

CITY OF ALAMEDA PLANNING BOARD RESOLUTION NO. PB-12-11

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING MODIFICATION TO USE PERMIT TO ALLOW SATURDAY AUTO REPAIR HOURS AND DEISEL FUEL SALES AT THE GAS STATION LOCATED AT 1310 CENTRAL AVENUE-PLN12-0158

WHEREAS, an application was made by Nissan Saidian & Leon Zektser of 1310 Central Avenue requesting a Use Permit modification to allow diesel fuel sales and Saturday auto repair hours in exchange for reduced weekday evening hours at the existing service station facility at 1310 Central Avenue; and

WHEREAS, the subject property is designated Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in an R-4 (Neighborhood Residential) Zoning District; and

WHEREAS, the gas station use on the subject property is a legal nonconforming use; and

WHEREAS, the Planning Board of the City of Alameda held a public hearing on this application on July 23, 2012 and examined pertinent documents and made the following findings relative to the Use Permit modification application pursuant to AMC Section 30-21.3 and AMC Section 30-20.4:

1. **The location of the proposed use is compatible with other land uses in the area.** The existing gas station has operated at the site for many years. The use of the property has been compatible with the adjacent residential uses due to carefully crafted limitations on the hours of operation and the types of services provided at the station. The current proposed modification would maintain compatibility between the gas station and the neighborhood.
2. **The proposed use will be served by adequate transportation and service facilities.** The project consists of an existing gas station. Most people drive to gas stations. The site fronts onto two main arterial streets. AC Transit bus routes are located in close proximity.
3. **The proposed use will not adversely affect other property in the vicinity.** The addition of the sale of diesel fuel during normal business hours and the addition of automobile service on Saturdays will not impact the neighborhood. The automobile service on Saturdays will be limited to the hours of 9:00 AM to 4:00 PM.
4. **The proposed use does relate favorably to the General Plan.** The proposed use provides a necessary service to the neighborhood and the larger community.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves the amendment to the use permit subject to the following conditions:

1. This approval supersedes and replaces the conditions of the previous Use Permit approval contained in the City of Alameda Planning Board Resolution No. PB-99-60, and Use Permit UP-99-10, and Resolution 14143.
2. The gas station fuel service is permitted to operate between the hours of 7:00 am – 8:00 pm, Monday through Friday, between 9:00 am – 4:00 pm on Saturday, and shall be closed Sunday.
3. The auto repair service is permitted to operate between the hours of 9:00 am – 6:00 pm, Monday through Friday, and 9:00 am to 4:00 pm on Saturdays and shall be closed on Sunday.
4. The automobile repair service shall be limited to light duty repair including tune-ups, brake work, electrical services, oil changes, and smog control certification. Automotive overhauling, rebuilding, body work, and painting are expressly prohibited.
5. All auto servicing work shall be conducted within the interior lube bays of the structure.
6. No non-automotive goods shall be sold at the site. Particularly, there shall be no sale of alcoholic beverages.
7. No cars shall be stored overnight, outside the building on the site, or on adjacent streets at any time.
8. No vehicles shall be offered for sale on the property or on the streets adjacent to the property.
9. All signs shall be in conformance with the Sign Regulations, Section 30-6 of the Alameda Municipal Code.
10. All graffiti on the property shall be removed, pursuant to Graffiti Abatement Procedure, Section 4-2.4 of the Alameda Municipal Code, within three days.
11. The applicant shall keep the restroom door in good working condition.
12. The applicant shall continue to notify the gas suppliers, in a written request, that they use a designated truck route and to not traverse on the smaller residential streets surrounding the site. The business owner shall provide a copy of the letter to the Planning & Building Department.
13. The fence that was erected at the rear of the property in conformance with Section

30-5.14 of the Alameda Municipal Code to provide a privacy screen between the subject property and the common boundary residences shall be properly maintained.

14. This Use Permit may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3(d) should the Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
15. The City of Alameda requires that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning this Use Permit approval, which action is brought within the time period provided for in Government Code Section 66499.37. The City of Alameda shall promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
16. The property owner agrees and shall acknowledge and accept in writing the conditions of approval set out in the Resolution approving the Use Permit in order for the Use Permit to be exercised, and shall acknowledge that all previous Use Permits granted for this property are superseded upon the vesting of this Use Permit and shall be of no further force and effect.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23rd day of July, 2012, by the following vote to wit:

AYES: (4) Zuppan, Ezzy Ashcraft, Knox White, and Köster,

NOES: (0)

ABSENT: (2) Burton and Henneberry

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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