



Legislation Text

File #: 19-088, **Version:** 1

PLN18-0082; Consideration of a Conditional Use Permit to allow for Vehicle Repair and Oil Change inside an existing approximately 2,800 square foot building at 14602 Washington Avenue. Pursuant to the Zoning Code, Limited Vehicle/Equipment Repair is conditionally permitted per Zoning Code Section 2-606.B.48. Zoning District: CC(AU)(PD) Commercial Community District (Assembly Use) (Planned Development); Alameda County Assessor's Parcel Number 77C-1310-9-1; 2950 Merced Park Properties LLC (applicant/property owner).

SUMMARY AND RECOMMENDATION

The applicant is proposing to re-establish a vehicle repair and oil change business at 14602 Washington Avenue. The Zoning Code defines the proposed uses as Vehicle/Equipment Repair, Limited. The subject property is zoned CC(AU) (PD) Commercial Community District (Assembly Use) (Planned Development). In the CC zoning district, Vehicle/Equipment Repair, Limited requires a Conditional Use Permit pursuant to Zoning Code Section Sections 2-606.B.48.

Staff believes that, with the recommended Conditions of Approval, the proposed use would operate in an orderly manner on the property without detriment or burden to the immediate area and would be compatible with adjacent commercial uses along Washington Avenue. Staff recommends that the Board of Zoning Adjustments:

- A) Adopt the California Environmental Quality Act categorical exemption;
- B) Adopt the recommended Findings of Fact; and
- C) Approve Conditional Use Permit PLN18-0082 subject to the attached recommended Conditions of Approval.

APPLICANT'S SUPPORTING STATEMENT

See attached applicant statement.

RELATIONSHIP TO SURROUNDING AREA AND BACKGROUND

The subject property is located at 14602 Washington Avenue, south of Halcyon Drive. The parcel is approximately 30,303 square feet in size. The parcel is divided between the front half, consisting of a vacant 2,798± square foot former vehicle repair and oil change building, and the rear half which is currently used for vehicle storage by a different lessee. Access to the rear portion of the property is from 14662 & 14664 Washington Avenue is by easement and cannot be accessed from 14602 Washington Avenue. The vacant vehicle repair and oil change building was previously used by Meineke Car Care and Econo Lube for vehicle repair and oil change until 2015, permitted through Conditional Use Permit CU-86-12 which has since lapsed. The Planned Development (PD) Overlay District encompasses several properties in the surrounding area, related to the overall development of a former K-Mart site once situated across Washington Avenue in the 1970's.

The subject parcel and adjacent properties to the north, south, and west are all similarly zoned CC(AU)(PD) Commercial Community District (Assembly Use) (Planned Development) and contain a mix of uses such as a commercial strip mall with various retail and retail services uses, furniture retailer, single-family residences, and a gas station with car wash. To the east of the property are Union Pacific Railroad tracks.

DETAILS OF PROPOSAL

The applicant is proposing to re-establish a vehicle repair and oil change business at 14602 Washington Avenue. Since

the building has been vacant since 2015, Conditional Use Permit CU-86-12 has lapsed. Per Zoning Code Section 5-2218.C, a use permit shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days. The proposed lessee of the existing building will be Lube Boys, providing vehicle repair and oil change services. The services will include 10 minute oil changes and brake, tire, wheel, and alignment services. The business hours will generally be Monday through Friday from 8:00 a.m. to 6:00 p.m., Saturday from 8:00 a.m. to 5:00 p.m., and Sunday from 9:00 a.m. to 5:00 p.m. Lube Boys will have approximately 5 employees on the site. There are a total of 13 onsite parking spaces for employee and customer parking. Minor improvements will be made to the site and building for ADA accessibility.

STAFF ANALYSIS

The applicant's proposed use, "Vehicle/Equipment Repair, Limited" is conditionally permitted in the CC Commercial Community District. Conditionally permitted uses are those uses the City has deemed could be compatible with the surrounding area with appropriate conditions of approval. In this instance, the applicant's proposed use has been analyzed by staff to be appropriate and compatible with the recommended conditions of approval.

The Zoning Code defines "Vehicle/Equipment Repair, Limited" as the repair of automobiles, small trucks (e.g., pick-up trucks), or motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, stereo installation, and tire sales and installations, but excludes vehicle dismantling or salvage and tire re-treading or recapping. The operation of the proposed vehicle repair and oil change use would be consistent and compatible with the other commercial uses located on Washington Avenue. No major changes to the site and existing building are necessary to accommodate the proposed use, besides the minor ADA improvements for a parking space and an interior bathroom.

Lube Boys will use the existing commercial building, which was designed and built specifically for automotive repair operations. Repairs and oil change will take place inside the existing building. The days and hours of operation of the proposed use would be consistent with other commercial uses located along Washington Avenue. The size of the approximately site and existing building can easily accommodate the repair/servicing equipment, employees, and customers for the proposed business.

Adequate on-site parking for customers and employees will be provided by the 13 parking spaces located on the property. The proposed on-site parking spaces satisfy the Zoning Code parking requirement of 7 parking spaces. Zoning Code Section 4-1704: Vehicle/Equipment Repair requires one parking space per 400 square feet. The existing site is adequately served by streets, utilities and other public facilities and the proposed use at the existing commercial site will not increase the burden on existing public facilities, utilities, or infrastructure.

Recommended conditions of approval for the proposed project include:

- All vehicle parking on the site shall be undertaken in a neat and orderly manner at all times with limitations on idling;
- Employees and customers shall be instructed by the applicant and/or property owner to park on-site and not to park on the street in front of nearby businesses;
- No auto repair, oil change, maintenance or servicing work shall be conducted outside the building; and
- Site landscaping shall be refreshed and all landscaping shall be maintained in a healthy and growing condition at all times.

The recommended conditions of approval will maintain the character of the commercial area, promote use of the existing site, and prevent impacts to the adjacent commercial uses. The noise impacts will be minimal as the proposed use will be subject to the City's noise ordinance. Staff has visited the site and surrounding area, reviewed exhibits and description of the proposed use and believes that with the recommended conditions of approval the use will be compatible with the

existing commercial uses on Washington Avenue and the immediate commercial area.

GENERAL PLAN CONFORMITY

The subject property is designated General Commercial on the City's General Plan Land Use Map. General Commercial areas correspond with "*larger shopping centers, shopping districts, and commercial uses providing a broader range of goods and services and serving a broader market than the neighborhood commercial areas.*" "*These areas also contain primarily auto-oriented uses such as hotels and motels, car dealerships, auto service and repair businesses, and construction suppliers* (General Plan page 3-27), *therefore, the provision of a vehicle repair and oil change business will be consistent with the City of San Leandro's General Plan for this land use designation.*" In addition, the following General Plan goals and policies would apply (note: LU-Land Use; ED-Economic Development):

Policy LU-7.2 - Adaptive Reuse. Encourage private reinvestment in vacant or underutilized industrial and commercial real estate to adapt such property to changing economic needs, including the creation of flex/office space and space for technology-driven businesses.

Goal LU-8 - Establish excellent community and neighborhood - serving retail and entertainment uses.

Policy LU-8.5 - Commercial Uses With An Industrial Character. Maintain areas in the City that are appropriate for lumberyards, construction suppliers, automotive repair shops, and other commercial uses that are industrial in character or that typically locate in industrial areas.

Goal LU-10 - Ensure that commercial and industrial projects are attractively designed and are sensitive to surrounding areas.

Goal ED-1 - Attract jobs and investment across all economic sectors.

Goal ED-2 - Create an environment in which local businesses can prosper.

PUBLIC OUTREACH

This item received standard noticing for the March 7, 2019 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of notices at City Hall and on the property, and mailing notification to business and property owners within 500 feet of the subject property. No public comments were received regarding this proposal at the time of the filing of this report.

ENVIRONMENTAL REVIEW

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 as it is an Existing Facility that involves minor alterations and negligible expansion of use; is in an area where all public services and facilities are available to allow for maximum development; and is not located in an environmentally sensitive area.

RECOMMENDATION

The land use as proposed conforms both to the City Zoning Code and to the General Plan with historical precedent. Any potential issues associated with this application will be addressed by the implementation of the recommended Conditions of Approval.

Staff recommends that the Board of Zoning Adjustments:

A. Adopt the findings that this project is exempt under the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 for Existing Facilities that involves minor alterations and negligible expansion of use;

B. Approve the attached Recommended Findings of Fact for a Conditional Use Permit for PLN18-0082; and

C. Approve Conditional Use Permit PLN18-0082 subject to the Recommended Conditions of Approval.

ATTACHMENTS

Vicinity Map

Applicant Statement

Recommended Findings of Fact

Recommended Conditions of Approval

Exhibit A - Cover Sheet (T.0)

Exhibit B - Existing Site Plan (T.1)

Exhibit C - Floor Plan (A4.1)

Exhibit D - Elevations (A4.2)

Exhibit E - Elevations (A4.3)

Exhibit F - Photos & Trash Enclosure (A4.4)

PREPARED BY:

Anjana Mepani, Senior Planner

Planning Services Division