

## Planning Commission Staff Report

January 23, 2013  
Item 5.b.

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**SUBJECT:** P12-1818

**APPLICANT:** Santa Rita Auto Sales and Service/ Bruce Luther

**PROPERTY OWNER:** Richard Guasco Family Trust

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**PURPOSE:** Application for a Conditional Use Permit to operate an auto repair shop and used car sales business.

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

**ZONING:** PUD-C-S (Planned Unit Development –Commercial Service) District

**LOCATION:** 3878 Old Santa Rita Road

**EXHIBITS:**

- A. Draft Conditions of Approval
- B. Site Plan, Floor Plan, and Project Narrative, dated "Received December 20, 2012"
- C. Location & Public Noticing Maps

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### I. BACKGROUND

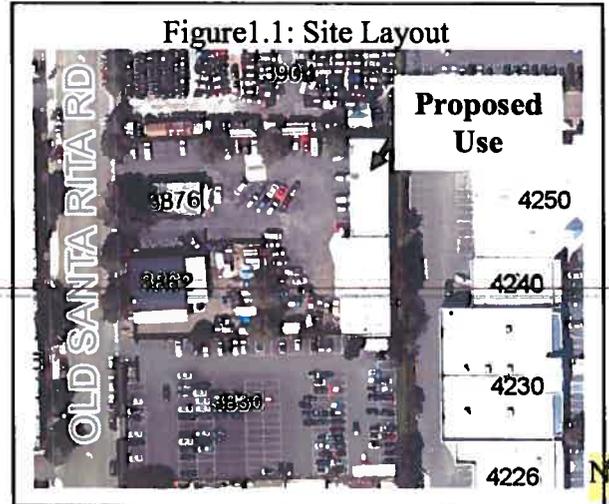
This proposal, by Santa Rita Auto Sales and Service, is to operate an auto repair shop and used car sales establishment at 3878 Old Santa Rita Road. Golden Gate Transmissions, a transmission repair facility, was the previous occupant of the subject site since 1990.

The applicant, Bruce Luther, is also applying for a Conditional Use Permit to operate an auto towing company on the neighboring site (3862 Old Santa Rita Road, P12-1788). The applicant has indicated that they will run these operations as sister companies and a certain amount of pass-through business is assumed. However, a Conditional Use Permit runs with the land and thus two separate applications and approvals are required. Staff has scheduled P12-1788 for hearing concurrently with this application.

The subject site is governed by a Planned Unit Development which defers to the Commercial Service (C-S District) uses listed in the Pleasanton Municipal Code (Table 18.44.090, Permitted and Conditional Uses) with the addition of auto wrecking as a conditionally permitted use. The proposed uses (auto repair and auto sales) are conditionally allowed in the C-S District. Therefore, a Conditional Use Permit must be granted in order for the applicant to establish the proposed business at the subject location.

## II. SITE DESCRIPTION

The subject site is located on the east side of Old Santa Rita Road and south of the I-580 corridor. The site is one of several commercial service zoned parcels within this area; an area which is predominately automotive service and sales related businesses. The subject parcel is 46,130 square feet in size. This parcel contains three existing buildings, totaling 10,220 square feet, and on-site parking. The applicant is proposing to occupy a 4,000 square-foot single story, automotive repair building that contains four roll-up doors to provide access to four internal service bays/ vehicle lifts, located at the rear (eastern portion) of the parcel and contains direct access to on-site parking (see Figure 1.1).



The other buildings on the parcel are occupied by Pleasanton Sunrooms, located in the front building, and Pleasanton Auto Service, located in the adjacent building at the rear. The building adjacent to the subject business was built as an addition to the subject building.

Access to the parcel is provided via two driveways off of Old Santa Rita Road, with 43 parking spaces located within the entire parcel. The subject site has two, one way driveways: the southern one is the entry driveway and the northern one is the exit driveway. Additionally, the tenant lease agreements designate the assigned parking areas for each building/business. With 10,220 square feet of total tenant space, the parking ratio for the entire site is one space per 238 square feet of tenant space.

The businesses/uses surrounding the site/parcel are other commercial service businesses, including a dismantling business, an auto upholstery service, and storage yards for local auto dealers.

### III. PROJECT DESCRIPTION

Santa Rita Auto Service and Sales is an automotive repair shop and a used car sales business. The use does not include outdoor storage of parts or inoperable/wrecked vehicles. The northern 10 parking spaces on the site will be used to display the cars that are for sale. The business would offer automotive repair services to the general public, as well as servicing of the vehicles from the sister company (Santa Rita Tow) located on the neighboring parcel. Vehicles that are towed and impounded as part of the sister company would become property of the towing company if not claimed. The towing company would then transfer the car to public or insurance auction, a scrap yard, an auto recycler, or to the subject business for servicing and resale. The business will not be conducting any auto detailing or welding on-site.

Photo 1.1: Tenant Space



The repair shop is proposed to be open Monday through Saturday, 9:00am to 5:00pm. Car sales are conducted on the weekends, by appointment only. The applicant proposes to retain up to 10 cars on-site at a time for resale purposes. The proposed business will be staffed with two employees.

The proposed floor plan (Figure 1.2) indicates 4,000 square feet of tenant space with 3,450 square feet of service area, 264 square feet of storage area, 126 square feet for a front desk area, a 100 square-foot office space, and a 60 square-foot restroom. The applicant is not proposing any new construction to accommodate the proposed use.

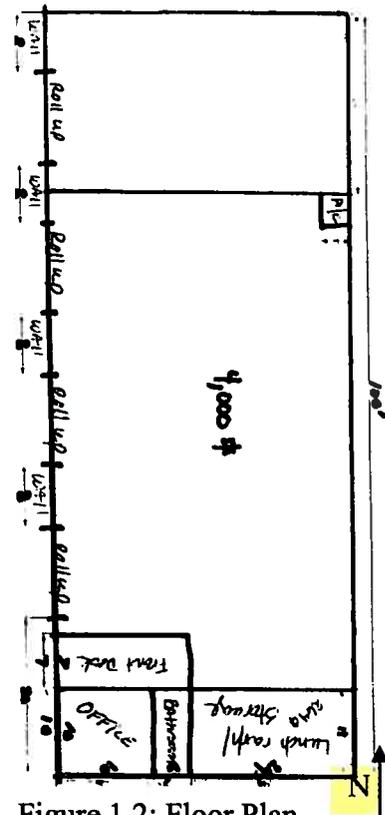


Figure 1.2: Floor Plan

### IV. ANALYSIS

Conditional uses require individual review to ensure that impacts associated with their use will be regulated and minimal. Conditional Use Permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

#### Land Use

One of the primary concerns in reviewing a Conditional Use Permit application is the effect of a proposed use on surrounding uses. The immediate area contains businesses that are auto service or auto sales based.

The nearest residences are located a minimum of 341 feet to the north of the applicant's tenant space. The use would be operated similar to the surrounding uses.

Staff is of the opinion that the proposed use would not produce any adverse impacts on the surrounding businesses or residents. Staff also believes that the proposed business would be compatible with and would be supportive of other uses in the surrounding area. However, if problems were to arise, the application could be brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified. Therefore, from a land use perspective, staff finds the use to be acceptable, as conditioned.

**Parking**

The parcel has 43 parking spaces on-site to serve three existing buildings (totaling 10,220 square-foot) and the subject building has access via a single driveway from Old Santa Rita Road. Each building on-site has a prescribed number of parking spaces contained within their lease agreements; the number and location of those spaces are identified in their individual lease agreements and staff has indicated this in Figure 1.3. The subject business is prescribed 15 assigned parking spaces and the site contains 13 shared parking spaces.

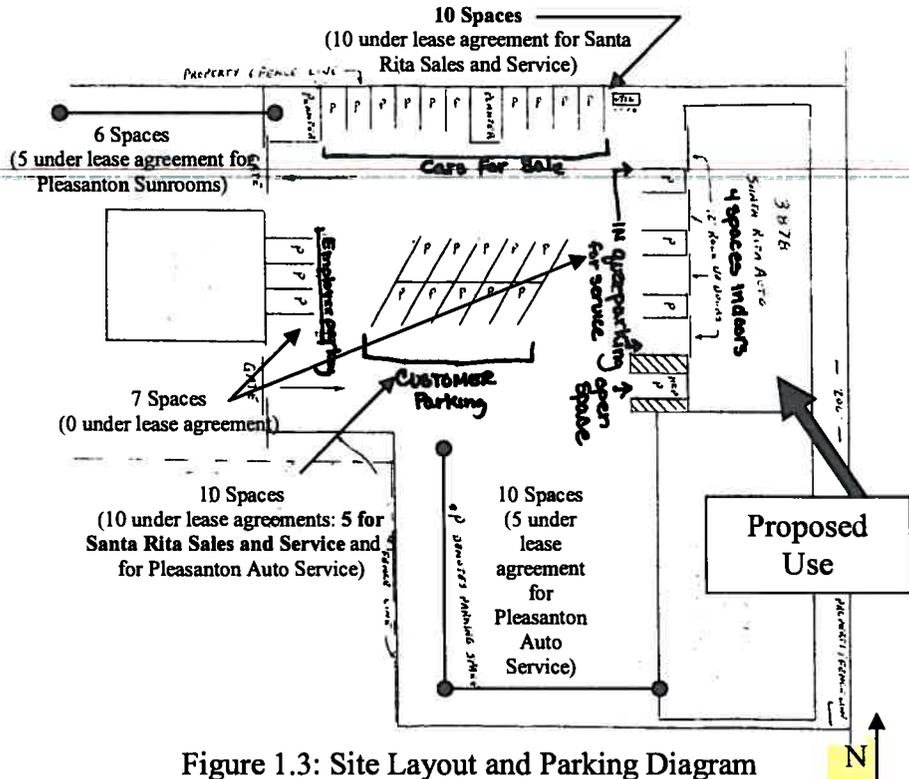


Figure 1.3: Site Layout and Parking Diagram

Per the Pleasanton Municipal Code, PMC 18.88.030(C)(5) (Schedule of off-street parking space requirements), this type of use would require one parking space for every 500 square feet of floor area for repair shops and motor vehicle sales, excluding areas used for storage. With the proposed 3,736<sup>1</sup> square feet of area for auto service and auto sales use, this business would need 7 parking spaces, in addition to the 10 spaces that are being used for display of cars for sale. The 15 designated spaces falls two spaces short of meeting the parking requirement, but the availability of the shared parking ensures that the parking requirement is being met.

The applicant has indicated on the proposed site plan how the existing parking can accommodate the proposed use and operations. The subject building is allocated 15 parking spaces in proximity to the building. There are also four shared parking spaces directly in front

<sup>1</sup> Tenant space is 4,000 square feet with 264 square feet of storage area.

of the subject building, five shared spaces within the parking area in front of Pleasanton Auto Service, one shared parking space within the parking area to the north of Pleasanton Sunrooms, and three shared spaces directly behind the Pleasanton Sunrooms building, for a total of 13 shared parking spaces. The site layout and parking diagram provided in Figure 1.3 indicates how the proposed business's 15 designated parking spaces and how the shared parking spaces could be used for the proposed business: three of the four spaces directly in front of the roll-up bay doors are for vehicles that are 'in queue' for service, the 10 spaces that are centrally located would be customer parking for both the subject business and the neighboring building (Pleasanton Auto Service), the three shared spaces behind the Pleasanton Sunroom's building are identified for employee parking, and the remaining 10 spaces are located along the northern fence and are designated for display of cars for sale.

Furthermore, each of the buildings on this parcel has direct access to parking that meets or exceeds the Code parking requirement based on the current uses. Pleasanton Sunrooms has 1,320 square feet of tenant space and, assuming there is no storage area, the business would need three parking spaces; they have direct access to six parking spaces, five of which are covered under their lease agreement. Pleasanton Auto Service has 4,900 square feet of tenant space and, assuming there is no storage area, the business would need 10 parking spaces; they have direct access to five shared parking spaces and 10 additional spaces are allocated to them in their lease agreement.

Historically, the parking provided within the development has adequately served the tenants with similar auto service uses, and staff anticipates that the additional use of the auto sales would continue to be served adequately by the existing on-site parking. However, should parking problems occur, staff has included a "standard" condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### ***Tenant Improvements***

The applicant has indicated that no interior tenant improvements are needed to accommodate the new use.

### ***Signage***

No signage currently exists for this tenant space. Any proposed signage will be subject to Sign Design Review and will need to conform to the City's sign regulations for signage within the Commercial Service District.

## **V. 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 ordinance 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.

The subject site is zoned Commercial Service District (C-S District), and it is in an area which contains other auto service establishments. Staff believes that the proposed use would be consistent with the zoning ordinance objectives and the Commercial Service District and its operations would not have any negative impact on the surrounding uses and businesses.

The applicant is also required to mitigate any future nuisances that may occur as a result of the proposed use. Therefore, 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.**

The building that the proposed use will occupy is a freestanding building with on-site parking lot that exceeds the parking demand for the proposed use. The project has been reviewed by the Fire Department and the Police Department and they have indicated that they do not object to the project. The proposed use will comply with the applicable Building and Fire Codes.

Staff believes that the project will not be detrimental to the public health, safety, or welfare. Therefore, 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.**

The proposed Conditional Use Permit (P12-1818) was found to comply with all relevant sections of the zoning ordinance. The site's regulations conditionally permit the establishment of auto repair and auto sales establishments. Granting a Conditional Use Permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, staff believes that the third finding can be made.

**VI. PUBLIC NOTICE**

Notices regarding the application for a Conditional Use Permit and related public hearing were mailed to property owners and tenants within a 1,000-foot radius of the subject property. At the time this report was prepared, staff had received no comments regarding the project.

## **VII. 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.

## **VIII. CONCLUSION**

Staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the proposed business will fulfill a community need and that the proposed location is appropriate.

## **IX. STAFF RECOMMENDATION**

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Staff recommends that the Planning Commission approve Case No. P12-1818 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. P12-1818 subject to the conditions listed in Exhibit "A".

*Staff Planner: Rosalind Rondash, Associate Planner, 925.931.5607 or email: rrondash@cityofpleasanton.gov*

**Exhibit "A"**  
**DRAFT Conditions of Approval**  
**Case P12-1818/ Santa Rita Auto Service and Sales**  
**3878 Old Santa Rita Road**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. The hours of operation shall be limited to the following:  
Monday through Friday, 9:00am to 5:00pm.  
Car sales shall be conducted on the weekends, by appointment only.
2. If additional hours of operation or activities beyond what is stated in the applicant's written narrative, dated "Received December 20, 2012," on file with the Planning Division, 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.
3. There shall be no outdoor storage, other than the authorized number of cars for sale (10 cars maximum).
4. Except for work-estimates, all vehicle repair and servicing shall be conducted within the building. All fluids shall be disposed of in an appropriate manner and shall not be placed in the storm drain.
5. There shall be no welding on-site.
6. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton Municipal Code for a grand opening.
7. There shall be no washing, steam-cleaning, or detailing of cars on-site.
8. Wrecked vehicles shall be parked within the building.
9. No vehicles leaking fluids including, but not limited to, motor oil, fuel, coolant, brake fluid, etc., may be parked in the parking area on this site.

**Police**

10. The proposed use is encouraged to install a security alarm system.
11. The applicant/business operator shall maintain current contact information on file with the Pleasanton Police Department.

## **Stormwater**

12. Vehicle/equipment repair and maintenance shall be performed in a designated area indoors that is designed to prevent the run-on and runoff of stormwater.
13. Vehicle service facilities shall not contain floor drains [unless the floor drains are connected to wastewater pretreatment systems prior to discharge to the sanitary sewer, for which an industrial waste discharge permit has been obtained. An oil grease separator/treatment will be required for this purpose].
14. Tanks, containers or sinks used for parts cleaning or rinsing shall not be connected to the storm drain system. Tanks, containers or sinks used for such purposes may only be connected to the sanitary sewer system if allowed by an industrial waste discharge permit. An oil grease separator / treatment will be required for this purpose.

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## **Traffic**

15. The on-street curb parking shall not be used for auto sales display, vehicle storage, or queuing of cars for service. The on-street curb parking shall be used for customer parking only.

## **STANDARD CONDITIONS**

### **Community Development Department**

16. The applicant shall pay an all fees, including but not limited to sewer fees, to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

### **Planning Division**

17. The proposed use shall be in substantial conformance to Exhibit B, dated "Received December 20, 2012," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development.
18. 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 suite.
19. 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.
20. This conditional use permit approval will lapse one year from the effective date of approval unless the applicant receives a business license within that time.

21. The applicant shall maintain the area surrounding the building including the parking lot areas in a clean and orderly manner at all times.
22. This approval does not include approval of any signage for Santa Rita Auto Service and Sales. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation. All signs shall conform to the City's sign regulations for the C-S District.
23. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
24. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and 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.

## **CODE REQUIREMENTS**

### **Building Division**

*Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.*

25. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.
26. Prior to occupancy, the applicant shall contact the Building Division and Fire Marshal to ensure that the proposed use of the subject building meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

### **Fire**

*(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)*

27. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.

*{end}*

PERMIT B  
P12-1818  
RECEIVED  
DEC 20 2012  
CITY OF PLEASANTON  
PLANNING DIVISION

Santa Rita Auto Sales and Service  
3878 Old Santa Rita Road

Monday-Friday: 9:00am to 5:00pm

Weekends by appointment only (estimated to 1 per month)

The majority of the sales will be conducted via off-site auctions.

Number of for sale cars stored on site at one time: 10 to be stored outdoors in the designate parking stalls

~~Number of cars for service stored on site at one time: 7; 3 in designated outdoor spaces and 4 within the 4 service bays.~~

Servicing of the cars is open to the public.

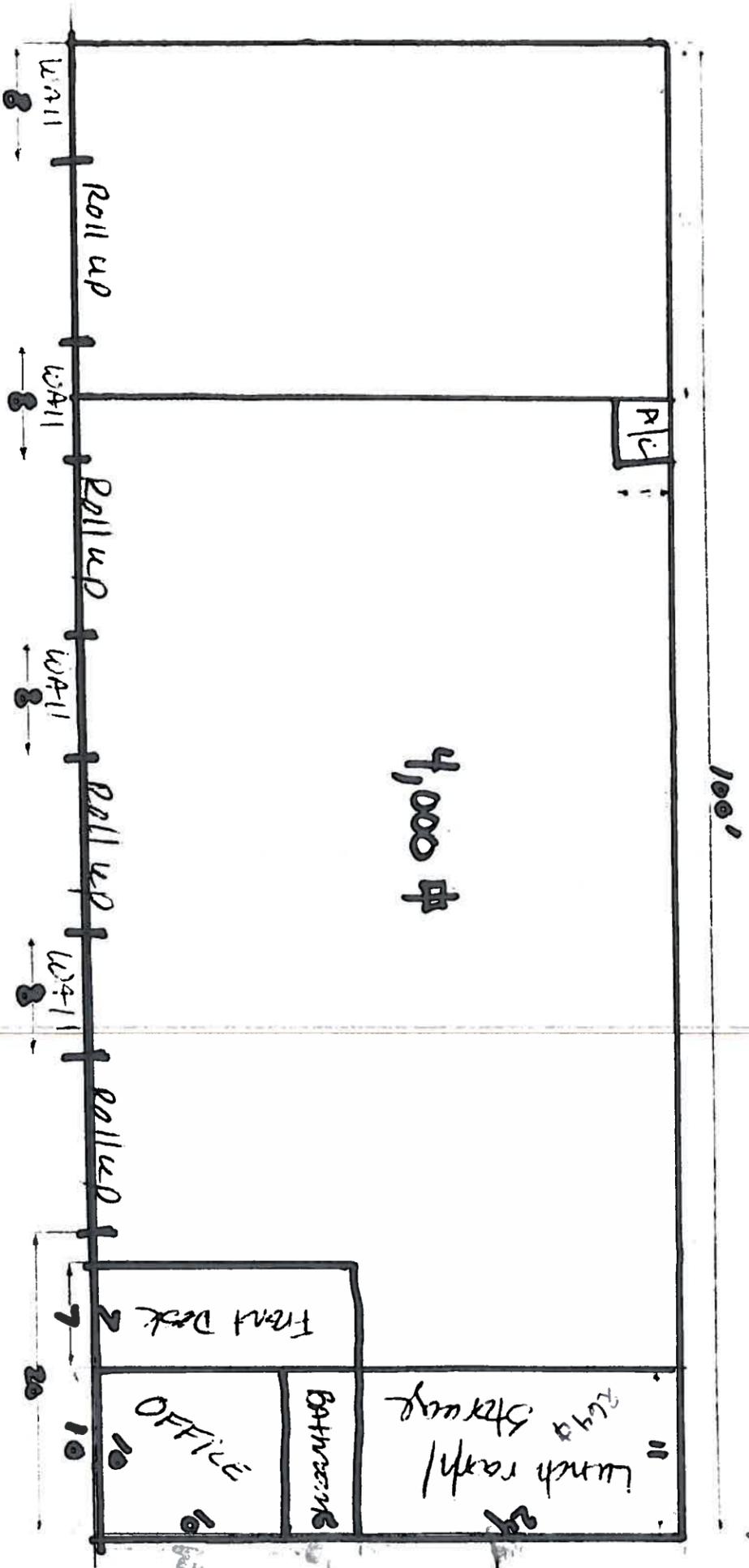
Customer parking: 5 spacing in designated outdoor spaces

Number of Employees: 2

Number of Employee parking spaces: 3 space in designated locations

Number of Company vehicles: 0

The building is 4,000 square feet in area with 4 service bays, office area, break room, restroom, and front desk area.



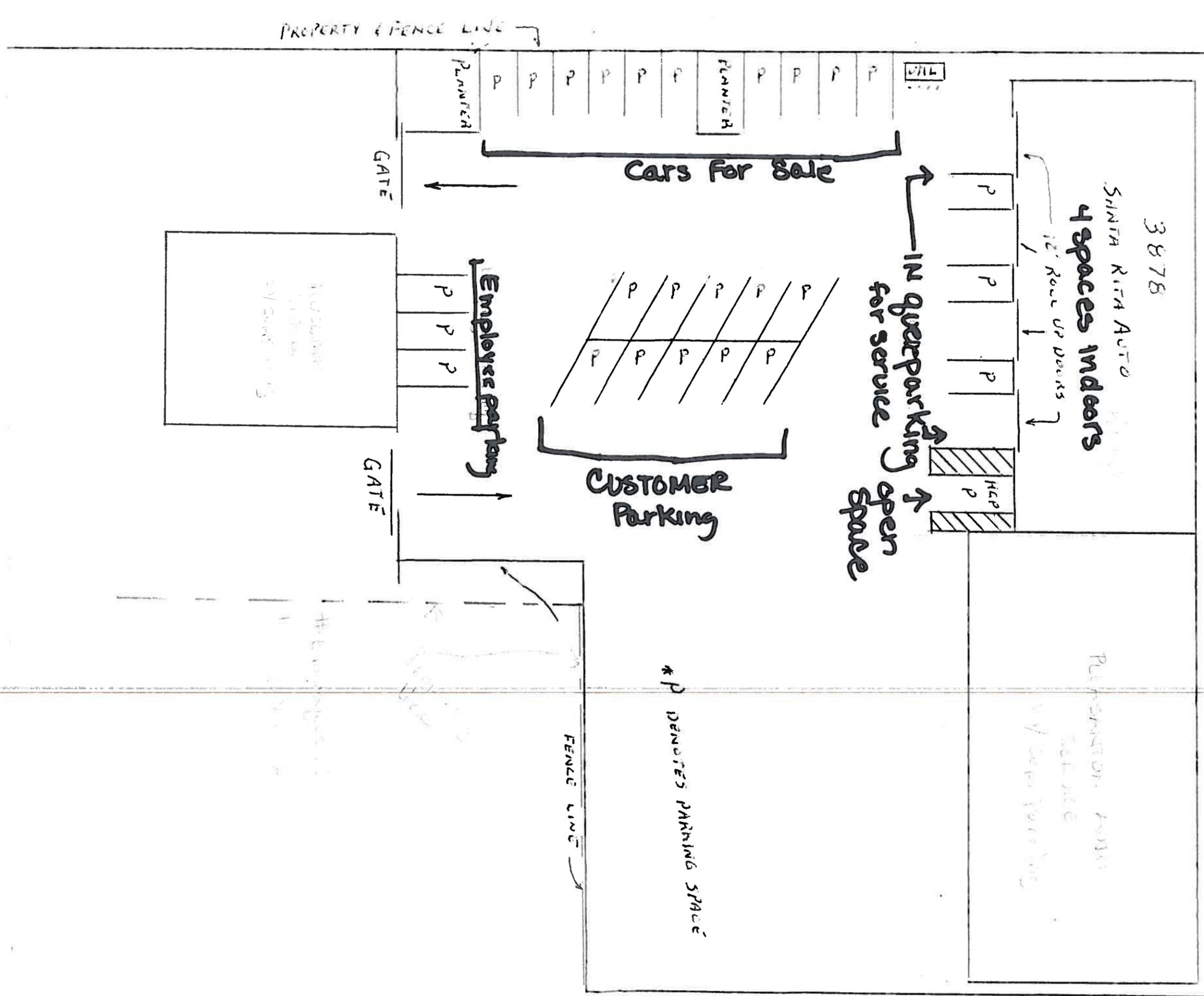
# FLOOR PLAN

for 2000 sq ft

SANTA RITA AUTO  
3878 Old SANTA RITA Rd

200'

PROPERTY FENCE LINE



NORTH

OLD SANTA RITA Rd