

RESOLUTION NO. PC-2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING THE APPLICATION FOR A BLANKET CONDITIONAL USE PERMIT (CUP) LOCATED AT 4225 HACIENDA DRIVE, AS FILED UNDER CASE NO. P19-0563

WHEREAS, on December 23, 2019, Leticia De Brito, representing Dermody Properties, applied for a blanket Conditional Use Permit to allow warehouse uses in an approximately 263,713 sq. ft. portion of an existing building at 4225 Hacienda Drive; and

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

WHEREAS, warehouse uses occupying a tenant space greater than 75,000 square feet are a conditionally permitted use in the subject District; 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 August 12, 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 P19-0563, 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. The subject site is zoned PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office) District, and is located in the Mixed Office and Research and Development/Light Manufacturing Planning District (MOIPD) of Hacienda, which permits a variety of office and light industrial uses consistent with the City's Office and Industrial Park zoning districts. One purpose of the City's Industrial Park District is to provide locations

for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact. As conditioned, the proposed warehouse use is consistent with the zoning ordinance objectives and Industrial Park District purpose because it would be located on a site with: (1) adequate separation and buffering from nearby residential uses; (2) adequate circulation to facilitate the anticipated on-site activities; (3) adequate on-site parking to support the existing tenant and future warehouse tenant(s); and (4) adequate screening of the loading dock areas from the surrounding uses. Additionally, arrival/departure times of truck trips would be staggered throughout the day thereby limiting impacts on the surrounding uses and the local roadway network. The Planning Commission finds the proposed operating parameters and conditions of approval give the City the appropriate controls to ensure that the future warehouse tenants do not have any negative impacts on the surrounding businesses and residences.

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.

A warehouse use occupied the entire building from 1994 to 2018 without any reported issues. As proposed and conditioned, the Planning Commission finds the proposed blanket CUP for warehouse uses 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 because: (1) the site and building were designed with appropriate circulation and loading facilities to accommodate warehouse uses; (2) no hazardous materials, fuel or flammable liquids would be stored in the building; (3) delivery trucks would be parked/stored within the screened loading dock area/truck court on the north side of the building; (4) truck engines would not be idled for more than five minutes; (4) all activities would be conducted indoors except for delivery truck loading/unloading activities and very limited outdoor storage; (5) no on-site vehicle maintenance would be allowed; (5) truck traffic would be dispersed throughout the day thereby limiting impacts on the surrounding uses and the local roadway network; and (6) adequate parking exists to accommodate the existing tenant and future warehouse tenant(s) and all streets around the site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, all delivery truck traffic would enter/leave Hacienda via the Hacienda Dr./I-580 Interchange (although trucks making deliveries to Pleasanton customers could use other City streets as permitted by other City regulations). The proposed activities would also be required to comply with the City's noise regulations, which were designed to protect the peace, health, safety, and welfare of the residents and businesses in the City. Conditions have also been included that would require the future warehouse tenants to mitigate any future nuisances as a result of the proposed use.

Resolution No. PC-2020-09

Page Three

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 warehouse uses exceeding 75,000 sq. ft. in area through a CUP process. Granting the blanket CUP for warehouse uses 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 blanket CUP will comply with all provisions and requirements of the City's zoning ordinance.

Section 2: The Planning Commission hereby approves Case P19-0563, the application of Leticia De Brito, representing Dermody Properties for blanket Conditional Use Permit approval to allow warehouse uses in an approximately 263,713 sq. ft. portion of an existing building at 4225 Hacienda 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: 1) appealed prior to that time by any member of the public; or 2) if a City Councilmember wishes to review the item, pursuant to Pleasanton Municipal Code section 18.144.010, he or she must indicate their desire to review within 15 days following the date of approval, or at the next regular meeting of the City Council, whichever is later. If the majority of the City Council agrees to review the item, a further hearing shall be set pursuant to Pleasanton Municipal Code section 18.12.040 and the Council shall consider the item at that time.


PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on August 12, 2020, by the following vote:

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

ATTEST:




Melinda Denis
Secretary, Planning Commission

DocuSigned by:


1C4A70E981F9468...
Herb Ritter
Chair

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney

**EXHIBIT A, ATTACHMENT 1
CONDITIONS OF APPROVAL**

**P19-0563
4225 Hacienda Drive
August 12, 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 for a blanket Conditional Use Permit (CUP) to allow warehouse uses in an approximately 263,713 sq. ft. portion of an existing building located on Assessor Parcel No. 941-2763-029 at 4225 Hacienda Drive. Development shall be substantially as shown on the project materials listed below:

- a. Narrative and Project plans, Exhibit B, prepared by Ware Malcomb for Dermody Properties, dated "Received" on July 6 and 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 use shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
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. **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

4. NUMBER OF EMPLOYEES: Warehouse tenants in the approximately 263,713 sq. ft. portion of the building covered by this blanket CUP shall be limited to a combined total of 229 employees on the maximum shift. **(project specific condition)**
5. PARKING: The new parking spaces approved by Case No. PUD-81-30-56D-1M shall be constructed prior to occupancy of the warehouse tenant space(s). **(project specific condition)**
6. TRUCK ROUTES: All delivery truck traffic entering/leaving Hacienda shall be from the Hacienda Drive/I-580 Interchange, except trucks making deliveries to Pleasanton customers may use other City streets as permitted by other City regulations. **(project specific condition)**
7. TRUCK IDLING: Truck engines shall not be idled for more than five minutes. **(project specific condition)**
8. TRUCK PARKING/STORAGE: All delivery trucks/vans shall be parked/stored on site in front of the loading dock doors and the northernmost 28 ft. of the enclosed truck court on the north side of the building as shown on Sheet EX-1 of Exhibit B. **(project specific condition)**
9. OUTDOOR STORAGE: Except for pallet storage located behind the existing screen walls, no outdoor storage is approved as part of this blanket CUP. Pallet storage shall not exceed the height of the lowest adjacent screen wall. **(project specific condition)**
10. VEHICLE MAINTENANCE: No on-site vehicle maintenance is allowed. **(project specific condition)**
11. PROPERTY MAINTENANCE: The applicant and/or future warehouse tenants shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.
12. 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.
13. 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.

14. 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.
15. EXTERIOR CHANGES: Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
16. IMPACT FEES: The applicant and/or tenant 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.
17. BUILDING PERMIT: Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant and/or tenant shall obtain a building permit prior to commencement of any work.
18. WORK HOURS: All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc. for tenant improvements, 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.

TRAFFIC ENGINEERING DIVISION – 925-931-5677

19. PARKING: Prior to submittal of a Zoning Certificate application to the City, a proposed warehouse tenant shall contact the City Traffic Engineering Division to verify the parking demand conforms to the blanket CUP. (***project specific condition***)

[end]