



Planning Commission Staff Report

June 11, 2008
Item 5.d.

SUBJECT: PCUP-225

APPLICANT: Dave Johnson, dba DK Building and Construction Services

PROPERTY OWNER: Big Valley, L.P.

PURPOSE: Application for conditional use permit approval to allow an HVAC contracting company.

GENERAL PLAN: General and Limited Industrial

ZONING: PUD-I (Planned Unit Development - Industrial) District

LOCATION: 1040 Serpentine Lane, Suite 205, Valley Business Park

ATTACHMENTS:

1. Exhibit B, Draft Conditions of Approval, dated June 11, 2008.
2. Exhibit A, Site Plan, Floor Plan, and Written Narrative, dated May 23, 2008.
3. Exhibit C, Location Map.
4. Exhibit D, Permitted and Conditionally Permitted Uses for PUD-80-1, the Valley Business Park.
5. Exhibit E, Permitted Uses in the Industrial Park (I-P), General Industrial (I-G), and Light Industrial (L-I).

I. BACKGROUND

The Valley Business Park PUD development plan – PUD-80-01 – requires a conditional use permit for businesses and industries engaged in construction and related building trades.

The applicant, Dave Johnson, owns and operates DK Building and Construction Services which provides inspection, maintenance, and repair services of commercial and residential HVAC – heating, ventilation, and air conditioning – systems. Mr. Johnson, believing that his business was a permitted use in the Valley Business Park, executed a lease agreement with the property owner and occupied this tenant space. He then applied for a business license at the Planning counter.

After reviewing the proposal with supporting information, the Planning staff informed Mr. Johnson that his business would require a conditional use permit approval as required by the Valley Business Park PUD. The proposed conditional use permit application is now before the Planning Commission for review and action.

II. SITE AND SURROUNDING USES

The Valley Business Park is located on the south side of Valley Avenue. It is internally served by two public streets Quarry Lane and Serpentine Lane. Boulder Street provides a second public street connection due east to Valley Avenue. The Valley Business Park has a mix of uses that include, but are not limited to, professional offices, light manufacturing and industrial uses, and other uses, such as religious institutes, private schools, and a cheerleading and gymnastic training facility.

The subject property is surrounded on all sides by Valley Business Park businesses and uses. The aerial photograph below shows the business site and its surroundings.



Properties adjacent to the business park include vacant lots and light industrial/warehouse uses to the east, the Union Pacific Railroad mainline and single-family residential uses to the south, single-family residential uses to the west, and Valley Avenue and single-family residential uses to the north. Sound walls separate the Valley Business Park from the residential neighborhoods to the south and west.

The proposed project occupies a 2,232-square-foot tenant suite located at the rear corner of a 10-unit industrial building. This building itself occupies a 53,177-square-foot site accessed from Serpentine Lane. The proposed tenant suite includes a small office, bathroom, and multi-purpose work/storage area with a roll-up door. In addition to the roll-up door, the tenant space also has one main entrance from the parking area. There is no common hallway in the middle of the building that would provide interior access between the tenant suites in this building.

III. PROJECT DESCRIPTION

Dave Johnson, the applicant, requests conditional use permit approval to allow the operation of his business, DK Building and Construction Services, which provides inspection, maintenance, and repair services of heating, ventilation, and air conditioning (HVAC) systems within the existing building at 1040 Serpentine Lane.

Exhibit "A", attached, includes the site plan, floor plan, and written narrative for the proposal. As previously stated, the tenant suite includes a small office, bathroom, and multi-purpose work/storage area with a roll-up door. The proposed business would be operated Monday through Friday from 9:00 a.m. to 4:00 p.m. The applicant has stated that there would be 4 to 5 employees, which would consist of 1 project manager, 1 office administrator, and 2 to 3 service technicians/installers. (This number corrects the statement in the applicant's narrative.)

The applicant has stated that all business activities, except for office work, will be conducted on the job sites and not at the subject tenant space. The applicant also indicated that materials would be primarily delivered to the job sites and that there may be some storage of tools, equipment, and materials in the warehouse area of the tenant suite. As proposed, there would be no outdoor storage.

IV. ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. The following is staff's analysis of the proposed HVAC contracting business at this location.

Land Use

The Land Use Element of the General Plan designates the subject property for “General and Limited Industrial” land uses. The Valley Business Park PUD development plan permits land uses such as offices, printing shops, laboratories, and light manufacturing, and requires conditional use permit approval for uses such as warehouses, religious institutions, day care centers, and construction and building trades.

The proposed use is an “industry engaged in construction and building trades”. Hence, no rezoning or other land use modification is necessary to accommodate the proposed use. Business hours are generally from 9:00 a.m. to 4:00 p.m. All work would be performed at the clients’ sites. The proposed use would be similar to the other uses in or near the subject site that include office, light industrial, and warehousing businesses. Staff, therefore, believes that the proposed use would be compatible with existing uses within Valley Business Park.

Parking

According to the Pleasanton Municipal Code, section 18.88.030(C)(6)(11), administrative offices and warehousing, storage, and other industrial uses located within industrial districts, require one space for each employee on the maximum shift, or one space for each 300 square feet of gross floor area. Applying the Municipal Code parking ratio to the proposal, 7 parking spaces would be required for the 2,232-square-foot-space.

There are approximately 56 parking spaces within the boundaries of the subject parcel site and another 36 shared parking spaces immediately adjoining the site. The business vehicles operated by DK Building and Construction Services would include $\frac{3}{4}$ - to 1-ton capacity trucks, used by the installers/service technicians on the job sites, and then driven between the job site and the installer/service technician’s home. Service vehicles would be parked at this location for a limited period of time.

The only vehicles that would be parked on site for the proposed business would be the personal vehicles of the owner/operator and office manager – 2 vehicles. If the Municipal Code standard of one space for each employee on the maximum shift were applied to the proposal, only 2 parking spaces would then be required. Customers would rarely, if ever, come to the site further relieving any impact on parking.

Therefore, staff does not believe that parking would be an issue for the proposed business in this location. In the event that future parking problems occur, staff recommends a condition of approval that would allow the Planning Commission to re-evaluate the conditional use permit and add the conditions that it determines to be necessary to resolve such issues.

Circulation

The only traffic that will be expected for the proposed use would be from the 4 to 5 employees and minimal client visits; therefore, staff does not anticipate any circulation issues, as proposed. The applicant has stated that large items, e.g., a new furnace, air conditioning compressor, etc., would be directly delivered to the job site and that there would be limited deliveries and/or pickups occurring at the tenant space.

Staff, therefore, does not anticipate any circulation issues. In the event that future circulation problems occur, staff has added a recommended condition of approval that allows the Planning Commission to reevaluate the subject use permit and add conditions necessary to resolve such issues.

Noise

For industrial properties, the Pleasanton Municipal Code states:

“No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of 75 dBA at any point outside of the property plane.”

The HVAC contracting work is performed entirely on the job site(s) and not at the tenant suite. Meetings and day-to-day office activities, conducted entirely from within the tenant suite, are quiet activities and would not be audible to the adjacent businesses. Therefore, staff believes that it is unlikely that the noise produced by this business in this location would exceed 75 dBA at any point outside of the property plane as prescribed by Section §9.040.50 of the Pleasanton Municipal Code.

V. CONDITIONAL USE PERMIT FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed business:

- 1. 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.**
 - The objectives of the Pleasanton Municipal Code include fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The proposed business would be operated within the existing building in a manner that would result in negligible disturbance to the nearby businesses and residents.
 - The subject property is covered by an approved PUD development plan, which is intended to provide sites for light industrial uses including manufacturing, industries engaged in construction and building trades, neighborhood and support commercial uses, and office uses. The proposed business would not generate any unusual demands on the existing parking for the subject site or the surrounding properties and, for these reasons, would be compatible with surrounding uses.

- The subject property is surrounded by similar businesses and uses. The proposed business would not generate any unusual demands on the existing parking for the subject site or the surrounding properties. In addition, the applicant is required to mitigate any nuisances that may occur as a result of their proposed operations.

For the reasons stated above, staff believes that this finding can be made.

2. 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.

Staff believes that the use would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The applicant is required to receive all Building and Safety Division permits for the proposed, and any future, tenant improvements. All storage would be located inside the building and construction activities are not proposed and therefore would not take place outside of the tenant suite. Also, as proposed, an adequate number of parking spaces would be provided on-site.

For the reasons stated above, staff believes this finding can be made.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.

Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The PUD zoning of the subject building permits the establishment of “industries engaged in the construction and building trades” subject to conditional use permit approval. Staff feels that the recommended conditions of approval will help to integrate the proposed use without detrimentally affecting the surrounding properties and the City in general. As with any use permit, this use can be suspended or revoked if the conditions are not met.

For the reasons stated above, staff believes this finding can be made.

VI. ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301(a) of the CEQA Guidelines. Therefore, no environmental document accompanies this report.

VII. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within the business park and within 1,000 feet of the business park boundaries. No one contacted staff when this staff report was prepared.

VIII. CONCLUSION

Staff believes that the proposed use would be compatible with the surrounding uses and properties. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff, therefore, believes that the proposal warrants a positive action by the Planning Commission.

IX. STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Case PCUP-225 by taking the following actions:

1. Make the conditional use permit findings listed in the staff report; and
2. Adopt a resolution approving Case PCUP-225 subject to Exhibit "B", Draft Conditions of Approval.

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