



APPEAL OF 1310 CENTRAL AVE USE PERMIT AMENDMENT

CITY COUNCIL – ITEM 7-A

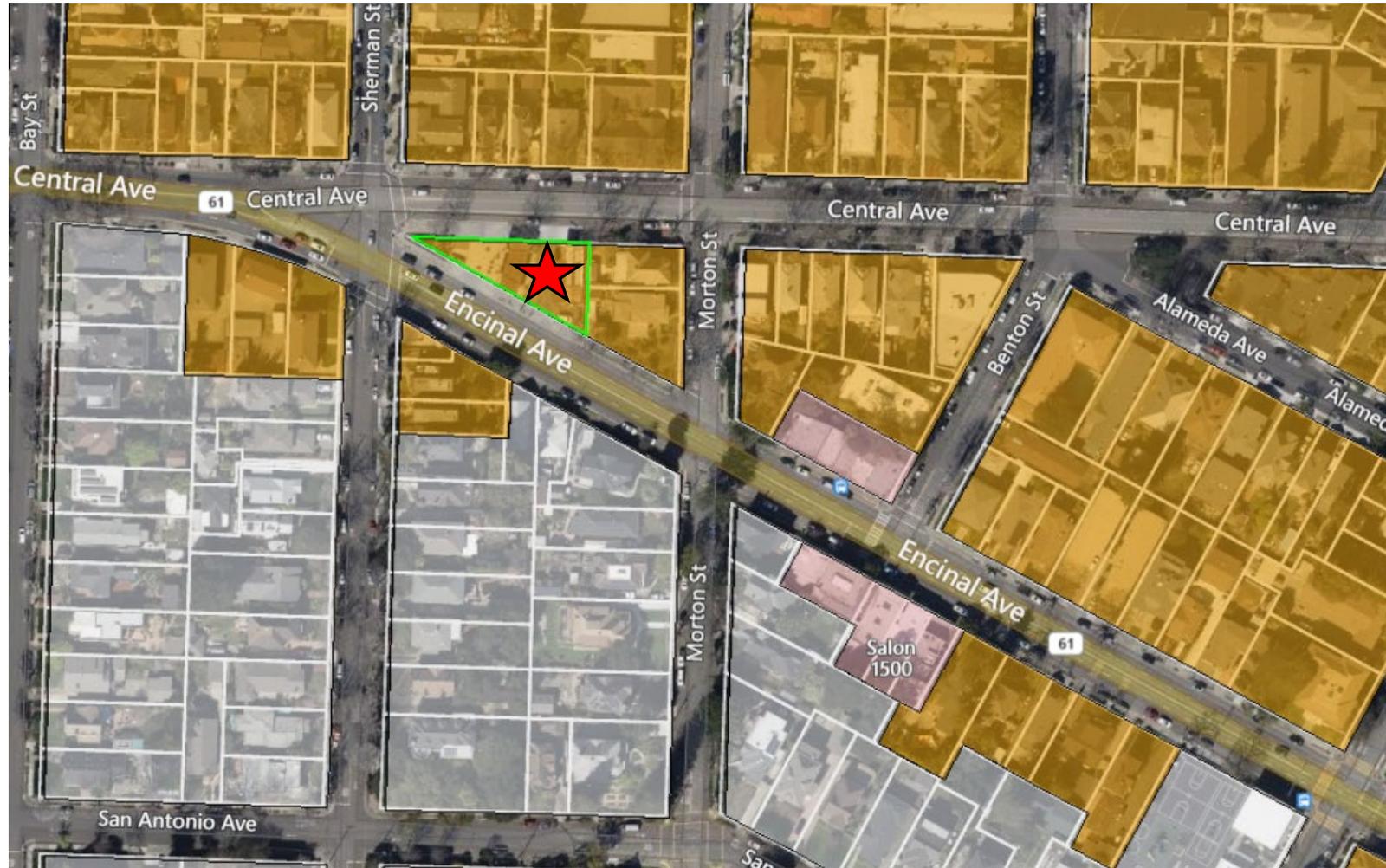
SEPTEMBER 2, 2025

SUMMARY & RECOMMENDATION

- 6/8/25: Planning Board approved amendment to 2012 Use Permit
 - Additional operating hours
 - Food & (non-alcoholic) beverage sales in accessory storefront (< 150 sf)
- 6/17/25: Appeal filed by Leland Price (neighbor)
- City Council review is *de novo* – must consider all evidence and make independent findings
- **Recommendation: uphold Planning Board approval**

SITE HISTORY

- Designated “Industrial” on 1918 Land Use Map
- In operation since at least 1950
- 1958 Zoning: Commercial District
 - No Limit on hours at that time
- 1974: Rezoned Residential
- 1981-2012: Various applications, amendments, appeals
 - 1992: First limitation on hours



 = R-4: Residential

 = C-1: Neighborhood Commercial

 = R-1: Residential

NONCONFORMING USES (AMC 30-20)

- AMC 30-20.2 – Use Permit

If no structural alterations are made, a nonconforming use of a building may, upon approval of a use permit be changed to another nonconforming use of the same or more restricted use classification.

- No structural alterations
 - Same use classification w/ modified conditions
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- *Context: long term decline in annual gallons of fuel sold*

CURRENT



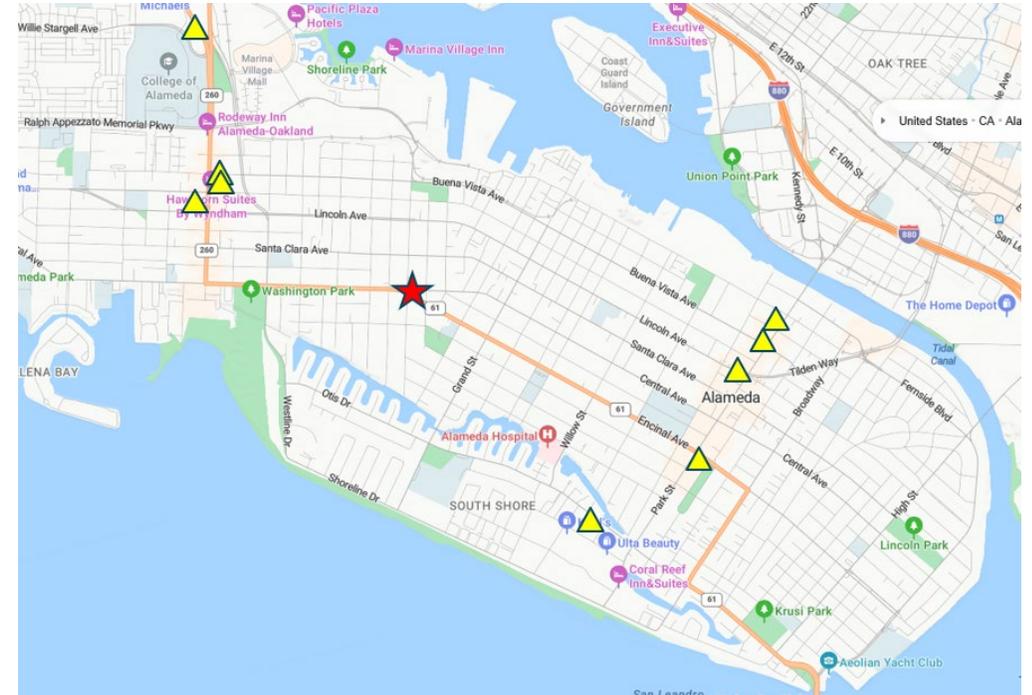
PROPOSED

- Gas Station Hours:
 - M-F: 7am - 8pm
 - Sat: 9am - 4pm
 - Sun: closed
- Store: automotive goods only
- Auto Repair (*separate tenant)
 - M-F: 9am - 6pm
 - Sat: 9am - 4pm
 - Sun: closed

- Gas Station Hours: (*Quiet pumps)
 - M-F: 6am - 10pm
 - Sat: 7am - 8pm
 - Sun: 7am - 8pm
- Store: snacks & drinks
 - No alcohol or tobacco
- Auto Repair (No changes)
 - M-F: 9am - 6pm
 - Sat: 9am - 4pm
 - Sun: closed

GAS STATION HOURS IN 94501

- Safeway (West): 5am-11pm
- Shell (Webster): 24/7
- Chevron (Webster): 24/7
- 76 (Webster): 24/7
- Safeway (South): 5am-11pm
- Arco (Park): 5a-midnight
- Chevron (Park): 24/7
- Valero (Park):
 - M-F: 5:30am-11pm
 - Sat: 6am-11pm
 - Sun: 7am-11pm



APPEAL ARGUMENTS

- **Previous violations** – disqualifying + Planning Board unaware
 - Staff response: *PB had all information; violations were resolved & applicant in compliance with current conditions of approval.*
- **Incorrect information** – PB presented w/ wrong current hours
 - Staff response: *Typo in staff report corrected 2x at hearing, PB understood.*
- **Church parking** – Sunday closure is so churchgoers can park on site
 - Staff response: *Not a condition of existing Use Permit.*
- **Light Pollution** – Extended hours will have impact, PB did not consider
 - Staff response: *Appellant raised issue, PB considered & noted store lighting may deter loitering concerns of some neighbors.*

APPEAL ARGUMENTS (CONTINUED)

- **General Plan Conformance** – Inconsistent with GP environment & preservation themes
 - Staff response: *Part of neighborhood for 75+ years; GP supports legal-nonconforming neighborhood commercial uses.*
- **ExxonMobil** – \$300 Billion annual revenue
 - Staff response: *Station is a small local business (independent franchise), serves neighborhood, avoids blight.*
- **EV Transition** – Use Permit change delays the inevitable
 - Staff response: *Supporting existing, long-time neighborhood business is prudent current action.*

USE PERMIT & CEQA FINDINGS

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**
- 2. The proposed use will be served by adequate transportation and service facilities including pedestrian, bicycle, and transit facilities.**
- 3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have substantial deleterious effects on existing business districts or the local economy.**
- 4. The proposed use relates favorably to the General Plan.**

CEQA: This project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 - Existing Facilities

STAFF RECOMMENDATION

- Hold a public hearing
- Adopt resolution **upholding Planning Board approval** of Use Permit Amendment PLN24-0094