

Planning Commission Staff Report

January 22, 2014
Item 5.a.

SUBJECT: P13-2525

APPLICANT: Colevan Electric (Jon Dunphy and Greg Olson)

PROPERTY OWNER: Trimble Family Revocable Trust

PURPOSE: Application for a Conditional Use Permit to allow the operation of an electrical contractor with warehouse storage of equipment, tools, and limited materials.

GENERAL PLAN: General and Limited Industrial

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

LOCATION: 3942 Valley Avenue, Suite E and Suite F

EXHIBIT:

- A. [Draft Conditions of Approval, dated January 22, 2014.](#)
- B. [Site Plan, Preliminary Floor Plan, Narrative and Details of Operation, dated "Received, December 26, 2013."](#)
- C. [Ordinance No. 928 for the Valley Business Park, dated March 11, 1980.](#)
- D. [Location and Notification Area Map.](#)

I. BACKGROUND

Proposal

Jon Dunphy and Greg Olson, owners of Colevan Electric, propose to purchase and occupy Suite E and Suite F, 3942 Valley Avenue, for the operation of their electrical contracting business in the Valley Business Park. Their proposed business requires the Planning Commission's review and approval under an application for a Conditional Use Permit.

Valley Business Park

On March 11, 1980, the City Council approved PUD-80-1 (Ordinance No. 928, attached), the PUD Development Plan for the Valley Business Park. The PUD Development Plan allowed a variety of permitted and conditionally permitted uses for the Business Park

including manufacturing and assembly, office, and construction related uses, and allowed neighborhood and support commercial businesses. The Business Park was then subdivided into 40 lots with Final Subdivision Map 4889, recorded on April 28, 1992. Each lot was developed under a site specific Design Review application reviewed by the Design Review Board or by the Zoning Administrator.

Conditional Use Permit is Required

The Business Park's PUD Development Plan designates¹ "Industries engaged in construction and building trades," as conditionally allowed uses requiring a Conditional Use permit issued by the Planning Commission at a public hearing.

II. SITE DESCRIPTION AND SURROUNDING USES

Figure 1, below, is the 2005 aerial photograph/location map showing the location of the proposed electric contractor in the Valley Business Park and surrounding uses.



Figure 1: 2005 Aerial Photograph/Location Map of 3942 Valley Avenue, Suite E and Suite F.

¹ Ordinance 928, Condition 8.D.1. and 2., p. 2.

The subject site is an approximately 4.32-acre property located at the northwestern portion of the Valley Business Park. It is developed with three, one-story buildings totaling approximately 64,300 square feet of floor area and 197 parking spaces. Public street access is provided by two driveway entrances from Valley Avenue and two driveway entrances from Serpentine Lane. A central driveway between the buildings provides access to the warehouse portions and exit doors of the tenant suites, to the buildings' utilities such as fire sprinkler systems and electrical transformers, and to trash enclosures.

Surrounding uses include Valley Avenue on the north side of the site, office/industrial buildings on the east and south sides of the site, and single-family homes on the west side on the site. The single family homes are part of the Amador Estates² section of the Amador Estates/Jensen Tract neighborhood located along the entire west side of the Valley Business Park. A 50-foot wide landscape area, planted with trees and shrubs maintained by the Valley Business Park owners association, and an eight-foot tall masonry wall, separates and buffers the Valley Business Park uses and driveway/parking areas from the homes and rear yards of the adjoining single-family neighborhood.

The existing buildings provide tenant spaces varying from 1,500 square feet to 2,000 square feet in floor area with an office in front of the suite and warehouse/storage in the rear. The warehouse/storage area of the tenant suites is accessed from the central driveway by a roll-up door. Parcel Map 6221, recorded on February 28, 1992, converted the three buildings into condominiums with commonly owned driveway, parking, and landscape areas. The applicants would purchase two of these condominium suites for the operation of their business.

The existing development was designed for start-up business and for businesses and uses that did not require a large amount of floor area for office staff and/or storage area for materials and equipment. Based on a windshield survey of the site, the majority of the tenant spaces in these buildings are occupied by building contractors and similar construction related uses.

III. PROPOSED PROJECT

As stated previously, Jon Dunphy and Greg Olson propose to purchase and occupy two, approximately 1,728-square-foot condominium suites in the Valley Business Park for the operation of their electrical contracting business.

² Pleasanton General Plan 2005-2025: Table 2-1, Residential Neighborhoods, p. 2-2, and Figure 2-1, Residential Neighborhoods, p. 2-3.

Figure 2, below, is a copy of the proposed floor plan.

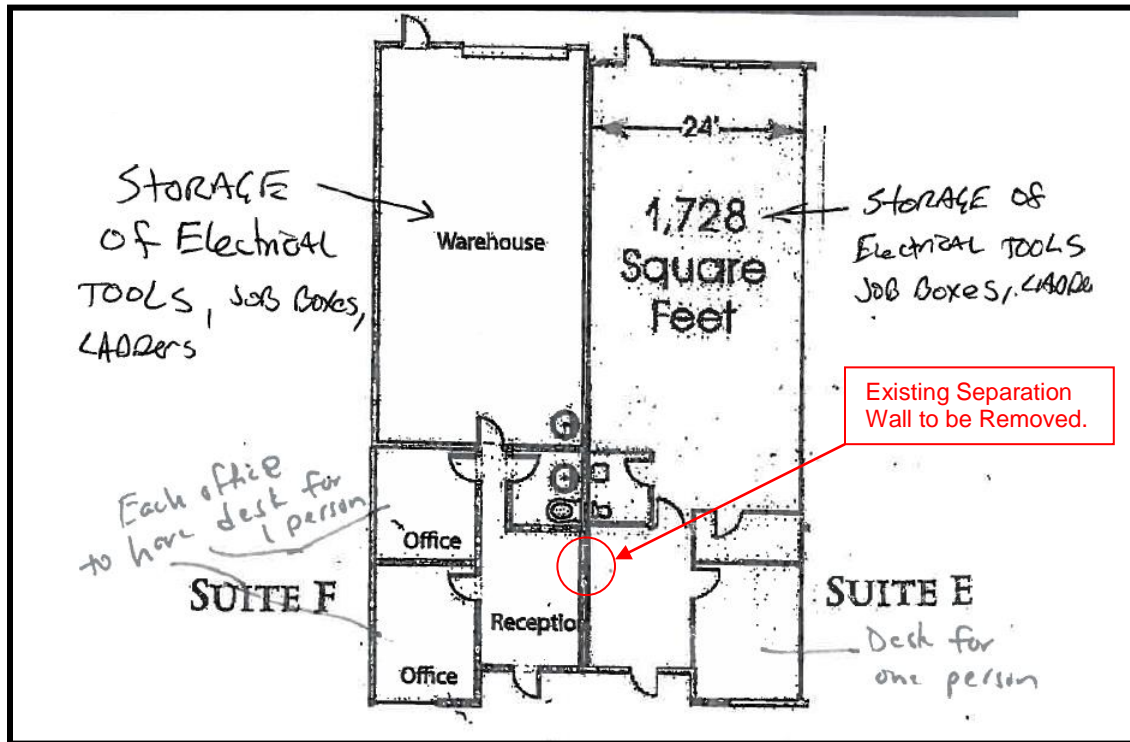


Figure 2: Proposed Floor Plan for Colevan Electric.

Total proposed floor area would be approximately 3,456 square feet, with 70 percent³ of the floor area devoted to warehouse and storage and the remaining 30 percent⁴ devoted to offices, restrooms, and the reception area. No changes are proposed for the building's exterior elevations. No business signs are proposed with this application and, as conditioned, will be subject to review by the Planning Division before installation.

As stated to staff, the applicants will keep the two tenant spaces separate from each other except for the reception area which they will combine into a single space⁴. This modification to the interior areas of the tenant suites can be completed in compliance with the California Building Code with a building permit as both suites would be owned in common and, as air-space condominiums, are not separated by a property line that would normally require a fire wall separation by the Building Code. If, however, either suite were to be sold the reception area would then have to be divided by a new separation wall matching the floor plan shown in Figure 2, above. This requirement is addressed with a draft condition of approval.

³ Exhibit B, Applicants' Narrative.

⁴ The two separate entrance doors will remain.

Figure 3, below, is a photograph of the front elevation of the proposed tenant suites.



Figure 3: Front Elevation of Colevan Electric.

Company hours would be Monday through Friday from 8:00 a.m. to 5:00 p.m. The owners and two administrative staff would be in the office during business hours, with an average of seven⁵ electricians in the filed during the day. The warehouse areas would be used to store tools and materials and to park one service vehicle. A second service vehicle may also be parked in the service driveway between the buildings.

IV. ANALYSIS

As a construction/building trade use, Colevan Electric requires a Conditional Use Permit application reviewed by the Planning Commission at a public hearing. Conditional uses are those uses, which by their nature require special consideration so that they may be located properly with respect to the objectives of the Pleasanton Municipal Code and with respect to their effects on surrounding properties.

City Departments and Divisions

The proposed use has been reviewed by the Planning and Building Divisions of the Department of Community Development and by representatives of the Pleasanton Police Department and the Livermore-Pleasanton Fire Department. The consensus is that the applicant's proposal would not be a problem for this location. However, if problems

⁵ The number of field electricians would vary according to business demand.

regarding land use, noise, parking, etc., verified by the City's Code Enforcement staff were to arise, the Director of Community Development can have the application brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified or revoke the use permit, if necessary.

Land Use

The Land Use Element of the Pleasanton General Plan designates the site for General and Limited Industrial land uses, which would include construction related businesses and services. The Valley Business Park is zoned PUD – I District, which allows construction and building trade uses with approval of a Conditional Use Permit. The tenants in these buildings include construction and construction related businesses such as financial services, architectural and engineering design services, weed and pest control services, building maintenance services, and general building contractors and specialized building contractors such as HVAC, electrical, and plumbing. Staff considers the proposed electrical contracting business to be compatible with the present uses in these buildings and that it would not adversely affect the uses on this site or within Valley Business Park.

Noise

Day-to-day office activities would be conducted inside the building. As these activities are relatively quiet compared to most industrial activities, the noise would not be audible to the adjacent businesses. Potential noise from the warehouse areas during loading and/or unloading would be buffered from the residences on the west side of the Valley Business Park by the combination of buildings, driveway and parking areas, and then by the landscaping and sound wall along the Business Park's western property line.

The Business Park's PUD Development Plan⁶ restricts the operating hours for non-office activities – the storage areas of the proposed business – to Monday through Friday from 7:00 a.m. to 7:00 p.m. (This condition would not affect the office operations.) The applicants have stated in their narrative that they will comply with this requirement of the Valley Business Park PUD Development Plan. As conditioned, all doors will remain closed during business hours except during material loading/unloading limiting potential noise impacts to surrounding properties.

Given that the proposed business would have regular Monday through Friday business hours and the use would be operated in compliance with the conditions of the PUD Development Plan, the proposed use is not expected to impact the surrounding residences due to noise from business including the loading and unloading activities in the warehouse area.

Parking

The existing parking ratio for the three-building site is 1 parking space per 326 square feet of floor area (64,300 square feet of floor area with 197 parking spaces). Based on this parking ratio, the proposed business at 3,456 square feet would be "allocated" 11 parking spaces; however, there are no assigned parking spaces on this site. According

⁶ Ordinance 928, Condition #45, p. 6.

Section 18.88.030 C. 6. 13. of the Pleasanton Municipal Code⁷, the proposed use would require four parking spaces based on four employees in the office or 12 parking spaces based on the total tenant area.

As stated in the applicants' narrative and also to staff, the field electricians would travel directly between home and job site and between job sites, except when stopping by the warehouse in the morning to load tools and equipment needed for the job(s). The parking spaces in the central driveway area would then be temporarily occupied during loading. Except for one vehicle parked in the warehouse, the service trucks would stay with the electricians after hours. In the event all employees come to the office for an occasional company function, the on-site parking spaces should be able to support the parking demand.

Staff visited the subject site on four occasions – mid-morning and mid-afternoon on two separate days – and observed that there was ample available parking. Figure 4, below, is a photograph of the parking area taken mid-morning.



Figure 4: Parking Area by Colevan Electric – Mid-Morning.

Staff, therefore, believes that there is adequate on-site parking to support the parking demand for the proposed use.

⁷ "Manufacturing plants and other industrial uses, warehouses, storage buildings, and storage facilities combined with commercial or industrial uses—one space for each employee on the maximum shift, or one space for each 300 square feet of gross floor area."

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and businesses within 1,000 feet of the subject property. At the time that the Planning Commission staff report was written, staff had not received any comments. Staff will forward to the Planning Commission any public comment received after publication of the staff report

VI. FINDINGS

The Planning Commission must make the following findings prior to approving the conditional use permit for the operation of the Colevan Electric:

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.

The Valley Business Park is zoned PUD-I District and has the general characteristics of the City's I-P Industrial Park District, which provides locations for a variety of office/industrial uses and services as well as private schools, gymnasiums, martial arts, and religious facilities. The proposed electrical contractor is compatible with these uses in that it will not generate a substantial amount of traffic; its most active operations would occur on off-site construction sites; and it would not result in impacts to circulation, parking, or noise. Similar uses currently operate within this building and on the surrounding property, and staff has not received complaints regarding those uses.

Objectives of the zoning ordinance include protecting existing land uses from inharmonious influences and harmful intrusions; foster harmonious, convenient, workable relationships among land uses; and ensure that public and private lands are ultimately used for the purposes which are most appropriate and beneficial to the City as a whole. The applicant's proposal would be consistent with these objectives of the zoning district. The draft conditions of approval give the City the appropriate controls to ensure that the uses do not have any negative impacts on the surrounding businesses and properties. Therefore, staff believes that this finding can be made.

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.

The proposed electrical contractor is not anticipated to generate an adverse noise impact to the surrounding uses, and would not exceed the site's parking supply. Day-to-day administrative office duties would be operated within the building except for minimal loading/unloading in the warehouse area. Doors will be kept closed. Hence, it is not anticipated to generate adverse impacts on any of the

surrounding uses including the residential neighborhood on Kolln Street due to the conditions of approval that will ensure that the safety and general welfare of the surrounding area is maintained. Therefore, staff believes that this finding can be made.

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

The site's PUD – I zoning district conditionally permits industries engaged in construction and building trades. The proposed electrical contractor as conditioned would not detrimentally affect surrounding properties including the residential neighborhood on Kolln Street. In staff's opinion, granting the conditional use permit to the applicant to operate the proposed electrical contractor at the Valley Business Park is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124 "Conditional Uses." Therefore, staff believes that this finding can be made.

VII. CONCLUSION

The proposed use is appropriate for this area of the Valley Business Park. Staff believes that it would not produce any adverse impacts on the nearby residential neighborhood nor on the adjacent tenants due to noise, parking, traffic, or other objectionable influences. The existing and proposed conditions of approval will ensure that the safety and general welfare of the development and surrounding area is maintained. Staff believes the proposal merits favorable action by the Planning Commission.

VIII. ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt (Section 15303, New Construction or Conversion of Small Structures, Class 3) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P13-2525 by taking the following actions:

1. Make the conditional use findings as listed in the staff report; and
2. Approve Case P13-2525, subject to the conditions listed in Exhibit A.

Staff Planner: Marion Pavan, Associate Planner, (925) 931-5610, mpavan@cityofpleasantonca.gov