

**RESOLUTION NO. PC-2020-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING THE APPLICATION FOR CONDITIONAL USE PERMIT (CUP) LOCATED AT 5860 OWENS DRIVE, AS FILED UNDER CASE NO. P20-0350**

**WHEREAS**, on February 6, 2020, Kurt Hereld, representing Chabot Los Positas College Community District, applied for Conditional Use Permit approval to operate a trade school with more than 20 students on the third floor of 5860 Owens Drive; and

**WHEREAS**, zoning for the property is PUD-I/C-O (Planned Unit Development - Industrial/Commercial and Office) District; and

**WHEREAS**, a trade school with more than 20 students is a conditionally permitted use in the subject District, and requires Planning Commission approval of a CUP; and

**WHEREAS**, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, Existing Facilities; and

**WHEREAS**, on April 1, 2020, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from the applicant and interested parties.

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

**Section 1:** Findings for Conditional Use Permit Approval

With respect to the approval of P20-0350, the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and ensure public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, the Planning Commission finds the proposed trade school would be consistent with these objectives and would create more educational facilities within the City. The facility would be operated to not impact or interfere with the surrounding uses in that the activities, number of students and staff, and hours of operation would not generate substantial noise, parking demand, or traffic.

The subject site is zoned PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office) district, and is located in the Mixed Retail/Commercial/Financial, Office, and Research and Development/Light Manufacturing Planning District (MCOIPD) of Hacienda, which permits a variety of commercial, office and light industrial uses. Establishing a trade school at this location would be in accordance with one of the purposes of the Commercial zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas and with one of the purposes of the Office zoning district to protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses. The Planning Commission finds the conditions of approval for the project give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties.

- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

As conditioned, the Planning Commission finds the proposed trade school will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. Trade schools generally do not subject surrounding uses to heavy truck traffic, hazardous odors, high noise levels, or other objectionable influences. The use is completely located inside a multi-tenant building and would generate noise levels similar to the existing professional and medical office uses in the building. There will be adequate parking to accommodate the proposed use and the existing uses in the building. All streets around the subject site are designed per City standards to provide safe ingress and egress into and out of the site. Furthermore, if the operation of the business results in conflicts pertaining to parking, noise, traffic/circulation or other factors, a condition of approval allows the Planning Commission to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures.

- C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.**

The subject site's zoning conditionally permits trade school with more than 20 students through a CUP process. Granting a CUP for a trade school with more than 20 students would be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the Municipal Code. In addition, the Planning Commission finds, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance.

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**Section 2:**

The Planning Commission hereby approves Case P20-0350, the application of Kurt Hereld representing Chabot Los Positas Community College District for Conditional Use Permit approval to operate a trade school with more than 20 students from the third floor of 5860 Owens Drive, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.


**Section 3:**


This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

**PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on May 13, 2020, by the following vote:**

Ayes: Commissioners Allen, Balch, Brown, O'Connor, Ritter  
Noes: None  
Absent: None  
Abstain: None

**ATTEST:**

  
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Melinda Denis  
Secretary, Planning Commission

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Herb Ritter  
Chair

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Julie Harryman  
Assistant City Attorney

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

**P20-0350**  
**5860 Owens Drive**  
**May 13, 2020**

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project whether or not specifically noted herein.

This approval is granted to operate a trade school with more than 20 students (up to 90 students) on the third floor of 5860 Owens Drive located on Assessor Parcel No. 941-2771-28. Development shall be substantially as shown on the project materials listed below:

- a. Project plans, Exhibit B, prepared by Kurt Hereld of Hereld & Ayres Architects representing Chabot Las Positas College Community District, dated "Received" on March 13, 2020, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

**THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **APPROVAL AND REVISIONS:** The proposed project shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans and proposal may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits. Planning Division approval is required before any changes are implemented.
2. **EXPIRATION – CONDITIONAL USE PERMIT:** This Conditional Use Permit (CUP) approval will lapse and shall become void 1 year following the date on which the CUP became effective, unless prior to the expiration of 1 year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP application; or a certificate of occupancy is issued for the structure which was the subject of the CUP application; or the site is occupied if no building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.
3. **CONDITIONS OF APPROVAL CHECKLIST:** The applicant shall submit a "Conditions of Approval Checklist" indicating all conditions in Exhibit A have been satisfied, incorporated into the building permit plans or improvements plans, and/or addressed. Said checklist shall be attached to all building permit and engineering permit submittals for review by the City prior to issuance of permits.

4. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including without limitation, reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

#### **PLANNING DIVISION – 925-931-5600**

5. **WORK HOURS:** All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment shall meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.

#### **Conditional Use Permit**

6. **MAINTENANCE:** The applicant shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.
7. **MODIFICATIONS:** If additional hours of operation or activities beyond what is stated in the "Approved Plans" are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
8. **CONDITIONAL USE PERMIT REVIEW:** If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts or may revoke said conditional use permit.
9. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.
10. **SIGNAGE:** This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the Planning Division for review and approval prior to sign installation.
11. **EXTERIOR CHANGES:** Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
12. **RELOCATION:** If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.
13. **IMPACT FEES:** The applicant shall pay the required sewer fees, traffic impact fees, and all other fees the proposed use may be subject to prior to building permit issuance. The type and amount of the fees shall be those in effect at the time the building permit is issued.

14. BUILDING PERMIT: Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work.

**TRAFFIC ENGINEERING DIVISION – 925-931-5677**

15. TRAFFIC IMPACT FEES: Prior to issuance of a building permit, the applicant shall pay the applicable City Traffic Impact Fee as determined by the Traffic Engineer for the conversion of the office space to trade school.

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