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ZA ORDER NO. 09-22

**OFFICE OF THE ZONING ADMINISTRATOR,
CITY OF SAN RAMON APPROVING
MINOR USE PERMITS 2022-0012 & 2022-0015**

**Applicant: Pottery Planet (Mr. Johan Frank)
Property Owner: Ising Ranch CP LLC
Project Name: Pottery Planet**

WHEREAS, on July 11, 2022, the Applicant submitted a formal application for approval of a Minor Use Permit (MUP 2022-0012) to allow the continuation of a legal nonconforming use to establish a Building and Landscape Material Sales land use for garden sales, installation, service, and repair services (Pottery Planet) within an existing 1.74 acre lot located at 2810 Old Crow Canyon Road (APN: 208-290-004); and

WHEREAS, on September 26, 2022, the Applicant filed a subsequent Minor Use Permit (MUP 2022-0015) application for a 16% on-site parking reduction to allow 11 parking spaces where 13 parking spaces are required by Section D3-30 of the Zoning Ordinance; and

WHEREAS, on November 24, 2020, the San Ramon City Council adopted the San Ramon Village Specific Plan (SRVSP); and

WHEREAS, the SRVSP serves as the Land Use and Zoning Designation for the SRVSP area; and

WHEREAS, the subject property at 2810 Old Crow Canyon Rd., is within the Park/Open Space (P/OS) land use district as established by the San Ramon Village Specific Plan (SRVSP); and

WHEREAS, the existing operation of Maintenance and Repair Service (Culligan Water Conditioning) was established in the 1960s and is deemed a legal nonconforming commercial use within a Park/Open Space designation in accordance with the Zoning Ordinance; and

WHEREAS, the proposed Building and Landscape Materials Sales land use is deemed a continuation of the existing legal nonconforming use in accordance with the Zoning Ordinance; and

WHEREAS, Zoning Ordinance Section D7-2 requires approval of a Minor Use Permit application to allow the continuance of a legal nonconforming Building and Landscape Materials Sales land use in the Park/Open Space (P/OS) Zoning District; and

WHEREAS, a nonconforming use may be changed to another nonconforming use of a similar or more restricted classification or nature; provided, the proposed new nonconforming use would not increase the degree or intensity of the nonconformity as established by Zoning Ordinance Section D7-2; and

WHEREAS, the replacement nonconforming use shall serve as the “new bench mark” in terms of establishing the acceptable level of nonconformity as established by Section D7-2 of the

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Zoning Ordinance; and

WHEREAS, on August 10, 2022, the Minor Use Permit (MUP 2022-0012) application to continue the legal nonconforming land use submitted July 11, 2022 was deemed incomplete; and

WHEREAS, on September 12, 2022, in response to staff comments, the Applicant submitted to the Planning Services Division revised application materials including a Minor Use Permit (MUP 2022-0015) application requesting a 16% parking reduction, and a parking analysis; and

WHEREAS, the proposed Building and Landscape Materials Sales land use requires one (1) parking space for each 400 sq. ft. of indoor display area for the first 10,000 sq. ft., and one (1) parking space for each 500 sq. ft. of outdoor storage and display area.

WHEREAS, the proposed 13,931 sq. ft. outdoor Show Room area is designed as a fixed landscape display show room where customers view landscape products and therefore is not counted towards the required on-site parking; and

WHEREAS, the Zoning Administrator may reduce the number of parking spaces required by Sections D3-28 and D3-39 by up to 25% through a Minor Use Permit approval based up on the findings that there is a justifiable cause beyond simply the desire for less parking and based on the reasonable existing and future use of the property; and

WHEREAS, Zoning Ordinance Section D3-30 requires additional findings to be made to approve the subject Minor Use Permit application demonstrating the proposed land use is consistent with the reduction of minimum parking requirements for the subject property; and

WHEREAS, on September 27, 2022, the subject applications were deemed complete by the Planning Services Division; and

WHEREAS, pursuant to Section 15301 (Existing Facilities) of the Guidelines for the California Environmental Quality Act (CEQA) of 1970, as amended, the subject application is categorically exempt because the proposed project would establish a Building and Landscape Materials Sales land use within an existing building with no expansion of the building and limited on-site tenant improvements, and

WHEREAS, pursuant to Sections D6-28 and D7-24 of the Municipal Code of the City of San Ramon, a Public Notice was duly noticed on September 30, 2022 for a noticing period through October 10, 2022; and

WHEREAS, no written requests for a public hearing were received by the Planning Services Division; and

WHEREAS, the proposed Minor Use Permits are consistent with the requirements of Section D6-28 (Use Permits and Minor Use Permits) of the Municipal Code of the City of San Ramon; and

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NOW, THEREFORE, BE IT RESOLVED that the Zoning Administrator does hereby make the following findings based on the all the evidence in the record (including but not limited to all application materials, the written and oral staff reports, and oral and written comments received by the City):

1. Regarding the Minor Use Permit for the Continuation of a Legal Nonconforming Use:

- a. The recitals above are true and correct and are incorporated herein by reference; and
- b. That the proposed Pottery Planet business is classified as a Building and Landscape Materials Sales land use and is allowed with approval of a Minor Use Permit for the continuation of a legal nonconforming use in accordance with Zoning Ordinance Section D7-2 in the Park/Open Space (P/OS) land use district of the San Ramon Village Specific Plan; The Project also complies with all other applicable provisions of the Zoning Ordinance and the Municipal Code, because the business will operated solely within an existing commercially-operated building and lot, and has demonstrated the proposed number of parking spaces will provide adequate parking as conditioned; and
- c. The proposed Pottery Planet business is consistent with the General Plan land use designation (Park) and the San Ramon Village Specific Plan's Park/Open Space (P/OS) land use designation, and other applicable General Plan and San Ramon Village Specific Plan policies, because the proposed Building and Landscape Materials use would not increase the degree or intensity of the existing legal nonconforming Maintenance and Repair Service land use, and the use is not a barrier to implementation of the SRVSP goals because the use is located within an existing commercially-utilized lot with no physical additions or expansions to the existing building, and limited to cosmetic improvements to the landscape area; and
- d. The design, location, size and operating characteristics of the proposed Pottery Planet business, as conditioned, is compatible with the existing and future land uses in the vicinity, because Pottery Planet is consistent with the operating characteristics of the surrounding uses; the Project has been conditioned to limit on-site improvements, with services and hours of operation as described in the Applicant's Written Statement, and has demonstrated the proposed parking reduction provides adequate parking as documented by their parking analysis; and
- e. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed land use will not be enlarged or expanding in size or capacity, or extending to occupy a greater area, or increased in intensity, and is within an existing building with no expansion of the building and limited tenant improvements on-site, limited to landscaping and non-habitable accessory structures.
- f. Granting the Use Permit for the proposed Pottery Planet business, as conditioned, would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood, or materially detrimental or injurious to property or improvements in the vicinity and zone which the property is located, because the proposed Pottery Planet

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business is consistent with the existing Maintenance and Repair Services land use intensity, the proposed Building and Landscape Materials Sales land use has provided adequate improvements to the land to address accessibility and parking requirements, and limits all other services as described in the Applicant's Written Statement, and has demonstrated the proposed parking reduction provides adequate parking as documented by their parking analysis; and

2. Regarding the Minor Use Permit for the Parking Reduction:

- a. The recitals above are true and correct and are incorporated herein by reference; and
- b. The peak hours of parking demand from the proposed Building and Landscape Materials Sales land use, as conditioned, are not expected to exceed the proposed amount and as the parking analysis demonstrates, adequate parking throughout the existing lot is provided; and
- c. The proposed Pottery Planet parking analysis of existing locations outside the City of San Ramon, demonstrate an average peak of expected parking demand below the proposed number of parking spaces provided on the existing lot; and
- d. Based on the proposed uses and the proposed Pottery Planet business parking demand characteristics, the adequacy and efficiency of parking provided will equal or exceed the level that can be expected if the proposed parking reduction was not provided.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that pursuant to Government Code Section 66020(d)(1), the applicant is hereby given notice that the 90-day period in which the applicant may protest any fees, dedications, reservations or other exactions imposed on the development project and stated in the Conditions of Approval attached hereto shall commence upon passage of this Resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Zoning Administrator does hereby approve the Minor Use Permit applications (MUP 2022-0012, MUP 2022-0015) with Zoning Administrator Order No. 09-22 to allow the continuation of a legal nonconforming use to establish a Building and Landscape Materials Sales land use (Pottery Planet) and a 16% on-site parking reduction located at 2810 Old Crow Canyon Road, based on conformance with the General Plan and the required findings and evidence in the record, subject to the attached Conditions of Approval referenced as Exhibit "A".

Date Approved: October 11, 2022

Debbie Chamberlain,
Zoning Administrator

Date Effective: October 20, 2022

Attachments:

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Exhibit A: Conditions of Approval

EXHIBIT A

**ZA ORDER NO. 09-22
CONDITIONS OF APPROVAL
MINOR USE PERMITS 2022-0012 & 2022-0015**

Pottery Planet
2810 Old Crow Canyon Road
(APN: 208-290-004)

Planning Services Division

Special Conditions:

1. The granting of these Minor Use Permits (MUP 2022-0011, 2022-0015) to allow the continuation of a legal nonconforming land use for a Building and Landscape Materials Sales land use (Pottery Planet) for garden sales, installation, service, and repair business services and a 16% on-site parking reduction. The proposed Building and Landscape Materials Sales land use will be operated within a 1,353 sq. ft. building, 13,931 sq. ft. Show Room Display area, 5,178 sq. ft. Overstock Yards, and 4,758 sq. ft. Pottery and Furniture Display Yard, with 11 on-site parking spaces on an existing 1.74 acre lot located at 2810 Old Crow Canyon Rd. (APN: 208-290-004), and shall be in substantial conformance with the Written Project Description and Project Plans date-stamped “Received September 12, 2022” and Parking Analysis date-stamped “Received September 12, 2022”, unless modified by the conditions contained herein.
2. The hours of operations shall be as follows:
 - Tuesday – Saturday 9:00 A.M. and 5:30 P.M.
 - Sunday 9:30 A.M. and 5:00 P.M.
 - Monday Closed

Standard Conditions:

3. Prior to occupancy, the Applicant shall obtain all required building permits from the Building and Safety Services Division.
4. The approval(s) authorized by this action shall expire if the required permits are not issued, and construction initiated within a one (1) year period from the effective date, unless the Project has been legally established as determined by the Planning Services

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Division. A time extension may be granted in accordance with Section D6-34 of the Zoning Ordinance.

5. Failure of the Applicant to implement, follow and adhere to these conditions may result in revocation hearing proceedings or modification of the project before the Zoning Administrator or Planning Commission.
6. Within 60 days of the effective date of the project approval or prior to Building Permit issuance, whichever is earlier, the Applicant shall pay all outstanding permit review fees for City services incurred prior to project approval by the Zoning Administrator.
7. Any changes to the operation, additional activities, and/or approved plans, other than those required by these conditions, require prior City review and approval. The Zoning Administrator shall determine the appropriate review authority for any revision or modification to the Project. Minor changes may be approved by the Zoning Administrator.
8. All construction activities shall be limited to the hours of 7:30 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends. The City may impose more restrictive construction days/hours if determined to be necessary to protect the public welfare and safety.
9. These Minor Use Permits (MUP 2022-0012, MUP 2022-0015) are not transferable to another site or property within the City (including expansion of the tenant space).
10. The Applicant shall maintain an active City Business License.
11. The Zoning Administrator may impose additional operating conditions and restrictions upon the proposed land use to ensure the public health, safety, or welfare. If necessary, the Zoning Administrator may modify or add conditions of approval to mitigate such impacts (i.e. parking), or may refer the land use permit to the Planning Commission.
12. All proposed signage shall require a separate sign permit. Building permit applications are to be reviewed and approved by Planning and Building Services Division. All signs shall comply with the regulations of the San Ramon Zoning Ordinance, including the appropriate review process.
13. The Applicant (including any assignee or successor-in-interest) shall defend, indemnify, and hold harmless the City of San Ramon (City) and its agents, elected officials, officers, and employees from any claim, action or proceeding against the City of its agents, elected officials, officers, and employees to attack, set aside, void or annul any part of the City's approval of the Applicant's project. The City will promptly notify the Applicant of any such claim, action or proceeding, and cooperate in the defense.

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San Ramon Valley Fire Protection District (SRVFPD)

Standard Condition:

14. Prior to issuance of a building permit, full set of building plans shall be submitted to the San Ramon Valley Fire Protection District for review and approval.