

**CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-13-02**

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING
PLN12-0230 - CONDITIONAL USE PERMIT, AT 1928 HIGH STREET

WHEREAS, an application was made on July 5, 2012, by Irman Taranovic for European Auto Repair, requesting a conditional use permit to add a smog test facility to the existing business; and

WHEREAS, the application was accepted as complete on August 20, 2012; and

WHEREAS, the project site is located within a C-1, Neighborhood Business District;
and

WHEREAS, the project site is designated Neighborhood Business on the General Plan; and

WHEREAS, Zoning Administrator held a public hearing on this application on October 16, 2012; and continued the item for review by the Planning Board; and

WHEREAS, Planning Board held a public hearing on this application on January 15, 2013; and

WHEREAS, the Planning Board has made the following findings concerning the use permit:

- 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.**

The existing commercial property at 1928 High Street is located at the corner of High Street and Fernside Boulevard. According to City of Alameda business license records, this site has been used for automotive services since 1951. The current operator has owned the business for 17 years and his father ran it before him. The business is closed on Sunday and neighbors describe the business as a good neighbor.

The site is zoned C-1, Neighborhood Business District. Adjacent parcels are zoned C-1 or residential. The surrounding development is either commercial or residential and uses include a rest home, the High Street Bridge Center, single, and multi-family dwellings. The addition of smog test service is compatible with the neighborhood because it is intended to serve residential areas with convenient service facilities. The proposed project is limited to one new service bay for smog

testing only and will not generate excessive noise or traffic. Only minor building façade changes are required and consist of converting one window to a roll-up door. A use permit is required pursuant to AMC §30-4.8 (c)(6) because depending on the size of the vehicle and whether it is front or rear-wheel drive, portions of cars being tested may not fit completely within the enclosed building and this is classified as an outdoor use. Not all cars are tested in this manner, according to the business owner, some newer cars are equipped with sophisticated computer systems and can be tested by simply plugging the car into an on site diagnostics computer.

2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.

The site is located at the intersection of two major streets and is served by transit facilities (AC Transit lines W & O). Nonetheless, the use is automotive repair; inherently customers will drive to the site. Off-street parking is available. However, it should be noted that the adjacent parking lot on High Street is part of the rest home located across the street. During a site visit conducted by staff on September 13, 2012 at 11:30 AM, ample street parking was available and the rest home parking lot was not full. Only one (non-conforming) off-street parking space will be removed to provide access to the new smog check service bay. The project is not expected to generate a significant increase in traffic to the site.

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 deleterious effects on existing business districts or the local economy.

Automotive uses have been in operation at this site for 61 years per City of Alameda records. The site formerly included a gasoline station. There is no history of building code violations other than complaints regarding graffiti on the building in 2001. Neighbors that voiced opposition to the project described the business as quiet and a good neighbor but are concerned about increased traffic, noise generated by the smog testing service, and that the use is not permitted per state law.

Staff does not expect the project to result in a substantial intensification of use or create significant impacts to the surrounding properties. The Transportation Commission has been studying this area and has determined that the average daily traffic on Fernside Boulevard is well below the number of vehicles this road is expected to carry. Noise levels were observed by Planning staff at a comparable facility and noise levels was equal to that of the street traffic. The subject site faces Fernside Boulevard and has more space between it and the neighboring residential properties. The business owner is also amenable to installing additional sound conditioning materials. State law regulates smog test services and the applicant is solely responsible for obtaining state licensing.

Smog test customers are typically served immediately and do not leave their cars at

the site. The entire process takes an estimated 30 minutes according the California Bureau of Automotive Repair. The applicant anticipates that the new service may generate up to 15 customers per day and will require 1 additional employee per shift. Currently there are approximately 3-5 auto repair customers per day. Approval of this project will help an established family-owned business remain competitive and successful.

4. The proposed use relates favorably to the General Plan.

The proposed project is in conformance with General Plan goals and policies for this area. The site is located in the East End and is designated as Neighborhood Business under the General Plan. This land use classification is intended to serve residential areas with convenient shopping and service facilities. Allowing an established business to expand its services to remain competitive is consistent with General Plan Guiding Policy 2.5.a, which is to provide enough retail business and services space to enable Alameda to realize its full retail sales potential and provide Alameda residents with the full range of retail business and services.

BE IT RESOLVED THAT, the project is Categorically Exempt from additional environmental review pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves conditional use permit, PLN12-0230 for the addition of a smog test facility to the existing business subject to compliance with the following conditions:

1. The approval of the Use Permit is conditioned upon successful completion of a Design Review application process.
2. Design Review application plans shall include a detailed elevation drawing, landscape plan, parking plan, and signage plan subject to review and approval by the of the Planning Board.
3. Prior to issuance of building permits for the project, verification of state of California licensing to perform smog check services shall be submitted to the Planning division.
4. Operating noise levels of the smog test services shall not exceed noise level standards listed in Section 4-10 of the Alameda Municipal Code.
5. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
6. Upon six (6) months of providing smog check service, the business owner shall inform the Community Development Department to schedule a meeting before the

Planning Board to evaluate noise related issues regarding the new service and evaluate if additional noise attenuating measures are required.

7. No Saturday hours of operation are permitted at this site. The Planning Board shall review this restriction at the six-month review meeting.
8. Revocation: This Use Permit and Design Review may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Planning 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 a violation of the City of Alameda Noise Ordinance; or 3) the use is operated in violation of the conditions of the Use Permit.
9. Vesting: Use Permit and Design Review approval shall expire two (2) years after the date of approval or by **January 15, 2015** unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Community Development Department Director and must be filed prior to the date of expiration.
10. HOLD HARMLESS. The applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

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

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions,

pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.


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 15th day of January, 2013, by the following vote to wit:

AYES: (5) Zuppan, Burton, Henneberry, Knox White, and Köster

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary
City of Alameda Planning Board

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