

## Planning Commission Staff Report

February 27, 2013  
Item 5.a.

**SUBJECT:** P12-1823

**APPLICANT:** Terry Morris, Eagle Electric

**PROPERTY OWNER:** John and Blanche Rose

**PURPOSE:** Application for a Conditional Use Permit to operate an electrical contractor's business with Valley Business Park

**GENERAL PLAN:** General and Limited Industrial

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

**LOCATION:** 3942 Valley Avenue, Suite J

**EXHIBITS:**

- A. Draft Conditions of Approval
- B. Applicant's Written Narrative, Site Plan, and Floor Plan
- C. Location Map and Noticing Map

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### BACKGROUND

Valley Business Park (PUD-80-01) was approved by the City Council on March 11, 1980. The Business Park contains a variety of uses including manufacturing, office and assembly. The Valley Business Park PUD requires a conditional use permit for "Industries engaged in construction and building trades."

Terry Morris, owner of Eagle Electric, has submitted an application to operate an electrical contractor's business at 3942 Valley Avenue, Suite J, in Valley Business Park. Based on the PUD requirements described above, a conditional use permit is required. Further, conditional use permit is subject to the review and approval by the Planning Commission.

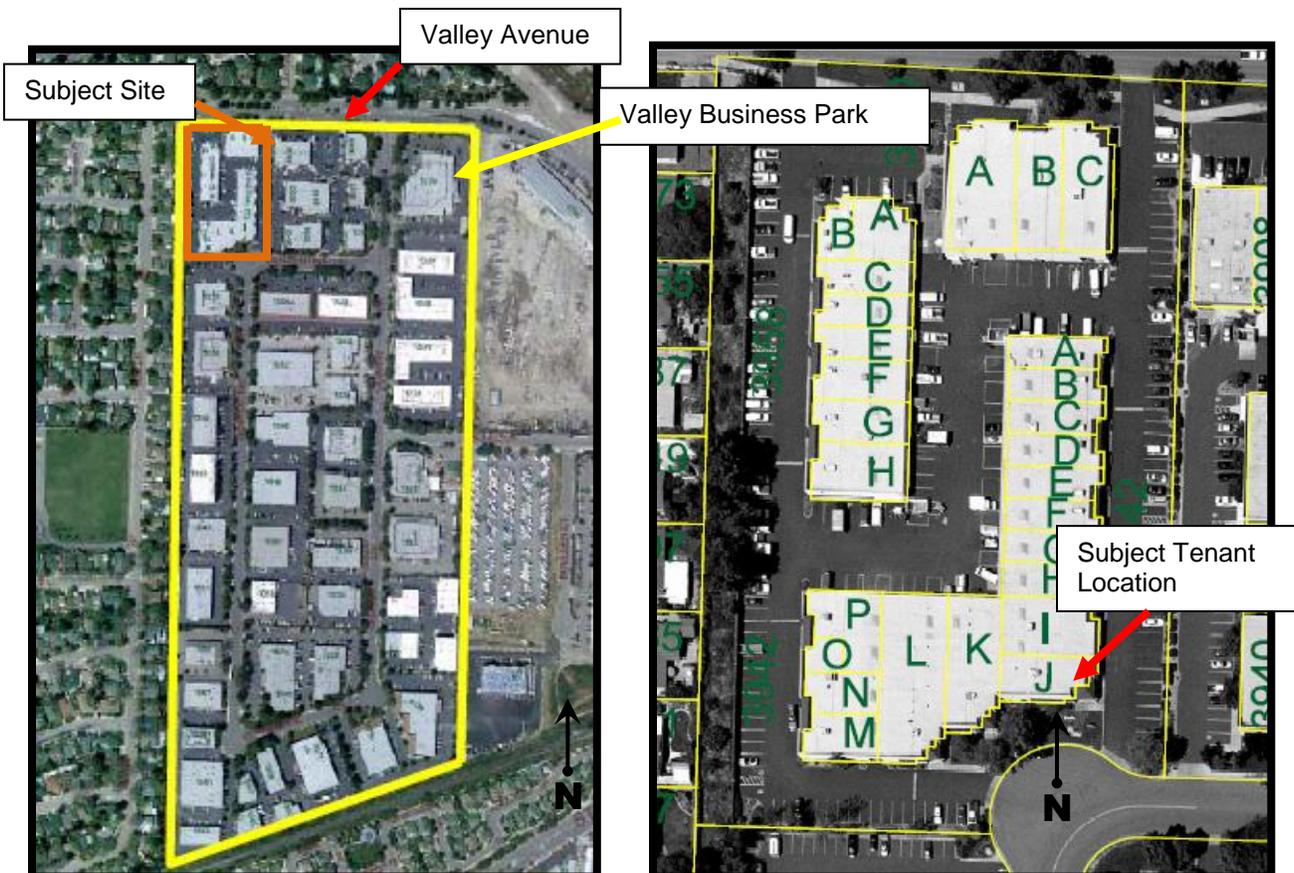
### SITE DESCRIPTION

Valley Business Park, approximately 69 acres in size, is located south of Valley Avenue, east of Santa Rita Road; internal streets are Serpentine Lane and Quarry Lane. It is zoned PUD-I (Planned Unit Development – Industrial) and has a mix of uses that include offices, light industrial uses, and other uses such as indoor recreational facilities, a rehearsal theatre, private schools, etc.

Properties adjacent to the business park are light industrial/warehouse uses to the east (Boulder Court), Union Pacific Railroad and single-family residential uses (California Reflections) to the south, single-family residential uses (Jensen Tract) to the west, and Valley Avenue and single-family residential uses (Heritage Valley) to the north. Sound walls separate the business park from the residential neighborhoods to the south and west.

The subject site is an approximately 4.32-acre parcel located in the northwestern portion of Valley Business Park. The site borders Valley Avenue on the north, residential properties on Kolln Street on the west, and other properties within the business park on the south and west. The site contains three separate buildings, totaling 64,400 square feet of building area.

The proposed use would be located in the southeastern tenant space of the building.



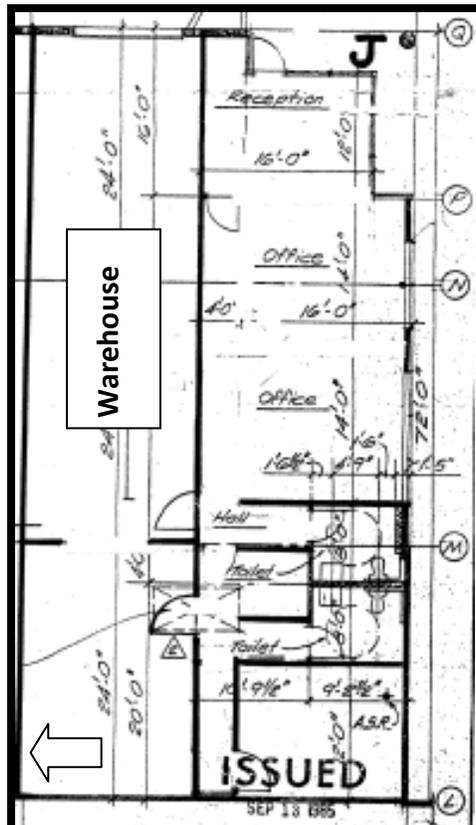
**Project Location and Site Aeriels**

**PROJECT DESCRIPTION**

Eagle Electric has been in business since 2007<sup>1</sup> and is proposing to be located within the existing building at 3942 Valley Avenue, Suite J. The business has two administrative staff and an average of seven field electricians. The business hours are Monday through Friday from 7:00 a.m. to 5:00 p.m.

The proposed business would occupy a tenant space of approximately 2,592 square feet in floor area. It would have two administrative staff and the owner of the business in the office during business hours. The business owns a fleet of service trucks. One service truck would be parked/stored on the premises either in the parking lot or in the warehouse area of the tenant space. The remaining fleet would stay with field electricians.

As shown on the floor plan (see below), the subject tenant suite would have a reception area in the front, two offices, two restrooms, and a warehouse area with a roll-up door directly facing the parking lot.



**Proposed Floor Plan**

<sup>1</sup> Per City's Business License record, it is currently a home-based business located on Happy Valley Road.

## **ANALYSIS**

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 Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. The following sections seek to provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

### Land Use

The subject site has a General Plan designation of Industrial, Commercial & Office – General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning 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, and industries engaged in construction and building trades. The proposed use would be categorized as “industries engaged in construction and building trades.” Therefore, conditional use permit approval is required for the proposed use. No rezoning or other land use modification to the property is proposed or necessary to allow the proposed use.

The proposed use shares the building with other tenants who are in the construction business. As such, the proposed use would use the tenant space similarly as the other tenants in the building, i.e. office uses for administrative staff and warehousing uses for inventory storage. Staff believes that the proposed use would be compatible with existing uses within Valley Business Park.

The subject site is relatively close to residential uses on Kolln Street (separated from the residential properties by a sound wall, parking spaces, and a drive aisle). Given that the business would have regular Monday through Friday business hours, that the roll-up door faces the east, and that the tenant space would be used for office/warehouse activities, the proposed use is not expected to cause negative impacts on the surrounding residences related to noise, parking, or other objectionable influences.

### Parking

A total of 197 parking stalls are located on the subject property for all three buildings totaling approximately 64,400 square feet in size. As such, the site was developed at a parking ratio of 1 space per 327 square feet. Based on this parking ratio, the subject tenant space of 2,592 square feet would be “allocated” seven parking spaces; however, there are no assigned parking spaces on this site.

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 three hundred (300) square feet of gross floor area. The proposed use would require four parking

spaces based on three employees in the office and one company service truck which may be parked in the parking lot or nine parking spaces based on the tenant space area.

As stated in the written narrative, the electrical company has been focusing on serving commercial/industrial markets. Customers would rarely, if ever, come to the site. The majority of the company employees, i.e., field electricians, stay on the job sites other than coming to the office to load materials needed for each job. The parking spaces would be temporarily occupied during loading. The service trucks stay with the electricians after hours. As such the parking demand from the proposed use would be less than a regular office or warehouse use. 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. Further, staff visited the subject site on two occasions, one visit was during mid-morning and the other visit was in mid-afternoon, and observed that the subject site has ample parking spaces available (see picture below). Therefore, the existing on-site parking would adequately support the parking demand from the use and staff does not believe that parking would be an issue.



Parking at the Subject Site

In the event that future parking problems occur, staff has included a recommended condition of approval (No. 6) that would allow the Planning Commission to re-evaluate the subject use permit and add conditions, if necessary, to resolve such issues.

## Noise

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.

Day-to-day administrative office activities would be conducted inside the building. As these are quiet activities, staff does not believe that noise from inside the tenant suite would be audible to the adjacent businesses. The main source of noise would occur inside the warehouse during loading/unloading service trucks.

As the business parking's western boundary abuts the residential uses on Kolln Street, the business park's PUD approval restricts non-office activities on sites located in the western portion of the business park to Monday through Friday from 7:00 a.m. – 7:00 p.m. The subject site is one of the sites that abut the Kolln Street neighborhood; however, the subject tenant space is located in the middle of the "L" shaped building, and the rollup door where the loading and unloading is to take place faces the east, away from the residential uses. Therefore, it is not expected that the residential neighbors would be impacted by noise coming from the loading and unloading activities in the warehouse area.

The Pleasanton Municipal Code also states that a proposed conditional use must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to "promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions." As proposed, staff believes that noise from the proposed business would not impact the existing uses located adjacent to the subject suite. All doors will remain closed during business hours except during material loading/unloading (condition No. 1), further limiting potential noise impacts to surrounding properties. Therefore, it is unlikely that the noise produced by the general contractor's operations will be in excess of 75 dBA at any point outside of the property plane as prescribed by code. Nevertheless, in the event that future noise problems occur, staff has recommended a condition of approval (No. 6) that would allow the Planning Commission to re-evaluate the subject use permit and add conditions, if necessary, to address noise issues.

## Circulation

The only traffic expected for the proposed use would be from employees; therefore, staff does not anticipate any circulation issues, as proposed. 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, if necessary, to resolve such issues.

## Signage

No signage currently exists for the tenant suite. Any proposed signage will be subject to Sign Design Review prior to installation.

## PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this report was prepared, staff has not received any comments or concerns.

## FINDINGS

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

**A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring 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, staff believes that the proposed use would be consistent with these objectives.

The subject business is proposed in Valley Business Park which is zoned Planned Unit Development – Industrial (PUD-I) and has the characteristics of the City's I-P (Industrial Park) District. One purpose of the industrial park district is to provide locations for uses that can operate in close proximity to commercial and residential uses within minimum adverse impact. Given the small scale of the operation and its location, the proposed use would be compatible with the surrounding uses. Other similar uses currently operate within the subject building and staff has not received complaints regarding those uses. The applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use.

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.**

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Day-to-day administrative office duties would be operated within the building except for

inventory loading/unloading in the warehouse area. The number of parking spaces available on site would meet the parking demand for the proposed use. The proposed conditions of approval will ensure that the subject use will not be operated in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity.

Staff believes that this finding can be made.

**C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.**

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.

Staff believes that this finding can be made.

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

**CONCLUSION**

Based on the analysis of the staff report, staff believes that the required use permit findings for the use can be met if the use is approved as conditioned. Additionally, staff believes that as conditioned, the use would be compatible with the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case P12-1823 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case P12-1823 subject to the conditions listed in Exhibit A.

Staff Planner: Jenny Soo; 925.931.5615, or email: [jsoo@cityofpleasantonca.gov](mailto:jsoo@cityofpleasantonca.gov)