



STAFF REPORT

Date: June 13, 2017
To: Bryan Montgomery, City Manager
From: Joshua McMurray, Planning Manager

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

SUBJECT: **4700 Main Street U-Haul - Conditional Use Permit (CUP 05-17) - Conditional Use Permit to establish a U-Haul rental business at the future retail and self-storage project that is currently under construction on a site located at 4700 Main Street. APN: 033-240-004**

Summary

The applicant, Claremont Homes, INC, is requesting approval a Conditional Use Permit to establish a U-Haul rental business at the future retail and self-storage project that is currently under construction on a site located at 4700 Main Street. The project site is designated Commercial in the General Plan and is zoned General Commercial (C) District. The 2.9-acre site is located at 4700 Main Street. APN: 033-240-004

Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 05-17) to establish a U-Haul rental business at the future retail and self-storage project that is currently under construction on a site located at 4700 Main Street, APN 033-240-004, as conditioned.

Background

The retail and self-storage project that is currently under construction on the project site was approved by the City Council on June 9, 2015. The applicant submitted an application to establish a U-Haul rental business as an ancillary use to the self-storage component of the project on April 27, 2017.

General Plan/Zoning Compliance

In 2002 the site was designated "Commercial" in the Oakley 2020 General Plan. The "Commercial" designation allows for a broad range of commercial uses. The project site was rezoned to the General Commercial (C) District in May 2009 as part of the Citywide Rezone project. The C District is compatible with the "Commercial" General Plan Land Use designation. The proposed use is defined as "Equipment Rental/Sales", which is allowed in the General Commercial District with the approval of a Conditional Use Permit when the use is not entirely screened from view.

Project Description

The property is approximately 2.9-acres in size. The site is currently being developed with a retail and self-storage project. The applicant has requested a Conditional Use Permit to allow for the rental of U-Haul trucks in conjunction with the self-storage component of the project. The project site fronts on Main Street across from Almondtree Lane.

The project consists of the following entitlement:

Conditional Use Permit

The proposed use is defined as "Equipment Rental/Sales", which is allowed in the General Commercial District with the approval of a Conditional Use Permit when the use is not entirely screened from view. The purpose of a Conditional Use Permit is to allow for uses that are not allowed by right, and to ensure, through conditions, that the proposed land use is compatible with the surrounding land uses in the neighborhood.

Analysis

Land Use Compatibility

Surrounding uses include the Pompei Nursery, across Main Street, to the west of the site, non-conforming single family residences to the north, a vacant and undeveloped parcel to the south, and Marsh Creek to the east. The surrounding properties are all zoned either C (General Commercial) or P-1 (Planned Development) District which allow for commercial uses as described above. The boundary of an existing single-family residential subdivision is located east of Marsh Creek, approximately 115 feet from the project sites east property line.

The applicant is proposing to store U-Haul rental vans, trucks and box trucks on the site. They are not proposing to rent trailers or install trailer hitches. As shown on the attached site plan, they are proposing to store a total of 7 vehicles behind the retail building. These vehicles will be screened from view. Staff has added a condition of approval to the attached resolution that requires all vehicles to be located completely behind the retail building so they are screened from view at all times. In addition, the applicant is proposing to store 2 U-Haul rental trucks within 2 of the parking spaces located on the southwestern area of the site as shown on the attached site plan. The attached resolution has also been conditioned to only allow U-Haul rental trucks, not vans or box trucks, in this location. In addition to the truck rental aspect of the use, the self-storage office will also sell moving boxes and supplies.

The proposed use is compatible with the retail and self-storage use that will be operational on the project site once the construction is completed. These types of uses are typically ancillary to self-storage uses and will complement the variety of services offered by the self-storage business.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-Fill Development Projects. No further environmental review is required for this project.

Findings

Draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the Resolution approving Conditional Use Permit (CUP 05-17) to establish a U-Haul rental business at the future retail and self-storage project that is currently under construction on a site located at 4700 Main Street, APN 033-240-004, as conditioned.

Attachments

1. Vicinity Map
2. Project Plan Set
3. Applicant Letter
4. Draft Resolution

4700 Main Street U-Haul
Conditional Use Permit (CUP 05-17-15)
APN: 033-240-004





VALLI ARCHITECTURAL GROUP

12 JOURNEY, SUITE 270
ALISO VIEJO, CA 92655
PHONE: 949/349-1777

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CLIENT
CLAREMONT HOMES, INC.

380 CIVIC DRIVE STE 200-C
PLEASANT HILL, CA
94523

PROJECT TITLE
**4700 MAIN STREET
RETAIL/ SELF STORAGE**

4700 MAIN STREET
OAKLEY, CA

SHEET TITLE
SITE PLAN

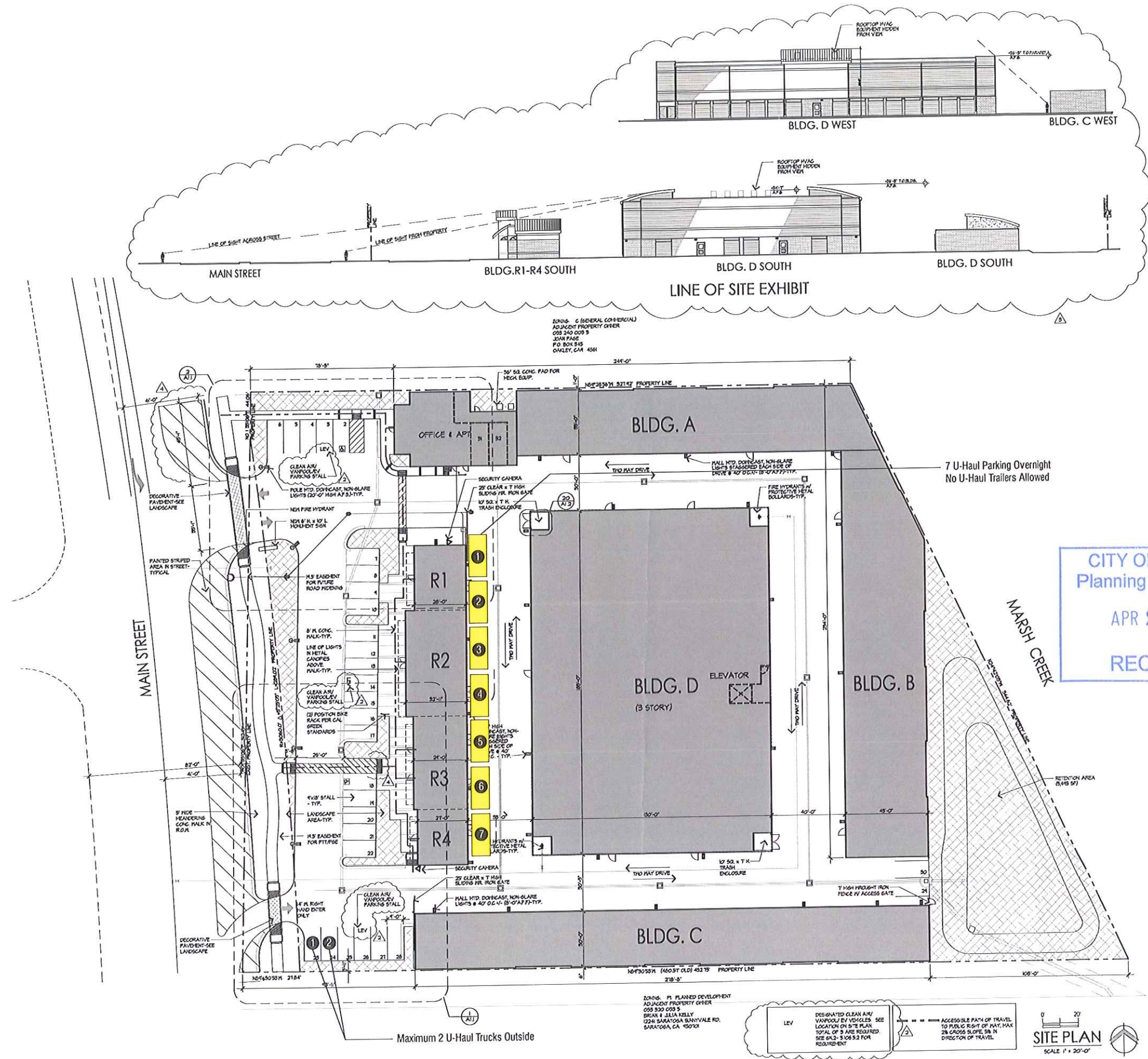
CITY OF OAKLEY
Planning Department
APR 27 2017
RECEIVED



DATE	REVISION	DATE
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DRAWN/CHK BY: VAG
DATE: 08/31/15
JOB NO.: 14-390
SHEET NUMBER

A1.0



SDWG: C (GENERAL COMMERCIAL)
ADJACENT PROPERTY OWNER
055 240 008 5
JOHN PAGE
P.O. BOX 515
OAKLEY, CA 94644

SDWG: R (PLANNED DEVELOPMENT)
ADJACENT PROPERTY OWNER
055 300 008 5
DIANA & JILL KELLY
024 SARATOSA SUNNYVALE RD.
SARATOGA, CA 95074

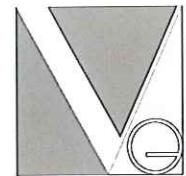
LEV DESIGNATED CLEAN AIR/VANPOOLING VEHICLES. SEE LOCATION ON SITE PLAN. TOTAL OF 8 ARE REQUIRED. SEE 642-3106.52 FOR REQUIREMENT.

ACCESSIBLE PATH OF TRAVEL TO PUBLIC RIGHT OF WAY, MAX 2% CROSS SLOPE, 5% IN DIRECTION OF TRAVEL.



Maximum 2 U-Haul Trucks Outside

7 U-Haul Parking Overnight
No U-Haul Trailers Allowed



**VALLI
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**CLAREMONT
HOMES, INC.**

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PLEASANT HILL, CA
94523

PROJECT TITLE
**4700 MAIN STREET
RETAIL/ SELF STORAGE**

4700 MAIN STREET
OAKLEY, CA

SHEET TITLE
**SECTIONS
RETAIL**



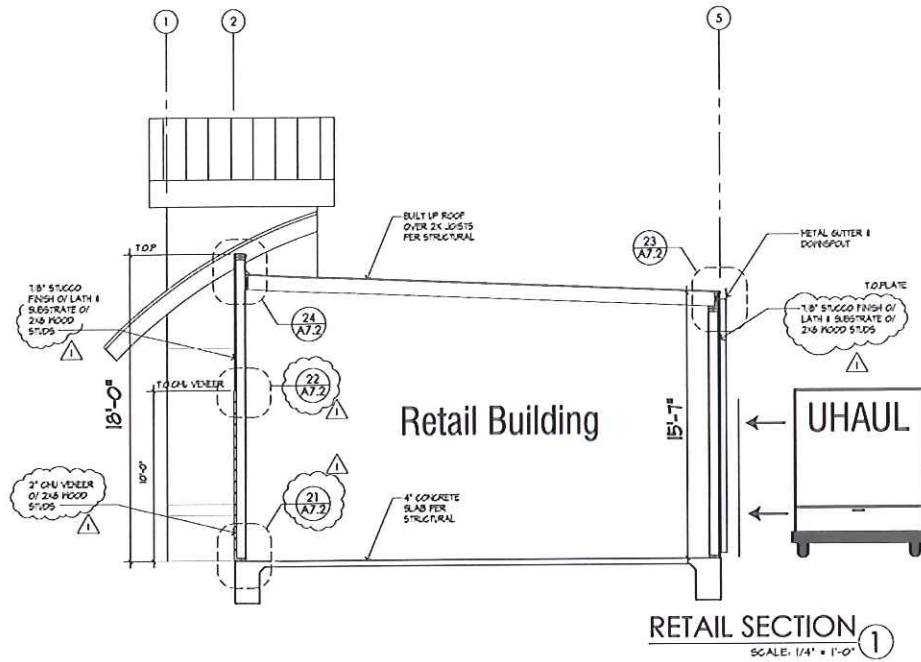
DELTA	REVISION	DATE
△	BID COORDINATION	4/14/2015

DRAWN/CHK BY: VAG
DATE: 08/31/15
JOB NO.: 14-390

SHEET NUMBER

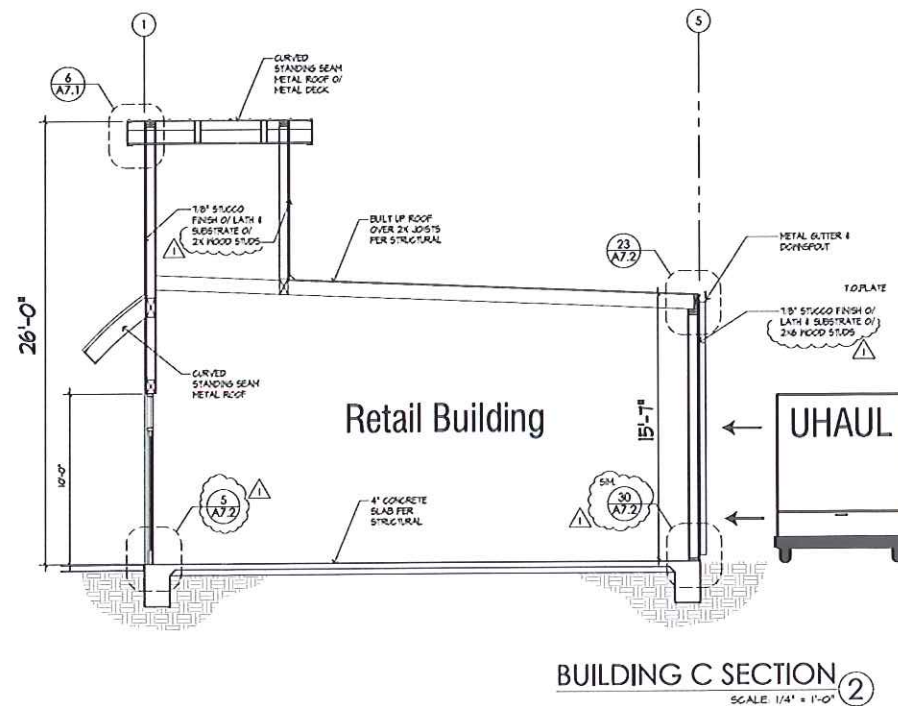
A5.3

Main Street



RETAIL SECTION 1
SCALE: 1/4" = 1'-0"

Main Street



BUILDING C SECTION 2
SCALE: 1/4" = 1'-0"

**CITY OF OAKLEY
Planning Department**

APR 27 2017

RECEIVED

Oakley self storage/retail
Conditional use permit request
4700 Main St.
Oakley, CA

April 27, 2017

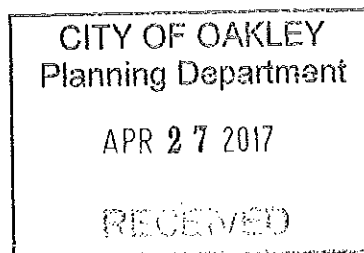
Mr. Joshua McMurray
City of Oakley

Good afternoon Mr. McMurray,

We are pleased to submit to the city our request for a conditional use permit at our new Oakley self storage facility, 4700 Main St. The purpose of this request is to allow us to rent U-Haul trucks in conjunction with our self storage business. U-Haul trucks will be stored inside of the facilities security gates and out of sight from the Main Street. There is an exhibit attached consisting of two sheets to help you more easily visualize where the trucks would be stored. In the front of the facility, in our parking lot, we would request that you allow us to store a pickup truck, and a U-Haul van. No trucks would be stored in the front parking lot along the street frontage. Our desire is to operate a clean high-quality storage/retail facility and the addition of the U-Haul truck rental will help us to obtain that goal. We will not rent trailers, or install trailer hitches but only rent vans, pickup trucks, and the U-Haul box trucks. Our self storage facility located in Brentwood has allowed us to realize that the U-Haul truck franchise provides us with additional advertising through the U-Haul website and allows us to obtain more storage unit rentals. In addition to enabling us to rent more storage units, we have also been able to sell additional moving boxes, and moving supplies, thereby generating additional revenue and sales tax. U-Haul has been effective in generating additional traffic to our Brentwood facility and we would anticipate similar results at our new Oakley self storage facility.

We appreciate your kind consideration in this matter and look forward to working with you in the future.

Thank you,
Michael W Conley
Oakley Self Storage L. P.



RESOLUTION NO. XX-17

**A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS
AND APPROVING THE CONDITIONAL USE PERMIT (CUP 05-17) TO ESTABLISH A
U-HAUL RENTAL BUSSINESS ON A 2.9-ACRE SITE LOCATED AT 4700 MAIN
STREET
APN 033-240-004**

WHEREAS, on April 27, 2017, Michael Conley with Claremont Homes, INC. ("Applicant"), submitted an application for a Conditional Use Permit (CUP 05-17) to establish a U-Haul rental business on a site located at 4700 Main Street. APN: 033-240-004 ("Project"); and

WHEREAS, on May 27, 2017, the project application was deemed complete per Government Code section 65920 et. seq; and

WHEREAS, the project is designated as *Commercial* in the Oakley 2020 General Plan, and zoned General Commercial (C) District; and

WHEREAS, on June 1, 2017, the Notice of Public Hearing for the project was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site. The notice was also mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, the project is exempt from further environmental analysis under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332, "Class 32 – In-Fill Development Projects"; and

WHEREAS, on June 13, 2017, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as conditioned, and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the City's Commercial and Industrial Design Guidelines, and the

information submitted to the City Council at its June 13, 2017 meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record"); and

NOW, THEREFORE, BE IT RESOLVED THAT, on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

- A. Regarding the application requesting approval of a Conditional Use Permit (CUP 05-17) to establish a U-Haul rental business on a site located at 4700 Main Street. APN: 033-240-004:
1. The site for the proposed use is adequate in size and shape to accommodate the use in a manner complementary with the land and uses in the area in that the site is approximately 2.9-acres and the General Commercial (C) Zoning District allows for the proposed use with the approval of a Conditional Use Permit.; and
 2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use in that the site is accessible by public rights-of-way such as Main Street, which is designed to handle project generated traffic; and
 3. The proposed use will be arranged, designed, constructed, operated, and maintained so as to be compatible with the intended character of the area and will not change the essential character of the area that is intended by the General Plan and the applicable zoning ordinances in that the proposed use is permitted in the General Commercial (C) Zoning District with the approval of a Conditional Use Permit.; and
 4. The proposed use provides for continued growth and orderly development of the community and is consistent with the various elements and objectives of the General Plan in that it provides an ancillary use to the self-storage business. The use and site are a result of Oakley's zoning that allows for commercial lots that can accommodate this type of use; and
 5. That the proposed use, including any conditions attached thereto, will be established in compliance with the applicable provisions of the California Environmental Quality Act; and
- B. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the

Record, the City Council approves of the Applicant's request for **Conditional Use Permit (CUP 05-17)**, subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the application received by the Planning Division dated **April 27, 2017**, as well as additional information acquired since that time and made part of the project file.

THE FOLLOWING CONDITIONS OF APPROVAL SHALL BE SATISFIED PRIOR TO ESTABLISHING THE USE UNLESS OTHERWISE NOTED:

Planning Division Conditions

General:

1. This **Conditional Use Permit (CUP 05-17)** is approved, as shown on the plans, date stamped by the Planning Division on **April 27, 2017**, and as modified by the following conditions of approval, subject to final review and approval by the Community Development Director.
2. This approval for **Conditional Use Permit (CUP 05-17)** shall be effectuated within a period of one (3) years from the effective date of this resolution by establishing the use and if not effectuated shall expire on **June 13, 2020**. Prior to said expiration date, the applicant may apply for an extension of time pursuant to the provisions of the Zoning Code.
3. All conditions of approval shall be satisfied by the owner/developer. All costs associated with compliance with the conditions shall be at the owner/developer's expense.
4. Noise generating construction activities, including such things as power generators, shall be limited to the hours of 7:30 a.m. to 5:30 p.m. Monday through Friday, and shall be prohibited on City, State and Federal Holidays. The restrictions on allowed working days and times may be modified on prior written approval by the Community Development Director.
5. The applicant shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project. The city shall promptly notify the applicant of any such claim, action or proceeding. The city shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.

Site Plan:

6. A maximum of two U-Haul Truck vehicles at any one time may be stored along the project frontage in the location identified on the site plan dated April 27, 2017.
7. All U-Haul box trucks and vans shall be completely screened from public view and located completely behind the retail building.

Signage:

8. Any proposed signage shall meet the requirements of the City's Zoning Ordinance. All proposed signage, if applicable, shall be reviewed by the Planning and Building Departments.
9. There shall be no banners, pennants, flags, signs, balloons, inflatable objects, roped-off areas, or similar items used to draw attention to the rental vehicles.

ADVISORY NOTES

PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.

- A. The applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.
- B. The project will require a grading permit pursuant to the Ordinance Code.
- C. Comply with the requirements of the Ironhouse Sanitary District.
- D. Comply with the requirements of the East Contra Costa Fire Protection District.
- E. Comply with the requirements of the Diablo Water District.
- F. Comply with the requirements of the Building Inspection Department. Building permits are required prior to the construction of most structures.
- G. This project may be subject to the requirements of the Department of Fish and Game. It is the applicant's responsibility to notify the Department of Fish and Game, PO Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

H. This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 13th of June, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Sue Higgins, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date