

RESOLUTION NO. 18-06

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF DUBLIN**

**APPROVING A CONDITIONAL USE PERMIT TO OPERATE AN AUTOMOBILE/VEHICLE
SALES AND SERVICE FACILITY (VOLVO CAR DEALERSHIP) AT
6430 & 6440 DUBLIN COURT
APNs: 941-1400-009-02 & 941-1400-010-02
PLPA-2017-00053**

WHEREAS, the applicant, Jeff Qvale, is requesting approval of a Conditional Use Permit to operate an Automobile/Vehicle Sales and Service use type at 6430 & 6440 Dublin Court; and

WHEREAS, the application also includes a Site Development Review Permit for a façade remodel, 3,560 square foot addition to the existing 20,120 square foot building, and the demolition of a vacant 2,480 square foot building

WHEREAS, the project site is 2.78 acres and has a General Plan designation of Retail/Office and Automotive; and

WHEREAS, the site is zoned General Commercial (C-2); and

WHEREAS, the General Plan land use designation of Retail/Office and Automotive permits a mix of uses consistent with the General Commercial zoning; and

WHEREAS, the General Commercial (C-2) Zoning District allows automobile/vehicle sales and service as a conditionally permitted use; and

WHEREAS, in accordance with the California Environmental Quality Act certain projects are required to be reviewed for environmental impacts and when applicable, environmental documents prepared; and

WHEREAS, the Conditional Use Permit is exempt from CEQA pursuant to CEQA Guidelines Section 15301(e)(2) (Existing Facilities); and

WHEREAS, the Project Plan Set, attached as Exhibit A to the Site Development Review Permit Resolution, illustrates the proposed site layout, driveway and parking circulation system, building architecture, access to public streets, service areas and landscaping for the proposed project; and

WHEREAS, a Staff Report dated March 13, 2018, was submitted recommending that the Planning Commission approve a Conditional Use Permit for the proposed project; and

WHEREAS, the Planning Commission held a public hearing on the said application on March 13, 2018, at which time the interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission did hear and use independent judgment and considered all said reports, recommendations, and testimony hereinabove set forth.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED that the Planning Commission, in compliance with Municipal Code section 8.100.060, of the City of Dublin hereby makes the following findings and determinations regarding the proposed Conditional Use Permit for an Automobile/Vehicle Sales and Service facility:

- A. *The proposed use and related structures are compatible with other land uses, transportation and service facilities in the vicinity in that: 1) automobile/vehicle sales and service is a conditionally permitted use in the General Commercial Zoning District; 2) the car dealership will provide automobile sales and service options to help serve the community; 3) the Project site is well suited for this type of use; and 4) the project provides an orderly, attractive and harmonious development compatible with the site's surrounding properties; 5) all service work will be conducted indoors; and 6) Conditions of Approval have been applied to the Project to ensure on-going compatibility with the Project's surroundings.*
- B. *It will not adversely affect the health or safety of persons residing or working in the vicinity, or be detrimental to the public health, safety and welfare in that: 1) the Project will conform to all applicable regulations contained in the General Plan and Zoning Ordinance; and 2) Conditions of Approval have been applied to the Project to ensure on-going compatibility with the Project's surroundings.*
- C. *It will not be injurious to property or improvements in the neighborhood in that: 1) an automobile sales and service car dealership is a conditionally permitted use in General Commercial Zoning District; and 2) Conditions of Approval have been placed on this project to make sure the project is consistent with the requirements of the Zoning Ordinance and General Plan and to ensure that the use is compatible with the surrounding use.*
- D. *There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use and related structures would not be detrimental to the public health, safety, and welfare in that: 1) vehicular access to the site will be available from Dublin Court; 2) the Project frontage along Dublin Court is fully improved with a sidewalk that provides pedestrian access to the Project; and 3) the Project will be served by existing public utilities and services.*
- E. *The subject site is physically suitable for the type, density and intensity of the use and related structures being proposed in that: 1) the project consists of an automobile sales and service car dealership which is a conditionally permitted use on this site; 2) the project is in conformance with the requirements of the Zoning Ordinance and General Plan 3) the project site will be fully served by existing infrastructure, services, and facilities; and 4) the proposed building size and configuration would not exceed the allowable building area or create adverse conditions on-site or for surrounding properties.*

- F. *It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located in that:* 1) the project is consistent with the development standards established in the Zoning Ordinance; 2) the Project site is a conditionally permitted use in the General Commercial Zoning District; and 3) Conditions of approval have been placed on the Project to ensure on-going compatibility with the surrounding uses.
- G. *It is consistent with the Dublin General Plan and with any applicable Specific Plans in that:* 1) The project is in compliance with the development standards in the Zoning Ordinance 2) the project provides an orderly, attractive and harmonious development compatible with the site's surrounding properties; and 3) the building location, on-site circulation, parking, architecture and landscaping are designed in an efficient manner.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby approve the Conditional Use Permit to establish and operate an Automobile/Vehicle Sales and Service use type at 6430 & 6440 Dublin Court for the VOLVO Cars of Dublin project, subject to the conditions included below.

CONDITIONS OF APPROVAL

Unless stated otherwise, all Conditions of Approval shall be complied with prior to the issuance of building permits or establishment of use and shall be subject to Planning Department review and approval. The following codes represent those departments/agencies responsible for monitoring compliance of the conditions of approval. [PL.] Planning, [B] Building, [PO] Police, [PW] Public Works [P&CS] Parks & Community Services, [ADM] Administration/City Attorney, [FIN] Finance, [F] Alameda County Fire Department, [DSR] Dublin San Ramon Services District, [CO] Alameda County Department of Environmental Health, [Z7] Zone 7.

#	CONDITION TEXT	RESPON. AGENCY	WHEN REQ'D Prior to:
PLANNING			
1.	Approval. This Conditional Use Permit (CUP) approval (PLPA-2017-00050) is to allow the operation of an Automobile/Vehicle Sales and Service use type located at 6430 & 6440 Dublin Ct. (APNs: 941-1400-009-02 & 941-1400-010-02). This approval is for the sales and service of new cars, with the sales and service of used cars as an ancillary use. This approval shall be as generally depicted and indicated on the project plans, prepared by FCGA Architecture dated February 12, 2018, on file in the Community Development Department and as specified by the following Conditions of Approval for this project.	PL	Ongoing
2.	Effective Date. This CUP approval becomes effective 10 days after action by the Planning Commission unless otherwise appealed to the City Council.	PL	Ongoing
3.	Permit Expiration. Approval of this Conditional Use Permit shall be valid for one year from the effective date. This approval shall be null and void in the event the approved use fails to be established within one year. Commencement of the use means the establishment of use pursuant to the Permit approval or,	PL	One Year from Date of Approval

	demonstrating substantial progress toward commencing such use. If there is a dispute as to whether the Permit has expired, the City may hold a noticed public hearing to determine the matter. Such a determination may be processed concurrently with revocation proceedings in appropriate circumstances. If a Permit expires, a new application must be made and processed according to the requirements of this Ordinance.		
4.	Compliance. The Applicant/Property Owner shall operate this use in compliance with the Conditions of Approval of this CUP, the approved plans and the regulations established in the Zoning Ordinance. Any violation of the terms or conditions specified may be subject to enforcement action.	PL	On-going
5.	Revocation of Permit. The CUP approval shall be revocable for cause in accordance with Section 8.96.020.I of the Dublin Zoning Ordinance. Any violation of the terms or conditions of this permit shall be subject to citation.	PL	On-going
6.	Requirements and Standard Conditions. The Applicant/ Developer shall comply with applicable City of Dublin Fire Prevention Bureau, Dublin Public Works Department, Dublin Building Department, Dublin Police Services, Alameda County Flood Control District Zone 7, Livermore Amador Valley Transit Authority, Alameda County Public and Environmental Health, Dublin San Ramon Services District and the California Department of Health Services requirements and standard conditions. Prior to issuance of building permits or the installation of any improvements related to this project, the Developer shall supply written statements from each such agency or department to the Planning Department, indicating that all applicable conditions required have been or will be met.	Various	Building Permit Issuance
7.	Required Permits. Applicant/Developer shall obtain all permits required by other agencies including, but not limited to Alameda County Flood Control and Water Conservation District Zone 7, California Department of Fish and Wildlife, Army Corps of Engineers, Regional Water Quality Control Board, Caltrans and provide copies of the permits to the Public Works Department.	PW	Building Permit Issuance and Grading Permit Issuance
8.	Fees. Applicant/Developer shall pay all applicable fees in effect at the time of building permit issuance, including, but not limited to, Planning fees, Building fees, Traffic Impact Fees, TVTC fees, Dublin San Ramon Services District fees, Public Facilities fees, Dublin Unified School District School Impact fees, Fire Facilities Impact fees, Alameda County Flood and Water Conservation District (Zone 7) Drainage and Water Connection fees; or any other fee that may be adopted and applicable. Approved Development Agreement supersedes where applicable.	Various	Building Permit Issuance
9.	Indemnification. The Applicant/Developer shall defend, indemnify, and hold harmless the City of Dublin and its agents, officers, and employees from any claim, action, or proceeding against the City of Dublin or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City of Dublin or its advisory agency, appeal board, Planning Commission, City Council, Community Development Director, Zoning Administrator, or any other department, committee, or agency of the City to the extent such actions are brought within the time period required by	ADM	On-going

	Government Code Section 66499.37 or other applicable law; provided, however, that the Applicant's/Developer's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant/Developer of any said claim, action, or proceeding and the City's full cooperation in the defense of such actions or proceedings.		
10.	Clarification of Conditions. In the event that there needs to be clarification to the Conditions of Approval, the Director of Community Development and the City Engineer have the authority to clarify the intent of these Conditions of Approval to the Applicant/Developer without going to a public hearing. The Director of Community Development and the City Engineer also have the authority to make minor modifications to these conditions without going to a public hearing in order for the Applicant/Developer to fulfill needed improvements or mitigations resulting from impacts to this project.	PL, PW	On-going
11.	Noise/Nuisance. The Applicant shall control all business activity so as not to create a public or private nuisance to the existing and surrounding businesses and residents. No amplified sounds, loudspeakers or music shall be permitted outside the building.	PL	On-going
12.	Clean-up. The operators of the dealership are responsible for picking up all trash associated with the use several times per day throughout the parking lot and street.	PL	On-going
13.	Inventory Vehicle Storage and Parking. No vehicles, other than vehicles for sale, shall be stored on the premises on a regular basis. Campers, trucks or recreational vehicles may not be stored outside. No vehicle shall be parked in any fire lanes and must be located in designated parking stalls.	PL	On-going
14.	Vehicle Deliveries. All vehicle deliveries shall be located on-site. No loading or unloading shall be permitted in the street.	PL	On-going
15.	Vehicle Displays. Vehicles shall be displayed in the vehicle display areas shown on the approved site plans in an orderly fashion. Any additional vehicle display areas are subject to review and approval by the Community Development Director.	PL	On-going
16.	Parking Requirements. The Applicant shall provide parking as shown in the project plans. All parking spaces shall be striped according to the requirements of the City of Dublin Zoning Ordinance, except in certain areas of the site otherwise reflected on the site plans included with this approval or as determined by the Community Development Director and City Engineer. Disabled, visitor, employee, and compact parking spaces shall be appropriately identified on the pavement. Guest/employee parking shall be clearly labeled.	PL	On-going
17.	Vehicle Display & Promotional Activity. In accordance with the Zoning Ordinance, all promotional activity (including pennants, balloons, banners and tents) shall be subject to the approval of a Temporary Use Permit.	PL	On-going
18.	Temporary Signage. All temporary signage shall conform to the requirements of the Dublin Zoning Ordinance at all times.	PL	On-going
19.	Service & Repair Work. All service and/or repair work shall be conducted inside the building.	PL	On-going
20.	Car Wash. Vehicles may only be washed indoors.	PL	On-going
21.	Hours of Operation. The hours of operation for	PL	On-going

	automobile/vehicle sales shall be no earlier than 7:00 a.m. and no later than 10:00 p.m. and no earlier than 7:00 a.m. and no later than 7:00 p.m. for automobile/vehicle service or repair.		
--	--	--	--

PASSED, APPROVED AND ADOPTED this 13th day of March 2018 by the following vote:

AYES: BHUTHIMETHEE, WRIGHT, KOTHARI, MITTAN, QUERESHI

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair

ATTEST:

Assistant Community Development Director

2931924.1