

ZA ORDER NO. 08-20

**OFFICE OF THE ZONING ADMINISTRATOR,
CITY OF SAN RAMON APPROVING
MINOR EXCEPTION 20-350-002 AND
ARCHITECTURAL REVIEW 20-200-027**

**Applicant: Tesla, Inc. (Mr. Paul Luna)
Property Owner: ROIC California, LLC**

**Project Name: Tesla Electric Vehicle (EV)
Charging Station – Gateway Center**

WHEREAS, on August 3, 2020 the Applicant submitted a Minor Exception (MX 20-350-002) and Architectural Review (AR 20-200-027) applications to construct sixteen (16) Tesla electric vehicle (EV) charging parking spaces along with associated equipment, resulting in the loss of four (4) existing parking spaces, and to allow a total parking reduction of eight (8) parking spaces (approximately 1.5 percent of the total 504 parking spaces required) within the existing Gateway Center parking lot located at 21001 San Ramon Valley Blvd. (APN: 211-040-015); and

WHEREAS, the subject property is within the Community Commercial (CC) Zoning District; and

WHEREAS, the Zoning Ordinance definition for Electric Vehicle (EV) Charging Stations (Accessory) does not require approval of a Minor Use Permit because the proposed Project does not exceed five (5) percent of the total number of on-site parking spaces; and

WHEREAS, the Zoning Ordinance Section D4-40 (Services Stations and Car Washes) specifically exempts Electric Vehicle (EV) Charging Stations in existing commercial developments from the unattended service station requirements; and

WHEREAS, on September 1, 2020, the subject applications were deemed to be complete by the Planning Services Division; and

WHEREAS, the proposed Project is classified as a Categorical Exemption pursuant to Section 15311 (Accessory Structures) of the Guidelines for California Environmental Quality Act of 1970, as amended because the Project consists of the construction of minor structures accessory to the existing commercial retail development on the subject property; and

WHEREAS, pursuant to Sections D6-24.D and D7-24 of the Municipal Code of the City of San Ramon, a Public Notice was duly noticed on September 25, 2020; and

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

WHEREAS, the proposed Project is consistent with the requirements of Section D6-24 (Minor Exceptions) and Section D6-22 (Architectural Review) of the Municipal Code of the City of San Ramon; and

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 and written comments received by the City):

1. Regarding the Minor Exception:

- a. The recitals above are true and correct and are incorporated herein by reference; and
- b. No practical alternative exists for the requested eight (8) parking space reduction because the Zoning Ordinance requires 9'-0" wide EV parking spaces, wider than the existing legal, non-conforming 7'-6" wide parking spaces, resulting in a loss of parking spaces, furthermore, the Parking Study demonstrates the Gateway Center has an existing peak 49 percent parking occupancy and with the requested parking reduction the Gateway Center will have a peak 50 percent parking occupancy; and
- c. The purpose of the Community Commercial (CC) Zoning District would not be compromised because the Parking Study demonstrates the Gateway Center has an existing peak 49 percent parking occupancy and with the requested eight (8) space parking reduction the Gateway Center will have a peak 50 percent parking occupancy, furthermore, Project will continue to meet all other applicable Community Commercial (CC) Zoning District development standards; and
- d. No aesthetic impacts would result from the eight (8) space parking reduction because the Project concentrates the proposed equipment in one location with new landscape around the equipment; the Project cannot relocate the EV charging parking spaces and equipment because of the existing public right-of-way/property line location and existing underground utility location(s); and the Project site would continue to be aesthetically consistent with the surrounding development; and
- e. The proposed Project, with the exception of the eight (8) space parking reduction, would otherwise be in compliance with all applicable Zoning Ordinance standards and requirements.

2. Regarding the Architectural Review:

- a. The recitals above are true and correct and are incorporated herein by reference; and
- b. The Electric Vehicle (EV) Charging Station design, as conditioned, is consistent with the goals and objectives of the General Plan and the Retail Shopping General Plan designation, because the Project supports Climate Action Plan (CAP) and General Plan polices to reduce greenhouse gas emissions through low-emission vehicles by supplying support infrastructure, and is compatible with the surrounding commercial uses and is integrated and compatible with the existing architectural and landscape design;
- c. The Project design, as conditioned, is consistent with the purpose of the Zoning Ordinance and the Community Commercial (CC) Zoning District because the Project provides a Parking Study demonstrating the Gateway Center will have a peak 50 percent parking occupancy with the requested eight (8) space parking reduction; the Project includes

parking space signage identifying the EV charging station spaces are open-to-all users; the Project does not exceed five (5) percent of the total number of on-site parking spaces required (Zoning Ordinance Section D3-36.G), as a result, the Project does not require approval of a Minor Use Permit; the Project complies with the minimum parking lot development standards; and the modified landscape is compatible with the existing site landscape; and

- d. The Project design, as conditioned, is in compliance with Subparagraph D6-22, Subparagraph G.2 (Factors to be Considered) of the architectural design for the Project because the electric vehicle (EV) charging posts have been located to comply with the minimum parking lot development standards (including the minimum 9'-0" wide by 19'-0" deep parking space dimensions), the electric vehicle (EV) charging equipment is integrated with the existing site conditions by concentrating the equipment in one location within a landscape area and new landscape around the equipment; and
- e. The Project design, as conditioned, is in the best interest of the public health, safety and general welfare of the community because the Project is consistent with the General Plan and existing uses, is designed to be compatible with the surrounding commercial uses and is responsive to the site conditions by locating the electric vehicle (EV) charging posts to comply with the minimum parking lot development standards (including the minimum 9'-0" wide by 19'-0" deep parking space dimensions) and includes parking space signage identifying the EV charging station spaces are open-to-all users, the Project provides a Parking Study demonstrating the Gateway Center will have a peak 50 percent parking occupancy with the requested eight (8) space parking reduction; and given the Project cannot relocate the EV equipment due to the existing public right-of-way/property line location and existing underground utility location(s), the EV charging equipment is integrated with the existing site conditions by concentrating the equipment in one location within a landscape area and new landscape around the equipment; and
- f. General site considerations, including site layout, open space and topography, orientation and location of structures, circulation and parking, height, public safety, setbacks, parking and vehicular access, and similar elements have been designed to provide a desirable environment for the property because the Project, as conditioned, complies with the minimum parking lot development standards (including the minimum 9'-0" wide by 19'-0" deep parking space dimensions), includes parking space signage identifying the EV charging station spaces are open-to-all users, the Project provides a Parking Study demonstrating the Gateway Center will have a peak 50 percent parking occupancy with the requested eight (8) space parking reduction; and given the Project cannot relocate the EV equipment due to the existing public right-of-way/property line location and existing underground utility location(s), the EV charging equipment is integrated with the existing site conditions by concentrating the equipment in one location within a landscape area and new landscape around the equipment; and
- g. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other structures, building materials, colors, exterior lighting and signs, screening of exterior equipment, and similar elements have been incorporated into the design of the Project, as conditioned, to ensure compatibility with the architectural and landscape design of the existing building and site

improvements, the Project complies with the minimum parking lot development standards (including the minimum 9'-0" wide by 19'-0" deep parking space dimensions), includes parking space signage identifying the EV charging station spaces are open-to-all users, the Project provides a Parking Study demonstrating the Gateway Center will have a peak 50 percent parking occupancy with the requested eight (8) space parking reduction; and given the Project cannot relocate the EV equipment due to the existing public right-of-way/property line location and existing underground utility location(s), the EV charging equipment is integrated with the existing site and architectural conditions by concentrating the equipment in one location within a landscape area and new landscape around the equipment; and

- h. General landscape considerations, including the location, color, coverage, size, texture, type of plant materials, provisions for irrigation, maintenance, protection of landscape areas, and similar elements have been considered because the Project, as conditioned, incorporates a modified landscape plan that creates an attractive environment for the enjoyment of the public while at the same time screening the proposed EV charging equipment; and

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 Exception (MX 20-350-002) and Architectural Review (AR 20-200-027) applications with Zoning Administrator Order No. 08-20 to construct an Electric Vehicle (EV) Charging Station with associated equipment and landscape modifications and allow an eight (8) parking space reduction for the Gateway Center, based on the required findings and evidence in the record, subject to the attached Conditions of Approval referenced as Exhibit "A".

Date Approved: October 6, 2020

Debbie Chamberlain,
Zoning Administrator

Date Effective: October 17, 2020

Attachments:

Exhibit A - Conditions of Approval

EXHIBIT A

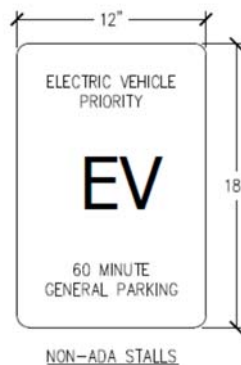
**ZA ORDER NO. 08-20
CONDITIONS OF APPROVAL
MINOR EXCEPTION 20-350-002 AND
ARCHITECTURAL REVIEW 20-200-027**

**Tesla Electric Vehicle (EV) Charging Station – Gateway Center
21001 San Ramon Valley Blvd.
(APN: 211-040-015)**

Planning Services Division

Special Conditions:

1. The Project authorized with this action, consists of the construction of sixteen (16) Tesla electric vehicle (EV) charging parking spaces along with associated equipment and landscape modifications, resulting in the loss of four (4) existing parking spaces and allows a total parking reduction of eight (8) parking spaces within the existing Gateway Center parking lot located at 21001 San Ramon Valley Blvd. (APN: 211-040-015), shall be in substantial conformance with the project plans and Parking Study date-stamped “Received August 3, 2020”, unless modified by the conditions contained herein.
2. All fifteen (15) non-ADA (Americans with Disabilities Act) EV parking spaces shall remain open-to-all EV or non-EV vehicles, regardless if the vehicle is utilizing the EV charging station. Accessible ADA EV parking spaces may be exempt from this condition as allowed by State and Federal law.
3. Prior to building permit issuance, revise Sheet A-501 with the following EV parking stall sign, consistent with the existing Tesla EV Charging Station located at Diablo Plaza (2415 San Ramon Valley Blvd.):



The individual EV parking stall signage shall be prohibited from identifying Tesla branding (name, logo, colors).

4. Prior to building permit issuance, revise the Project plans to comply with Zoning Ordinance section D3-36.D which requires double line striping for each parking space, including a minimum parking space width of 9-ft. from center to center with double stripes 2-ft. apart.
5. Prior to building permit issuance, revise the Project plans to identify the proposed new trees as consistent with the existing parking lot tree species removed.
6. Prior to building permit issuance, revise the Project plans with a ground cover consistent with the ground cover removed in appropriate landscape areas, as determined by the Zoning Administrator, around the EV charging equipment.
7. Final plant location and number of trees/plants may be modified in the field as determined during the final Planning Services inspection.

Standard Conditions:

8. Prior to construction, the Applicant shall obtain all required building permits from the Building and Safety Services Division.
9. The approval(s) authorized by this action shall expire if the required permits are not issued, and construction initiated within a one-year period from the effective date, unless the Project has been legally established as determined by the Planning Services Division. A time extension may be granted in accordance with Section D6-34 of the Zoning Ordinance.
10. 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.
11. 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.
12. 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.
13. 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.

14. The Electric Vehicle (EV) Charging Station operator(s) shall maintain an active City Business License.
15. 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 application to the Planning Commission.

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