may be sold on a monthly basis. The proposed automobile sales would operate during the current business hours of the automotive repair/smog business, which are 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. No exterior or interior modifications are proposed to the existing building or subject parcel.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

ANALYSIS

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for CUP's.

General Plan

The General Plan designation for the subject site is Retail/Highway/Service Commercial, Business and Professional Offices, which allows the development of a wide range of commercial and office uses, including automotive repair and sales. The subject site is occupied by an existing automobile repair and smog testing/certification business consistent with the current General Plan designation. The proposed automobile sales business will establish a retail component in conjunction with the existing use, and therefore, would be consistent with the current General Plan designation.

Zoning and Uses

The subject property is zoned C-S District. Automobile sales are conditionally permitted within the C-S District with the approval of a CUP. The applicant has applied for a CUP as required for automobile sales in the C-S District. Therefore, if the CUP were granted, the automobile sales business would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. As stated earlier, the surrounding uses include multi-family residential uses across Stanley Boulevard to the north; Main Street Green Park and a single-family residence across Vervais Avenue to the south; offices and newly constructed single-family residential uses to the east; and a carwash, bakery and offices to the west. The automobile sales business would operate in conjunction with the existing automobile repair/smog business and it is unlikely any physical or operational changes would be noticed by surrounding uses as the proposed automobile sales business would be operated by one of the co-owners of the existing automobile repair/smog business, there would be no changes in the hours of operation, the on-site display of vehicles would be limited to two at any given time, and no exterior or interior modifications to the existing building or subject parcel are proposed. The existing automobile repair/smog business has been operating since 2010 without any apparent adverse impacts on the surrounding area as no complaints have been reported to the City. Therefore, staff does not expect that the proposed automobile sales business would create adverse impacts on the surrounding uses.

Should future problems arise with the automobile sales business, the City would have 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 feels that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the automobile sales business would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the automobile sales business to be acceptable on the subject property, as conditioned.

Noise

The proposed automobile sales business would be operated in conjunction with an existing automobile repair/smog business which performs a variety of repair services within the service bays of the existing building, normally with the roll-up doors open. Moreover, repaired vehicles are parked/stored within the existing parking spaces outside of the existing building prior to owner pick-up.

The establishment of automobile sales with limited on-site display is not anticipated to increase the noise levels above what is already generated from the existing repair/smog business. Since the establishment of the automobile sales business consists primarily of administrative activities that would be conducted indoors, the operation of the business is not expected to generate additional noise that would be audible beyond the boundaries of the subject site. The driving and parking of one to two used vehicles to and from the site on occasion would be no louder than the noise generated by the existing automobile repair/smog business, or by vehicles traveling to and from surrounding businesses.

The closest residential use is across Vervais Avenue to the south of the subject parcel. However, since many of the surrounding businesses are commercial in nature and the proposed use is not anticipated to increase noise levels beyond those associated with the existing business on the site, the potential impact to residences regarding noise is expected to be minimal.

In summary, the existing automobile repair/smog business has been operating in the subject location since 2010 without any apparent adverse impacts on the surrounding area as no complaints have been reported to the City. The proposed use would not substantially increase activity levels on the site. Staff has included a standard condition of approval on the project that allows the City to review the project again to add mitigating conditions should any future complaints regarding noise levels occur.

Parking

Pleasanton Municipal Code (PMC) Section 18.88.030 (C)(5), "Schedule of Off-street Parking Space Requirements for Office, Commercial and Industrial Uses not in the C-N or C-R District," requires one parking space for every 500 square feet of gross floor area. The existing building is approximately 5,580 square feet in size; thus a minimum of 11 on-site parking spaces are required for all of the existing on-site businesses (automobile repair and smog businesses).

There are a total of 18 parking spaces on this site (excluding the service bays). Therefore, based on Code requirements, there is a parking surplus on the subject site of seven spaces. A minimum of two on-site parking spaces are required by the DMV for the proposed automobile sales business, meaning that if the proposed automobile sales business were approved, there would still be a parking surplus of five spaces on the subject site.

Therefore, adequate parking exists on-site to accommodate all existing and proposed uses.

FINDINGS

The Commission needs to make the following findings prior to the granting of a use permit:

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.

Some of the key objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and to ensure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. One of the purposes of the C-S zoning district is to provide sites for businesses that typically are not found in shopping centers, that usually have relatively large sites providing off-street parking, and that attract little or no pedestrian traffic. As conditioned, staff believes that the proposed automobile sales business would be consistent with the Zoning Ordinance objectives in that it would provide residents and the general public with another location to purchase used vehicles without having to go to a traditional dealership. The automobile sales business will operate in conjunction with an existing automobile repair/smog business, and is located on a site where sufficient parking is available for the businesses. As conditioned, the operation of the business is expected to be compatible with the other businesses located on the same site and in the vicinity. Staff believes that this finding can be made.

- 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.**

Conditions of approval require the operation of the automobile sales business to not interfere or result in negative impacts to surrounding businesses and land uses. The operation of the automobile sales business consists of car sales with limited on-site parking of vehicles, which is not expected to result in parking or noise impacts to neighboring sites. Further, the conditions of approval require the applicant to mitigate potential nuisances that may arise with the proposed use. Staff believes that this finding can be made.

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

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's Zoning Ordinance. As with any CUP, this CUP may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

PUBLIC NOTICE

Notices of this application were 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 D for reference. At the time this report was published, staff received two emails from Dr. Forest Thomas and Ginny Ferguson opposing the project, both stating that automobile sales are not appropriate uses for the Downtown. Ginny Ferguson's email also states concerns with the condition of the vehicles being sold and site/area aesthetics. These emails are attached as Exhibit C.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the required CUP findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed automobile sales business would provide a service to the community and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P14-1169 by taking the following actions:

- 1) Make the required CUP findings as listed in the staff report; and
- 2) Approve Case P14-1169, subject to the conditions listed in Exhibit A;

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