

RESOLUTION NO. PC-2018-\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING A CONDITIONAL USE PERMIT APPLICATION AT 7059 COMMERCE CIRCLE, SUITE J FOR DAVID NICO ON BEHALF OF LIFESAFER OF NORTHERN CALIFORNIA [P18-0283]

**WHEREAS**, on September 21, 2018, David Nico, on behalf of Lifesafer of Northern California, applied for Conditional Use Permit approval to operate an automotive interlock ignition service center at 7059 Commerce Circle, Suite J; and

**WHEREAS**, zoning for the property is I-G-40,000 (General Industrial) District; and

**WHEREAS**, although not listed as a conditionally permitted use in the I-G District, the proposed use has been determined to have uses and activities substantially similar to those allowed for a Quick Service Station, which include minor automobile service.

**WHEREAS**, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, Existing Facilities. Therefore, no additional environmental review is required; and

**WHEREAS**, on October 24, 2018, 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; and

**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 the Conditional Use Permit (Case P18-0283), 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 that 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 automotive interlock ignition service center would be consistent with these objectives and would provide a service to

the community. The automotive interlock ignition service center would operate so as to not impact or interfere with the surrounding uses in that the number of employees and clients, hours of operation, and planned operational activities would not generate substantial noise, parking demand, or traffic.

The subject site is zoned I-G-40,000 (General Industrial) District. The purpose of the I-G District is to provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and without adverse effect on other uses. As conditioned, the Planning Commission finds the automotive interlock ignition service center would be consistent with the zoning district purposes in that it would be operated so as to not impact or interfere with the adjacent/nearby uses. The automotive interlock ignition service center would be operated entirely indoors on a property with an adequate circulation system and parking supply to support the proposed use. The applicant would also be required to mitigate any future nuisances that may occur as a result of the proposed use.

- 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 automotive interlock ignition service center would make a good neighbor, since all of its proposed activities would occur indoors, has a modest operating schedule, and would not involve large numbers of persons on-site at any given time. The automotive interlock ignition service center would not subject surrounding uses to heavy truck traffic, hazardous odors, high noise levels, or other objectionable influences. If the recommended conditions of approval are followed, the Planning Commission finds the automotive interlock ignition service center would not be detrimental to the adjacent/nearby uses. All streets around the subject site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, there is adequate off-street parking available to meet the project's demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the proposed use.

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

The site's zoning conditionally permits the establishment of quick service stations. Granting a CUP for the automotive interlock ignition service center 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 that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance.

Section 2:

The Planning Commission hereby approves Case P18-0283, the application of David Nico, on behalf Lifesafer of Northern California, for Conditional Use Permit approval to operate an automotive interlock ignition service center for Lifesafer of Northern California located at 7059 Commerce Circle, Suite J, 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 October 24, 2018, by the following vote:**

AYES:  
NOES:  
ABSTAIN:  
RECUSED:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Ellen Clark  
Secretary, Planning Commission

\_\_\_\_\_  
Greg O'Connor  
Vice Chair

APPROVED AS TO FORM:

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

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

**P18-0283**  
**7059 Commerce Circle, Suite J**  
**October 24, 2018**

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 Conditional Use Permit approval to operate an automotive interlock ignition service center for Lifesafer of Northern California located on Assessor Parcel No. 941-1311-010-00 at 7059 Commerce Circle, Suite J. Development shall be substantially as shown on the project materials listed below:

- a. Narrative and Project plans, Exhibit B, prepared by Lifesafer of Northern California, dated "Received" on September 21, 2018, 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.

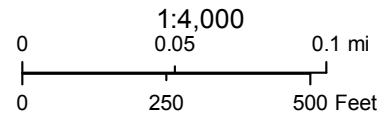
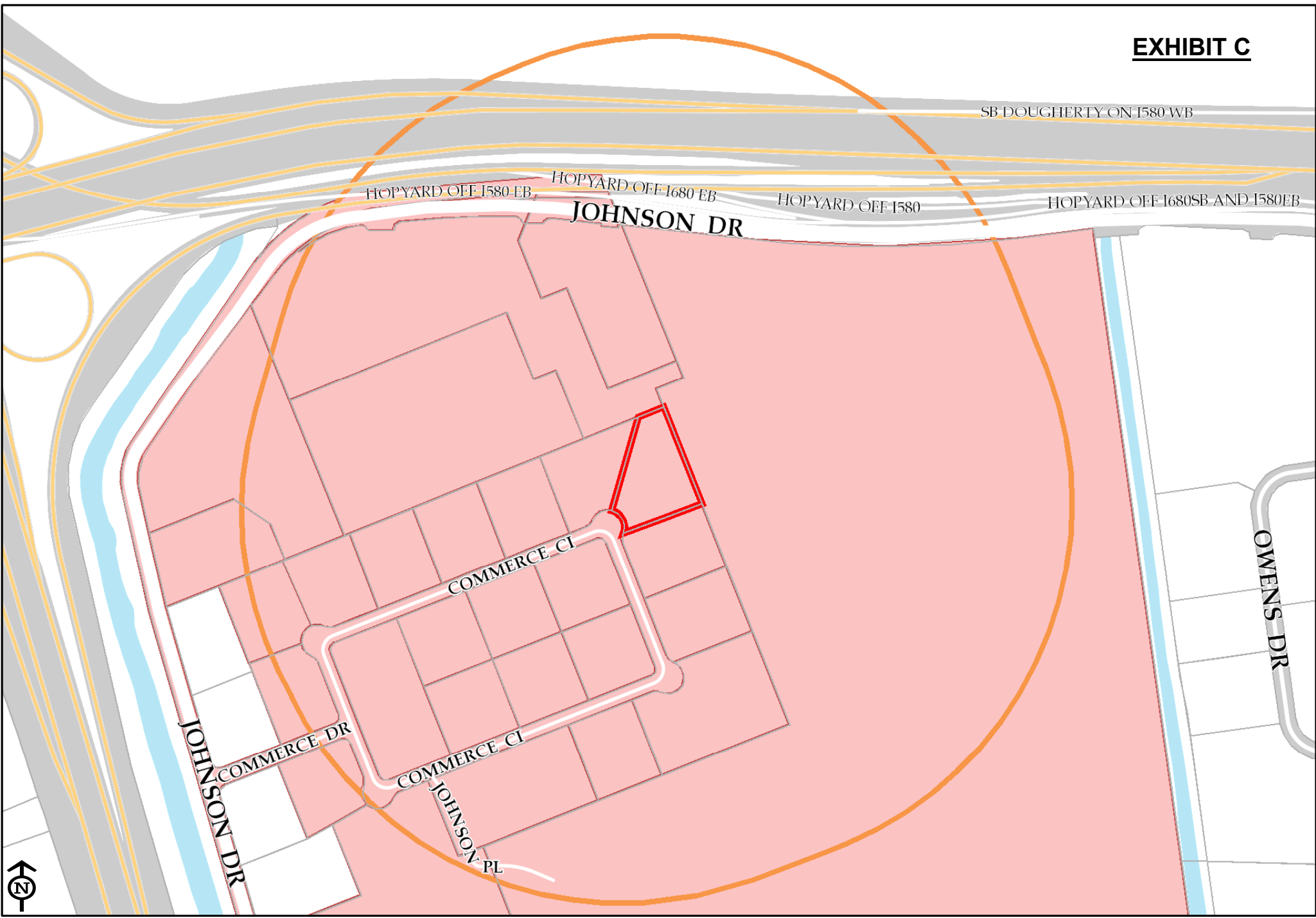
3. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought 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**

### **Conditional Use Permits**

4. **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.
5. **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.
6. **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.
7. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.
8. **SIGNAGE:** This approval does not include approval of any signage for the automotive interlock ignition service center. If signs are desired, the applicant shall submit a sign proposal to the Planning Division for review and approval prior to sign installation.
9. **EXTERIOR CHANGES:** Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
10. **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.

**EXHIBIT C**



P18-0283, 7059 Commerce Circle, David Nico