



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** William A. Gilchrist  
Director, Planning and  
Building

**SUBJECT:** Auto Repair in the D-BV-4 Zone

**DATE:** May 22, 2020

City Administrator Approval

Date: May 27, 2020

## **RECOMMENDATION**

**Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion: 1) Adopt An Ordinance, As Recommended By The Planning Commission, Amending Oakland Planning Code Regulations To Conditionally Permit Auto Repair And Cleaning Commercial Activities In The Broadway Valdez District – 4 Zone, And 2) Approve A Conditional Use Permit For Automotive Repair At 401 27<sup>th</sup> Street.**

## **EXECUTIVE SUMMARY**

On March 4, 2020, the Planning Commission recommended that the City Council adopt amendments to the Planning Code that conditionally permit accessory auto repair in the north end of the Broadway Valdez District – 4 (D-BV-4) Zone (**Attachment A**). The regulation would require a minor Conditional Use Permit (CUP) for stand-alone auto servicing activities and the activities would only be allowed to apply for a CUP if the following criteria are met:

1. The auto repair facility is between 26th Street and Interstate 580 (I-580), and the auto showroom is on Broadway;
2. With the exception of the building addition described in criteria 3 below, the auto repair activity is within an existing nonresidential facility;
3. The amount of added floor area devoted to the auto repair activity does not exceed 20 percent of that already existing on the affected lot; and
4. All overnight storage of inoperable vehicles and auto repair takes place indoors.

Staff and the Planning Commission support this amendment because it will support auto sales in an urban format on Broadway, consistent with policies contained in the Broadway Valdez District Specific Plan (BVDSP - <https://www.oaklandca.gov/topics/broadway-valdez-district-specific-plan>).

Staff and the Planning Commission also recommend approval of a CUP for the legalization of an automotive repair facility at 401 27<sup>th</sup> Street associated with a Subaru Dealership at 4133 Broadway, which meets the criteria described above.

City Council  
June 2, 2020

## **BACKGROUND / LEGISLATIVE HISTORY**

The proposal to amend the Planning Code and grant the CUPs was heard at the following public meetings:

On July 17, 2019, the Zoning Update Committee approved and forwarded the proposal to the Planning Commission by a vote of 3-0 with the following recommended changes:

1. Remove the limitation of requiring the auto repair use to be within a previously existing auto related building;
2. Do not allow outdoor storage of auto vehicles for repair and service;
3. Increase the limit of ten percent expansion as the maximum allowable floor area of the proposed auto repair facility; and
4. Require Planning Commission approval to expand auto repair facilities.

On March 4, 2020, the Planning Commission recommended that the City Council adopt the proposed amendments without changes and approve the CUP for the Subaru repair facility by a vote of 6-0 (one abstention). **Attachment A** is the Planning Commission staff reports regarding the amendments and the auto repair proposal. The Planning Commission did not recommend that auto repair facilities require the Planning Commission approval.

## **ANALYSIS AND POLICY ALTERNATIVES**

### **Proposed Changes to the Broadway Valdez District – 4 Zone**

On October 18, 2018, Subaru dealership representatives met with Planning staff to discuss the legalization of their auto repair facility at 401 27th Street, which supports their showroom at 4133 Broadway, an area known as Auto Row due to the high number of automotive sales and repair businesses. The facility was approved as a showroom in 2013 but had been converted without permits to auto servicing in 2017, despite auto servicing being an unpermitted activity in the D-BV-4 Zone, where it is located. The representatives stated that dealerships need ancillary auto repair facilities to be viable on Auto Row, and that every major dealership currently on Auto Row has ancillary auto repair facilities.

Staff analyzed the Subaru auto servicing issue in a larger policy context and recommends text amendments that allow stand-alone auto repair facilities in support of existing auto showrooms on Broadway Auto Row.

Under the current D-BV Zone Regulations, Automotive Sales and Rental Commercial Activities require a CUP with required findings relating to the indoor or offsite storage of inventory, consistency with the BVDSP, and preservation of retail frontage. Auto repair and other auto supportive activities are prohibited, unless accessory to an existing dealership on the same lot.

The proposed regulation would amend Section 17.101C.030 of the Planning Code and cover some of the North End of the BVDSP area from 26th Street to I-580. There are two zones in that area: the D-BV-3 and D-BV-4 Zones. Only the D-BV-4 zone would be affected as D-BV-3 already conditionally permits Auto Repair and Cleaning Commercial Activities. The proposed regulation would require a minor CUP for stand-alone auto servicing activities, and the activities would only be allowed to apply for a CUP if the following criteria are met:

1. The auto repair facility is between 26th Street and I-580, and the auto showroom is on Broadway;
2. With the exception of the building addition described in criteria 3 below, the auto repair activity is within an existing nonresidential facility;
3. The amount of added floor area devoted to the auto repair activity does not exceed 20 percent of that already existing on the affected lot; and
4. All overnight storage of inoperable vehicles and auto repair takes place indoors.

The BVDSP accommodates the integration of existing auto showrooms and the creation of new showrooms in an urban format into a vibrant mixed-use district. Accommodation of showrooms is important to preserve the authenticity and history of the plan area, employment, and sales tax revenue. However, these showrooms are only viable with associated repair services, which must often locate on a separate lot than showrooms due to the limited size of parcels in the plan area. Thus, conditionally permitting auto repair services uses associated with auto showrooms is consistent with intent of the BVDSP and is an appropriate code amendment.

#### Conditional Use Permit for Automotive Repair at 401 27<sup>th</sup> Street

A full analysis of this proposal, neighborhood context, and required Findings are contained in **Attachment A**, which is the March 4, 2020, Planning Commission Staff Report. The following is a summary of the project and staff's recommendation.

*Context.* The subject site is 50,165 square-feet and contains a one-story, 28,000 square foot commercial building. The main entrance of the through lot is on 27th Street, approximately 100 feet from Broadway.

27th Street is a wide, four-lane transit corridor that contains heavy traffic leading to a freeway entrance at Northgate Avenue. Between Telegraph Avenue and Broadway, 27th Street contains a mix of medium density housing, low-scale office buildings, churches, and vacant and surface parking lots. A small fire station is adjacent to the site. Broadway near 27th Street contains a mix of auto showrooms, high density housing, retail and service businesses, and restaurants.

*Project Description.* The project includes legalizing an auto repair and service operation and implementing tenant and façade improvements to the building on the site. The auto repair, which is associated with a Subaru dealership located at 4133 Broadway, would operate from 7:00 am to 6:00 pm weekdays and 7:00 am to 5:00 pm on Saturday. There is ample space in front of the building and under the canopy for the queueing of cars.

The façade improvements would modernize the storefront and a create new service canopy in the front of the building. A channel letter sign would be integrated into the front of the building.

*Conformance to the General Plan.* The site is in the Community Commercial designation in the Land Use and Transportation Element of the General Plan (LUTE - <http://www2.oaklandnet.com/government/o/PBN/OurServices/GeneralPlan/DOWD008821>). The intent of the Community Commercial designation is to: "identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers." The desired character and uses include: "neighborhood center uses and larger scale retail and commercial uses, such as auto

related businesses, business and personal services, health services and medical uses, educational facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed-use development.”

As an “auto related business,” the proposed auto service and repair center is consistent with the desired character described in the LUTE.

*Conformance to the Broadway Valdez District Specific Plan (BVDSP).* The goal of the BVDSP is to create a region-serving mixed use, destination retail district within the plan area, which runs along Oakland’s Broadway corridor between Grand Avenue and I-580. The BVDSP intends to decrease the City’s retail leakage and transition the plan area to a more urban environment. According to the following policies, the BVDSP intends to accommodate automotive sales.

Policy LU-9.5: The Plan Area will continue to accommodate new automobile dealerships who are willing to operate in an urban format with the granting of a CUP.

Policy LU-9.6: Emphasis is placed on the renovation and repurposing of historic garage and auto showroom buildings primarily along Broadway to preserve a link to the corridor’s past and enrich its character.

Policy CD-3.17: Promote the protection and adaptive re-use of the garages and showrooms in the North End subarea in a manner that preserves their distinctive architectural character and references to the area’s Auto Row heritage.

Policy IMP-1.15: Allow existing auto dealerships to remain in the Plan Area to the north of 27th Street and retain branding as Broadway Auto Row.

The proposed auto repair supports an auto dealership with an urban format on Broadway and reuses a building historically used for auto uses. Therefore, the proposal is consistent with the policies contained in the BVDSP.

*Conditional Use Permit Analysis.* As described above, the auto servicing activities must meet the following CUP criteria to be approved:

1. The auto servicing must be related to a showroom on Broadway;
2. No outdoor auto repair or overnight inoperable car storage;
3. The auto report must be within an existing nonresidential facility (with the exception of criteria 4.); and
4. The amount of added or wholly reconstructed floor area devoted to that auto repair cannot exceed more than 20 percent of that already existing on the affected lot.

These criteria are met. The auto servicing is related to the existing Subaru dealership at 4133 Broadway. As conditioned, no outdoor auto repair or overnight inoperable car storage will be allowed. The proposal does not include additional floor area, only a canopy area, which is not considered floor area as defined in Section 17.09.040 of the Planning Code.

For the reasons described above, staff recommends approval of the project. The Findings and Conditions of Approval that staff recommends applying to the proposal are contained in **Attachment A**, the March 4, 2020 Planning Commission Staff Report regarding the project.

### **FISCAL IMPACT**

The proposal will generate sales tax revenue by supporting auto dealers on Auto Row.

### **PUBLIC OUTREACH / INTEREST**

The proposal was discussed at two public hearings, one before the Planning Commission's Zoning Update Committee (ZUC) on July 17, 2019 and then before the Planning Commission on March 4, 2020. There has been minimal public interest/comment regarding the proposal at these meetings.

### **COORDINATION**

The report and legislation have been approved by the City Attorney's Office and Budget Bureau.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The proposed Planning Code change will support the automotive sales industry in Oakland.

**Environmental:** The proposal will preserve jobs in a transit rich population center, which will reduce commute times and, thus, reduce greenhouse gas emissions.

**Race & Equity:** With training, automotive repair jobs are available to a wide range of socioeconomic groups.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports (EIRs) for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

The auto repair activity is exempt from CEQA under Section 15301, Existing Facilities, of the State CEQA Guidelines.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Conduct A Public Hearing And Upon Conclusion 1) Adopt An Ordinance, As Recommended By The Planning Commission, Amending Oakland Planning Code Regulations To Conditionally Permit Auto Repair And Cleaning Commercial Activities In The Broadway Valdez District – 4 Zone, And 2) Approve A Conditional Use Permit For Automotive Repair At 401 27<sup>th</sup> Street.

For questions regarding this report, please contact Neil Gray, Planner IV, at (510) 238-3878 or [ngray@oaklandca.gov](mailto:ngray@oaklandca.gov).

Respectfully submitted,



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Attachments (1):

A: March 4, 2020 Planning Commission Staff Report