



## Planning Commission Staff Report

June 25, 2008  
Item 5.b.

**SUBJECT:** PCUP-226

**APPLICANT:** Jim Roberts Company

**PROPERTY OWNER:** Minnis D. Patterson

**PURPOSE:** Application for conditional use permit approval to allow a landscape contracting company

**GENERAL PLAN:** General and Limited Industrial

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

**LOCATION:** 3942 Valley Avenue, Building "C", Suite "D"(Valley Business Park)

**ATTACHMENTS:**

1. Exhibit B, Draft Conditions of Approval, dated June 25, 2008.
2. Exhibit A, Site Plan, Floor Plan, and Written Narrative, dated June 5, 2008.
3. Exhibit C, Location Map.
4. Exhibit D, Permitted and Conditionally Permitted Uses for PUD-80-1, the Valley Business Park.
5. Exhibit E, Permitted Uses in the Industrial Park (I-P), General Industrial (I-G), and Light Industrial (L-I).

### I. BACKGROUND

The Valley Business Park Planned Unit Development – PUD-80-01 – requires a conditional use permit for businesses and industries engaged in construction and related building trades.

The applicant, Jim Roberts, owns and operates Jim Roberts Landscaping which provides landscape installation and maintenance services for commercial and residential properties. Mr. Roberts executed a lease agreement with the property owner and occupied this tenant space. He then applied for a business license whereby Planning staff informed Mr. Roberts that he would need to obtain approval for 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 developed with three buildings generally sited in an interlocked "L"-pattern with parking on all building sides. Building "A" faces Valley Avenue, Building "B" faces the site's west site, and Building "C" faces the site's east and south sides and the 90° turn of Serpentine Lane at the site's southeast corner. A central service area accesses the roll-up doors to the tenant spaces in these buildings. The aerial photograph, Figure 1 below, depicts the business site and its surroundings.



Figure 1: Location Map

Properties adjacent to the 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. A sound wall separates the Valley Business Park from the residential neighborhood to the south, and a sound wall and landscape buffer separates the business park from the residential neighborhoods to the west.

The proposed landscape business occupies a 1,728-square-foot tenant suite of the total Building "C" area of 35,328 square feet, located near the middle of the 9-unit section of Building "C". The tenant suite includes three offices, a restroom facility, file room, and work/storage areas with a single roll-up door facing an interior parking court.

### **III. PROJECT DESCRIPTION**

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. The applicant also indicated that materials would be primarily delivered to the job sites and that motor-powered tools would be stored in an off-site location and/or on the installers' vehicles, and that there would be some storage of tools, equipment, and materials in the warehouse area of the tenant suite. As proposed, there would be no outdoor storage.

Exhibit "A", attached, includes the site plan, floor plan, and written narrative for the proposal. The proposed business would be operated Monday through Friday from 9:00 a.m. to 4:00 p.m. The applicant has stated that there would be 13 staff, which would include the applicant and his wife, 1 superintendent, and 10 installers.

### **IV. ANALYSIS**

#### **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 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". Staff considers the proposed use similar and complementary to the other uses within the PUD.

#### **Parking**

The proposed use requires 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, 6 parking spaces would be required for the 1,728-square-foot-suite (PMC §18.88.030(C)(6)(11)). The PMC also allows a parking calculation based on the number of employees of one space per employee. The only vehicles that would be parked on site for the proposed business would be the applicants' two personal vehicles, which do not create a parking impact on the site.

The business vehicles operated by Jim Roberts Landscaping would include  $\frac{3}{4}$ - to 1-ton capacity trucks, used by the installers on the job sites, and then driven between the job site and the installers' homes. There are approximately 205 parking spaces within the boundaries of the subject parcel site for an overall parking ratio of 1 parking space per 3.25 square feet. There is adequate parking provided whether the required parking is calculated based on square footage (6) or number of employees (2).

Therefore, staff does not believe that parking would be an issue for the proposed business in this location. In the event that future parking problems occur, staff has conditioned to project to return to the Planning Commission to re-evaluate the conditional use permit at the discretion of the Director of Planning and Community Development.

### **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.” (Section §9.040.50 of the Pleasanton Municipal Code.)

And for industrial properties adjoining residential neighborhoods, the Pleasanton Municipal Code states:

“The noise level produced on the business premises between the hours of 10:00 p.m. and 6:00 a.m. shall not exceed the residential noise standard (60 dBA) at the property plane between the residential zoning district and the commercial zoning district.” (Section §9.040.035 A. of the Pleasanton Municipal Code.)

Note that this section applies to industrial/commercial businesses adjoining residential neighborhoods operating between 10:00 p.m. and 6:00 a.m.

The landscape installation and maintenance work is performed entirely on the job site(s) and not at the tenant suite. Meetings and day-to-day office activities, conducted entirely from within the tenant suite, are quiet activities and would 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 prescribed by Section §9.040.50 of the Pleasanton Municipal Code, or 60 dBA between 10:00 p.m. and 6:00 a.m. prescribed by Section §9.040.035(A.) 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 busi-

ness 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-226 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-226 subject to Exhibit "B", Draft Conditions of Approval, dated June 25, 2008.

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