



Planning Commission Staff Report

April 11, 2007
Item 5.a.

SUBJECT: PCUP-189

APPLICANTS: Gorman Roofing Services
Manito Construction, Inc.
So Unique Painting and Decorating, Inc.

PROPERTY OWNERS: Big Valley LP
Jeff and Renee Perko Trust
Katharine Tsolakis

PURPOSE: Application for conditional use permits to allow the operation of three construction and/or construction-related business offices.

GENERAL PLAN: Retail/Highway/Service Commercial, Business and Profession Offices

ZONING: PUD-I (Planned Unit Development – Industrial) District
Valley Business Park

LOCATION: 1040 Serpentine Lane, #203
1043 Serpentine Lane, #I
1177 Quarry Lane, #F

ATTACHMENTS:

1. Exhibit “A” – Description of Businesses
2. Exhibit “B” – Proposed Conditions of Approval
3. Neighbors’ Comment
4. Location Map

I. BACKGROUND

In March 1980, the City Council approved PUD-80-01, Valley Business Park Planned Unit Development (PUD), which requires a conditional use permit for industries engaged in construction and building trades.

In 1987, the Planning Commission granted a blanket use permit (UP-87-15), allowing warehousing activities at Valley Business Park. In consideration of residential properties on Kolln Street, UP-87-15 placed a condition restricting the hours of warehouse use activities to from 7:00 a.m. to 7:00 p.m. within the Business Park. The operation hours of from 7:00 a.m. to 5:00 p.m. for the proposed businesses would comply with this condition.

Over the years since the development of the Business Park, staff has processed use permits for construction and/or construction-related businesses in the Business Park. In the last 18 months, the number of similar requests has escalated. The projects that have been processed vary with regard to the amount of office, warehouse and equipment storage, and tenant space (square footage) usage.

Staff met with the representatives of the Valley Business Park Owners Association (VBPHOA) to discuss a more efficient way for processing these CUP establishments. Hence, the VBPHOA filed an application to amend the PUD requirement to allow these types of uses. Following that effort, staff noticed the project, resulting in the surrounding business owners expressing opposition that they were pleased with the existing regulations and did not support the changes proposed to allow these uses as permitted uses. Therefore, VBPHOA withdrew its application.

The three businesses included in this application request the operation of a construction and/or construction-related business offices in the Business Park. The applicants were unaware that their uses required a conditional use permit process approval from the Planning Commission. Each of these businesses is in operation and is located at the addresses noted. Their discovery of this requirement was due to trying to obtain a business license. When a business applies for a business license, it is required to obtain a zoning certificate to confirm that the use is permitted at that location. These businesses then, have made significant investment on their location by signing leases and in modifying their tenant space to meet their business needs. In these cases, Planning sought a more efficient process and began the dialog with the VBPHOA to consider expanding the PUD to allow these uses as permitted uses as noted above, which was unsuccessful. Planning has not received any complaints regarding the operations of these uses at the proposed locations.

II. SITE AND PROJECT DESCRIPTIONS

Valley Business Park, approximately, 69 acres in size, is located south of Valley Avenue east of Santa Rita Road, including Serpentine Lane and Quarry Lane. It is zoned PUD-I (Planned Unit Development – Industrial) District and has a mix of uses that include, but not limited to, professional offices, light manufacturing and industrial uses, and other uses, such as religious institutes and private schools.

III. 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.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. The majority of the businesses in the Valley Business Park are office/warehousing-oriented uses. The proposed businesses would be compatible to the existing uses in the Business Park.

The three businesses – a roof contractor, a general contractor, and painting contractor – would use the tenant spaces as offices along with indoor warehouse area for the storage of job-related materials and equipment. The proposed business hours for all three uses are from 7:00 a.m. to 5:00 p.m. No outdoor storage is proposed on site.

Parking

The offices are generally staffed with two to three employees while the rest of the employees are at the job site.

Gorman Roofing is located in the building that has an approximately 22,073-square-foot area. The site provides 59 parking spaces. With Gorman Roofing occupying approximately 1,800 square feet of tenant space, five parking spaces are allocated to it.

Manito Construction occupies one tenant space of a nine-unit commercial condominium building. With 43 parking spaces provided for the approximately 15,946-square-foot building, it is allocated five spaces for its 2,100-square-foot tenant space.

So Unique Painting occupies a 4,100-square-foot tenant space. There are two buildings on the site with a combined building area of approximately 51,700 square feet. The parking lot has a total of 215 parking spaces; a total of 17 parking spaces are allocated to this painting contractor business.

The following table shows the square footage of the tenant spaces, the number of employees in the offices, and allocated parking space per square footage of the tenant spaces vs. the demanded parking space per employee:

| Business | Tenant Space/Uses | No. of Employees | Allocated Parking vs. Demanded Parking |
|---------------------|---|-------------------------|---|
| Gorman Roofing | 1,800 sq.ft./one office and warehouse | 3 | 5 spaces vs. 3 spaces |
| Manito Construction | 2,100 sq.ft./one office and storage/warehouse | 2.5 | 5 spaces vs. 3 spaces |
| So Unique Painting | 4,100 sq.ft./five offices and warehouse | 25 (2 office staff) | 17 spaces vs. 25 spaces |

The above table shows that the number of allocated parking at each business location is greater than the parking demand based on the number of employees, except for So Unique Painting where the parking demand of 25 spaces exceeds the allocated parking of 17 spaces.

Bob Range, owner of So Unique Painting, indicates that the business has a steady office crew of two people with the rest of the work force going to the worksite. Therefore, parking would not be an issue. To verify the parking situation, staff visited the site and observed that the majority of the parking lot is available during business hours.

Hazardous Materials

The Livermore-Pleasanton Fire Department manages the storage and disposal of hazardous materials; included in these are paints, solvents, etc. Section 18.48.080 of the Pleasanton Municipal Code states that no use shall be permitted in an I-P district which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site. Conditions of approval are included prohibiting tar kettles, if any, from being turned on at any location other than at the job sites and requiring the tar kettles return to the warehouse cold; and requiring the painting contractor to contact the Livermore-Pleasanton Fire District regarding any hazardous materials stored in the warehouse. A condition of approval also requires the applicant to provide a copy of the written approval from the Bay Area Air Quality Management District (BAAQMD) for using of the tar kettles. In addition, a condition is placed requiring the operator of So Unique Painting to contact the Fire Department and meet its requirements.

Storm Water Runoff

To ensure that only rainwater goes down the storm drains, staff has added a condition that prohibits rinsing off construction vehicles, equipment, painting tools, etc. at the subject sites.

A condition of approval is also included requiring that the applicant satisfy the requirements of the Fire District prior to operation.

IV. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property.

Carl and Steve McRee, 1507 Trimmingham Drive, contacted staff via email expressing concerns regarding truck traffic on Valley Avenue.

Patti Takens, 975 Kolln Street, left a voice message with staff expressing concerns and objected to activities and noise that may be associated with any construction businesses.

Staff notes the requested use permit at this time is to allow three business offices for three construction and/or construction-related businesses. None of the business would conduct any manufacture or assembly activities at the premises. Staff believes that with the proposed conditions, the businesses would not be detrimental to the community.

V. FINDINGS

The Planning Commission must make the following findings prior to granting a use permit:

- A. That the proposed locations of the conditional uses are in accordance with the objectives of the zoning ordinance and the purpose of the district in which the sites are located.**

The objectives of the zoning ordinance 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. All three contractor businesses would be operated primarily within the existing buildings. With the proposed conditions, the proposed uses would be operated in such a manner that they would conform to PUD-80-01 and would result in minimal disturbance to the nearby businesses and residents. Staff feels that the proposed uses would be compatible uses in the building.

The subject sites are in the Valley Business Park, a business park that is dominated by businesses that involve office/warehousing. As described by the business owners, none of the three businesses will generate any unusual demands on the existing parking for the subject site or the surrounding properties. In addition, the conditions of the approvals require the applicants to mitigate any nuisances that may occur as a result of their proposed businesses. Therefore, staff feels this finding can be made.

B. That the proposed location of the conditional uses and the conditions under which they 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.

Based on the business descriptions, the contractor businesses would be compatible with other businesses in the same Business Park. In addition, traffic generated from the businesses during the regular business hours would be unnoticeable as the majority of the work force report directly to the job sites. As conditioned, the applicants are required to satisfy the requirements of the Fire Department. Additionally, none of the businesses is allowed to rinse off construction vehicles, equipment, painting tools, etc. at the subject sites. Therefore, staff feels this finding can be made.

C. That the proposed conditional uses will comply with each of the applicable provisions of the zoning ordinances.

The uses of the property are for business offices. Staff believes that, with the proposed conditions, the three contractors offices would comply with all relevant sections of the zoning ordinance. Granting a conditional use permit to the applicants would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. Therefore, staff believes that the third finding can be made.

VI. ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1.

VII. CONCLUSION

Valley Business Park is dominated by office/warehousing type of uses similar to the proposed projects. The proposed uses, if operated per the conditions of approval, would be compatible uses within the Business Park without creating adverse impacts on existing businesses in the surrounding area.

VIII. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-189 by taking the following actions:

1. Make the required conditional use findings as listed in the staff report; and,
2. Approve Case PCUP-189 subject to the conditions listed in Exhibit "B".

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