

Planning Commission Staff Report

January 27, 2010
Item 6.a.

SUBJECT: PCUP-260

APPLICANT: Scott Murphy, dba Phoenix Flooring Systems, Inc.

PROPERTY OWNER: Big Valley, L.P.

PURPOSE: Application for conditional use permit approval to allow a concrete floor contracting business.

GENERAL PLAN: General and Limited Industrial

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

LOCATION: 1048 Serpentine Lane, Suite 308, Valley Business Park

ATTACHMENTS:

1. Exhibit A, Draft Conditions of Approval, dated January 27, 2010.
2. Exhibit B, Floor Plan and Written Narrative, dated November 9, 2009.
3. Exhibit C, Location Map.
4. Exhibit D, Noticing Area.

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, Scott Murphy, is a partner of Phoenix Flooring Systems, Inc., a building sub-contractor specializing in the installation, maintenance, and repair of commercial and residential concrete floors including coatings, stains, overlays, etc. Mr. Murphy, 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.

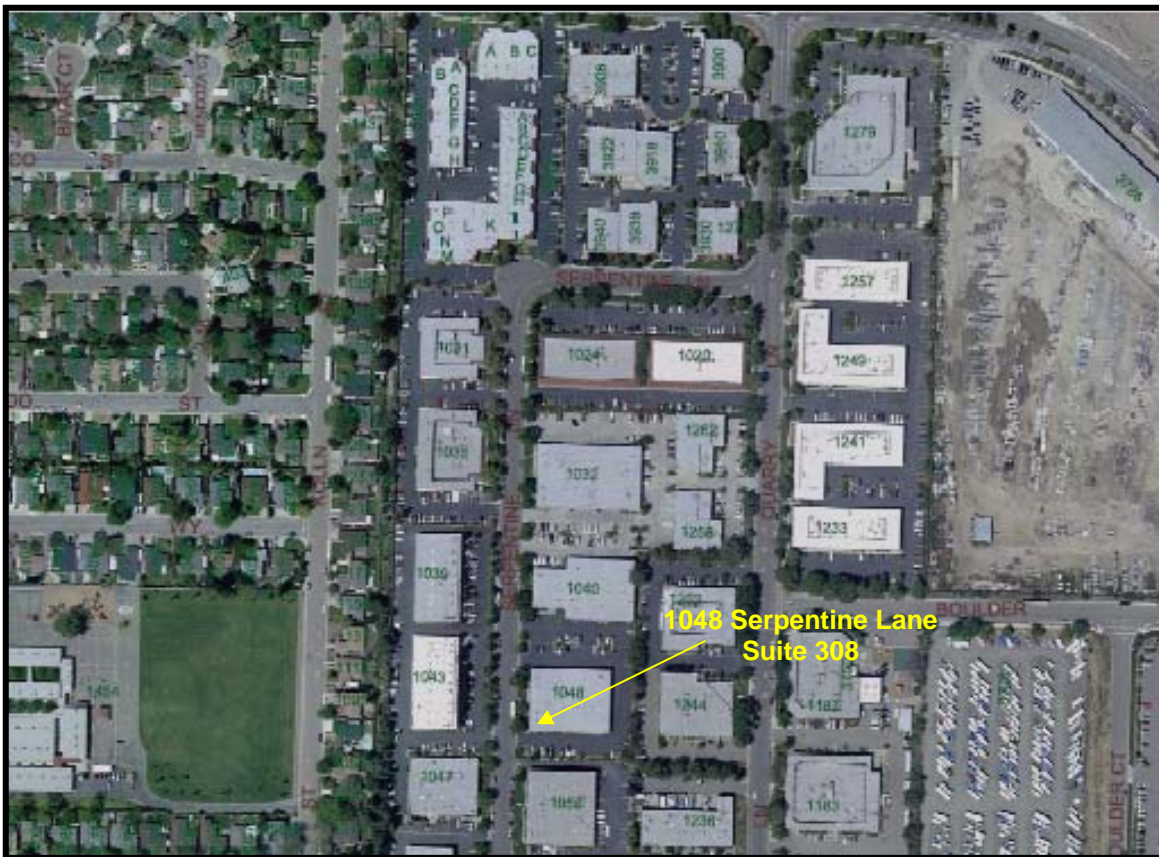
After reviewing the proposal with supporting information, the Planning staff informed Mr. Murphy that the business would require a conditional use permit approval as required by

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.



The proposal occupies a 1,020-square-foot tenant suite located at the front, southwest corner of a 20,480-square-foot industrial building presently divided into 13 tenant spaces. This existing building occupies a 54,602-square-foot site accessed from Serpentine Lane with cross-access and shared parking easements with the site on its north side at 1040 Serpentine Lane.

The proposed tenant suite includes two offices, one bathroom, and a warehouse area with a 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.

Properties adjacent to the Valley 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.

III. PROJECT DESCRIPTION

The applicant requests conditional use permit approval to allow the operation of his business, Phoenix Flooring Systems, Inc., which specializes in the installation, maintenance, and repair of commercial/residential concrete flooring systems including coatings, stains, overlays, etc., within the Suite 308 of 1048 Serpentine Lane.

Exhibit "B", 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. As stated to staff, the proposed business will be operated Monday through Friday from 7:00 a.m. to 7:00 p.m. The applicant has stated that the office will be used for administrative functions and the warehouse area will be used to store portable equipment including concrete grinders, buffers, polishers, etc., and polishing/buffing compounds, etc. The site will be used to park one van, the only company vehicle. There are two full-time employees, which will be on-site about 20% of the work day and week. All other employees are part-time and will meet directly on the job site.

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. Materials will be delivered directly to the job sites. As proposed, there will 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 flooring 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 vary, but are generally from 7:00 a.m. to 7:00 p.m. to enable the applicant to stop by the office between jobs for plans, specs, and contracts. All work will be performed at the job site(s). Staff supports the proposed operating hours given the relatively low-use of the business, and the industrial buildings and approximately 275-foot distance separating this business office from the rear yards of the Kolln Street neighborhood. The proposed use would be similar to the other construction related uses in the business park, on 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 and Circulation

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, three parking spaces are required for the 1,020 square foot space.

There are approximately 62 parking spaces within the boundary of the subject parcel – 47 parking spaces assigned by the property owner to the building's tenants, 14 parking spaces are available for the public at large, and two parking spaces are designated handicapped parking spaces. Two parking spaces are designated for the applicant's business. Phoenix Flooring Systems operates one van used to transport equipment to the job site which is parked in the warehouse space of the business when not on the job site. The only other vehicles that may be parked on site for the proposed business will be the personal vehicles of the two business owners. If the Municipal Code standard of one space for each employee on the maximum shift were applied to the proposal, only two parking spaces will, therefore, be required. Customers will rarely, if ever, come to the site further relieving any impact on parking.

The applicant has stated that material will be directly delivered to the job site. The only other traffic expected for the proposed use will be from the business partners and minimal client/personnel visits. Therefore, staff does not anticipate any circulation or parking issues for the proposed business in this location. If, in the event that future parking/circulation problems were to occur, a condition of approval 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 flooring work is performed entirely on the job site(s). Meetings and day-to-day office activities, conducted entirely from within the tenant suite, are quiet activities and will 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-260 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-260 subject to Exhibit “B”, Draft Conditions of Approval.

Staff Planner: Marion Pavan, 925.931.5610, or mpavan@ci.pleasanton.ca.us

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**PCUP-260, Scott Murphy, Phoenix Flooring Systems
1048 Serpentine Lane, Suite 308, Valley Business Park
January 27, 2010**

1. The proposed business shall be operated substantially as described in its plans and narrative, Exhibit A, dated "Received November 9, 2009", on file with the Planning Department, except as modified by the following conditions. Minor alterations may be approved by the Planning Director if found to be in substantial conformance with this approval.
2. If any element of the proposed use results in conflicts in regard to parking, congestion, noise, traffic, loitering, or other impacts, at the discretion of the Planning Director, this use permit may be submitted to the Planning Commission for 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 use permit.
3. All Conditions of Approval of PUD-80-1 shall remain in full force and effect.
4. The hours of operation of the said use shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday. Additional hours and activities beyond what was stated in the applicant's statement of operation, dated "Received November 9, 2009", may be approved by the Community Development Director if found to be in substantial conformance with the approval. The Community Development Director may also refer the matter to the Planning Commission if the proposed changes would be significant.
5. Trucks of all sizes making pickups and deliveries shall be allowed to service the subject property only between the hours of 8:00 a.m. and 5:00 p.m. All loading/unloading for the proposed use shall occur either within or in front of 1048 Serpentine Lane, Suite 308. There shall not be pickups or deliveries occurring in Serpentine Lane at any time.
6. All activities and storage shall take place inside of the subject facility. There shall be no outdoor storage at any time. All job related vehicles, equipment, material, and similar items shall be stored indoors.
7. No changes to the exterior of the building shall be made without prior approval from the Planning Division.

8. The applicant shall secure prior City review and approval for additional activities beyond those described in the written narrative and plans. Such modifications shall be submitted to the Community Development Director, who shall refer the matter to the Planning Commission if determined to be substantial.
9. Within 90 days of the effective date of approval, the applicant shall contact the Building and Safety Inspection Division and the Fire Department to determine all applicable requirements. If necessary, the tenant suite shall be made to conform to all codes and ordinances of the State and City. The applicant shall also secure all necessary City permits.
10. This conditional use permit approval will lapse one year from the effective date of approval unless the applicant receives a business license.
11. This approval does not include approval of any temporary or permanent signage. If signs on the building or surrounding area are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation. No signage or words shall be spray painted on the windows. All signs shall conform to Valley Business Park's approved sign program.
12. If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit to relocate into the building or tenant suite prior to occupying the building or tenant suite.
13. The applicant shall clean debris and any other delivery material after deliveries, loading, or unloading of such materials, or as otherwise directed by the City Engineer, so that such materials are not directed towards and deposited into the storm drains.
14. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.096.060 (K) of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved by temporary conditional use permit as part of a decorating plan in conjunction with shopping center promotional events. At no time shall spot lighting be used in conjunction with grand openings and/or promotional events.

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