



# Planning Commission Agenda Report

October 24, 2018  
Item 5.b.

**SUBJECT:** P18-0283

**APPLICANT:** David Nico for Lifesafer of Northern California

**PURPOSE:** Application for Conditional Use Permit to operate an automotive interlock ignition service center

**LOCATION:** 7059 Commerce Circle, Suite J

**GENERAL PLAN:** General and Limited Industrial

**ZONING:** I-G-40,000 (General Industrial) District

**EXHIBITS:**

- A. [Draft Resolution and Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received September 21, 2018"](#)
- C. [Location and Notification Map](#)

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## STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Conditional Use Permit (CUP) Case No. P18-0283 based on the findings and subject to the draft conditions of approval in Exhibit A.

## EXECUTIVE SUMMARY

The applicant requests CUP approval to operate an automotive interlock ignition service center for Lifesafer of Northern California at 7059 Commerce Circle, Suite J. As such, the CUP application is before the Planning Commission for consideration. As proposed, staff believes the proposed use is consistent with the objectives of the zoning district and will be compatible with the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained.

## BACKGROUND

The applicant is requesting approval of a CUP to operate the proposed use for Lifesafer of Northern California at 7059 Commerce Circle, Suite J. Lifesafer of Northern California is a certified installation and monitoring service center of ignition interlock devices (IID's) that are placed in their client's vehicles pursuant to a court order or a Department of Motor Vehicles (DMV) administrative program for license reinstatement.

The Municipal Code (PMC) does not specifically address the proposed use. However, per PMC Chapter 18.128 – Determination as to Uses Not Listed, the Zoning Administrator or Planning Commission may make the determination that a use not specifically listed as a permitted use or conditionally permitted use in any Industrial (I) district may be considered for such approval, based on similarity to other permitted/conditionally permitted uses in the district. Staff believes such a determination can be made (see “Land Use” analysis, below), and the applicant has applied for a CUP in conformance with this determination.

Staff notes that due to a miscommunication between the applicant and their landlord regarding the necessary City approvals, the applicant occupied and has been operating at the subject site since 2014. During a business license records audit earlier this year, the City’s Business License Division contacted the applicant to inform the applicant that the proposed use requires a CUP prior to issuance of a business license. The applicant promptly submitted a CUP application for the Planning Commissions’ consideration. To staff’s knowledge, the proposed use has been operating at the subject site since 2014 without any known complaints.

**SITE AND AREA DESCRIPTION**

The proposed use would operate within one of ten tenant spaces located in a single-story, 15,420-square-foot, multi-tenant building on the subject property, a flat and fully developed 1.10-acre parcel at the northeast end of Commerce Circle. The applicant would occupy Suite J, which is approximately 1,160 square feet in area and is located at the far north end of the building. There are 43 shared parking spaces on the subject parcel. The subject parcel and building are accessible from two shared driveways with 7055 and 7063 Commerce Circle. Figure 1 below shows an aerial photograph of the subject site and building. The Commerce Circle area includes a mix of uses such as: professional offices, light manufacturing and industrial uses, religious facilities and recreational facilities. There are no residential developments within close proximity of the subject site.

**Figure 1: Aerial photograph of subject site**



## **PROPOSED PROJECT**

The proposed use would provide certified installation and monitoring services for Ignition Interlock Devices (IIDs) that are placed in client vehicles pursuant to a court order or a DMV administrative program for license reinstatement.

The proposed use would operate on Mondays and Thursdays only from 8:30 a.m. to 5:00 p.m. Services are provided one vehicle at a time and by appointment only. Installation appointments take roughly 30 to 45 minutes each, while monitoring appointments take roughly 10 to 15 minutes each. All clients would pull their vehicles into the service bay at the rear of the building and the vehicles would remain parked within the building for the duration of the appointment. In addition to each client on-site during their respective appointment, there would also be one employee on-site at any given time; thus, a total of two persons would be on-site at any given time.

The applicant is not proposing any interior or exterior changes to the building.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use, which includes a floor plan for the proposed use as it currently operates.

## **STAFF REVIEW/ANALYSIS**

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for CUPs.

### Land Use

The PMC does not specifically address the proposed use. However, staff believes that the use is analogous to a Quick Service Station, a conditionally permitted use in the I-G-40,000 District. PMC Section 18.08.485 defines a quick service station as a place where minor repairs or services to motor vehicles, such as lubrication, may be performed, in addition to fuel sales. The activities associated with the proposed use would be analogous, and likely less impactful, to those permitted for a quick service station in terms of potential traffic, parking demand, noise levels, tenant improvements, et cetera. Based on these considerations, a determination can be made per the provisions of PMC Chapter 8.128 – Determination as to Uses Not Listed, that the proposed use is also conditionally permitted. Accordingly, the applicant has applied for a CUP. If the CUP were granted, the proposed quick service station would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. Staff believes the proposed use will be compatible with the surrounding uses as all proposed activities would occur within the building to minimize noise; and the use would only operate twice a week and only service one vehicle at a time by appointment, which will minimize traffic and parking impacts. Further, the use has been operating at the subject location without incident for the past four years.

Should future problems arise with the proposed use, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on the discussion above, staff believes that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the proposed use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be acceptable on the site, as conditioned.

### Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan that was prepared for the proposed use, and has determined that the proposed hours of operation, planned activities and the associated number of persons on-site at any given time would not have a significant impact on existing traffic levels throughout the day or during the AM/PM peak periods. However, should the applicant wish to increase the proposed activity levels and/or alter the hours stated in its narrative, review by the City's Traffic Engineer would be required to assess whether a traffic study would be required and whether payment of traffic fees and implementation of other mitigation measures would be warranted.

### Parking

There are 43 parking spaces available on-site. Pursuant to Section 18.88.030 (C)(11) of the PMC, *Schedule of off-street parking space requirements*, one space is required for each 500 square feet of floor area for quick service stations. Based on this requirement, two parking spaces would be required for the proposed use based on its square footage (1,160 sq. ft. / 500 sq. ft. = 2.32 parking spaces). In addition, based on the applicant's narrative (Exhibit B), there will only be one employee on-site at any given time and all clients would pull their vehicles into the service bay at the rear of the building and remain parked within the building for the duration of their respective appointment. As such, staff believes the proposed use would only require one parking space for the on-site employee. Since two parking spaces are theoretically "allocated" for the subject suite and only one parking space is required, there would be a surplus of one additional parking space available for the proposed use at any given time. Based on this, and the fact that the use has been operating on the site without incident since 2014, staff believes there is adequate on-site parking for the proposed use. However, should parking problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible additional mitigation measures.

### Noise

The PMC states that a proposed conditional use must be in accordance with the objectives of the Zoning Ordinance. One of those objectives is to "promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions." The PMC establishes a noise limit of 75 dBA for the Industrial District. Given the nature of the use, which involves installation of vehicle ignition devices using tools that, according to the applicant do not generate loud noise, staff anticipates that the proposed use would generate interior noise levels comparable to and no different from those of an office or light industrial use. All planned activities would be held indoors, with the exterior doors closed during operating hours. However, should the roll-up door be open, it faces east toward the Dublin San Ramon Sanitary District DSRSD ponds; and therefore, not create significant noise impacts on any sensitive adjacent uses.

Based on the discussion above, staff believes that it is unlikely that the noise produced by the proposed use would adversely affect existing or future adjacent/nearby uses or exceed the PMC noise threshold. Staff has also included a standard use permit condition of approval on the project that allows the City to review the project again to add mitigating conditions should any future complaints regarding noise levels occur.

**ALTERNATIVES**

As articulated above, staff believes the use, as proposed and conditioned, is consistent with the objectives of the zoning district. However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Denial of the application. Such an action would preclude the applicant from occupying the subject site and conducting the specified activities; or
2. Approval of the CUP with modifications. The Planning Commission could approve the CUP, but with changes to the operation.

Since staff is able to support the findings to approve the project, as proposed, and believes the project will not adversely impact any existing uses or the surrounding area, staff suggests that neither of the two project alternatives above should be pursued.

**SUMMARY OF PROS/CONS OF PROJECT**

PROS	CONS
Allows for the existing business to continue operation at the same location it has been operating under without incident since 2014	Slight increase of traffic and parking demand at this project site (however, traffic/circulation and parking impacts would not be adverse)
Provides a public service intended to improve public safety	
Consistent with zoning regulations	

**PUBLIC NOTICE AND COMMENTS**

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit C for reference. At the time this report was published, staff had not received any public comments about the project.

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

**SUMMARY/CONCLUSION**

As proposed and conditioned, staff believes that the proposed use will be compatible with and will not detrimentally affect the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the proposed use will fulfill a community need and that the proposed location is appropriate.

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