THE CITY OF PLEASANTON

Planning Commission Staff Report

January 23, 2013
Item 5.a.

SUBJECT:	**P12-1788**
APPLICANT:	Santa Rita Tow/ Bruce Luther
PROPERTY OWNER:	Richard Guasco Family Trust
PURPOSE:	Application for a Conditional Use Permit to operate a towing company with indoor and outdoor vehicle storage.
GENERAL PLAN:	Retail, Highway, and Service Commercial; Business and Professional Offices
ZONING:	PUD-C-S (Planned Unit Development –Commercial Service) District
LOCATION:	3862 Old Santa Rita Road
EXHIBITS:	A. Draft Conditions of Approval B. Site/Floor Plan and Project Narrative, dated "Received December 20, 2012" C. Location & Public Noticing Maps

I. BACKGROUND

This proposal, by Santa Rita Tow, is to operate a towing company with indoor and outdoor vehicle storage at 3862 Old Santa Rita Road. Towing companies have previously been determined to be similar to a commercial storage facility, auto wrecking yard, and warehousing uses, which are all conditionally permitted in this zoning district.

The applicant, Bruce Luther, is also applying for a Conditional Use Permit to operate an auto service and sales establishment on the neighboring site (3878 Old Santa Rita Road, P12-1818). The applicant has indicated that they will run these operations as sister companies and a certain amount of pass-through business is assumed. However, a Conditional Use Permit runs with the land and thus two separate

applications and approvals are required. Staff has scheduled P12-1818 for hearing concurrently with this application.

Pacific Custom Cycles, Inc, a motorcycle maintenance, repair, and customizing business, was the previous occupant of the subject site and had occupied the site since 2002.

The subject site is governed by a Planned Unity Development which defers to the Commercial Service (C-S District) uses listed in the Pleasanton Municipal Code (Table 18.44.090, Permitted and Conditional Uses) with the addition of auto wrecking as a conditionally permitted use. The proposed use (similar to commercial storage facility, auto wrecking yard, and warehousing) is conditionally allowed in this development. Therefore, a Conditional Use Permit must be granted in order for the applicant to establish the proposed business at the subject location.

II. SITE DESCRIPTION

The subject site is located on the east side of Old Santa Rita Road and South of the I-580 corridor. The site is one of several commercial service zoned parcels within this area, and which are predominately automotive service and sales related businesses. The subject parcel is 12,218 square feet in size. This parcel contains one existing building, totaling 3,000 square feet, and parking lot for the specified business. The applicant is proposing to occupy the 3,000 square-foot single story building that contains three slider bay doors to provide access to internal storage area, and contains direct access to 18 parking spaces (see Figure 1.1).

Figure1.1: Site Layout

Photo 1.1: Tenant Space

The surrounding businesses are Pleasanton Sunrooms, located to the north and Pleasanton Auto Service, located to the east. The fenced storage yard crosses over the northern property line of the parcel (Figure 1.2), but both properties are currently owned by the same owner (Richard Guasco Family Trust) and there is a signed lease agreement regarding the allocation of parking spaces.

Access to the parcel is provided via one driveway off of Old Santa Rita Road, with 24 parking spaces located within the entire parcel. With 3,000 square feet of tenant

space, the parking ratio for the entire site is one space per 509 square feet of tenant space.

The businesses/uses surrounding the site/parcel are other commercial service businesses, including a dismantling business, an auto upholstery service, and storage yards for local auto dealers.

III. PROJECT DESCRIPTION

Santa Rita Tow is a vehicle towing establishment. The proposed use includes indoor and outdoor storage of vehicles, for the purpose of impounding towed vehicles for a short period of time. This location does not offer any additional services. All automotive repair services will be done by the sister company (Santa Rita Auto Service and Sales) located on the neighboring parcel. Vehicles that are towed, impounded, and not claimed would become property of the towing company. The towing company would then transfer the car to public or insurance auction, a scrap yard, an auto recycler, or to the sister business for servicing and resale. This location will not be conducting any auto detailing on-site.

The establishment is proposed to operate with standard office hours of Monday through Friday, 8:00am to 5:00pm, but vehicle towing services and customer pick-up can be requested anytime, Monday through Sunday. The applicant proposes to retain up to eight cars indoors and 12 cars outside on-site at a time. The proposed business will be staffed with four employees and will utilize two tow trucks.

The proposed floor plan (Figure 1.2) indicates 3,000 square feet of storage area, customer waiting area, restrooms, and an internal office. The applicant is not proposing any new construction to accommodate the proposed use.

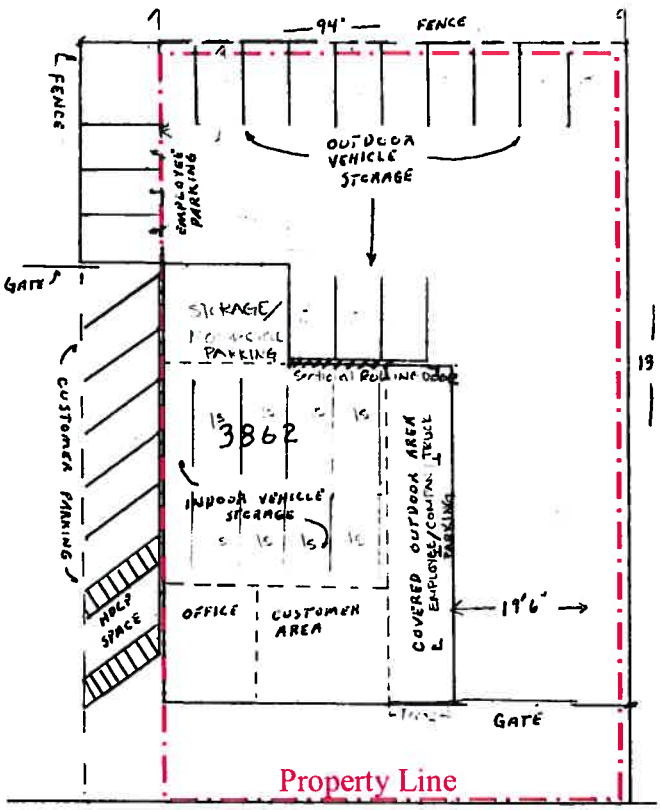


Figure 1.2: Site Layout/Floor Plan ← N

IV. ANALYSIS

Conditional uses require individual review to ensure that impacts associated with their use will be regulated and minimal. Conditional Use Permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

Land Use

One of the primary concerns in reviewing a Conditional Use Permit application is the effect of a proposed use on surrounding uses. The immediate area contains businesses that are auto service or auto sales based.

The nearest residences are located a minimum of 464 feet to the north of the applicant's tenant space. The use would be operated similar to the surrounding uses.

Staff is of the opinion that the proposed use would not produce any adverse impacts on the surrounding businesses. Staff also believes that the proposed business would be compatible with and would be supportive of other uses in the surrounding area. However, if problems were to arise, the application could be brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified. Therefore, from a land use perspective, staff finds the use to be acceptable, as conditioned.

Parking

The site plan provided in Exhibit B and Figure 1.2 indicates 18 on-site parking spaces and six parking spaces that are located on the neighboring parcel, but are under a lease agreement for use by the subject lot, for a total of 24 designated parking spaces for use by the proposed business. The proposed business has indicated that the parking will be utilized as follows: six spaces for employee and company tow truck parking, 12 outdoor storage parking spaces, and six spaces for customer use. The interior storage area will accommodate eight vehicles with a small area for motorcycles, if needed. The subject site has access via a single driveway from Old Santa Rita Road.

Per the Pleasanton Municipal Code, PMC 18.88.030(C)(5) (Schedule of off-street parking space requirements), this type of use would require one parking space for every 500 square feet of floor area for commercial service enterprises, excluding areas used for storage. With the proposed 3,000 square feet of area, this business would need six parking spaces. The 10 parking spaces for customers and employees would meet the PMC parking requirement. The reminder of the on-site parking would be utilized for auto storage and the two tow trucks.

Additionally, it is realistic to assume that most customers of the business will be dropped off to retrieve their impounded vehicle. Therefore, customer parking would be utilized for a short duration.

Historically, the parking provided within the development has adequately served the tenants with similar auto service uses, and staff anticipates that the proposed use would continue to be served adequately by the existing parking. However, should parking problems occur, staff has included a "standard" condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Tenant Improvements

The applicant has indicated no interior tenant improvements are needed to accommodate the new use.

Signage

No signage currently exists for this tenant space. Any proposed signage will be subject to Sign Design Review and will need to conform to the City's sign regulations for signage within the Commercial Service District.

V. 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 ordinance 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.

The subject site is zoned Commercial Service District (C-S District), and it is in an area which contains other auto service establishments. Staff believes that the proposed use would be consistent with the zoning ordinance objectives and the Commercial Service District and its operations would not have any negative impact on the surrounding uses and businesses.

The applicant is also required to mitigate any future nuisances that may occur as a result of the proposed use. 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 building that the proposed use will occupy is a freestanding building with on-site parking lot that exceeds the code required parking for the proposed use. The project has been reviewed by the Fire Department and the Police Department and they have indicated that they do not object to the project. The proposed use will comply with the applicable Building and Fire Codes.

Staff believes that the project will not be detrimental to the public health, safety, or welfare. 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 proposed Conditional Use Permit (P12-1788) was found to comply with all relevant sections of the zoning ordinance. The site's regulations conditionally permit the establishment of commercial storage facility, auto wrecking yard, and warehousing establishments. Granting a Conditional Use Permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, staff believes that the third finding can be made.

VI. PUBLIC NOTICE

Notices regarding the application for a Conditional Use Permit and related public hearing were mailed to property owners and tenants within a 1,000-foot radius of the subject property. At the time this report was prepared, staff had received no comments regarding the project.

VII. 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.

VIII. CONCLUSION

Staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the proposed business will fulfill a community need and that the proposed location is appropriate.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case No. P12-1788 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. P12-1788 subject to the conditions listed in Exhibit "A".

Staff Planner: Rosalind Rondash, Associate Planner, 925.931.5607 or email: rrondash@cityofpleasanton.gov

Exhibit "A"
DRAFT Conditions of Approval
Case P12-1788/ Santa Rita Tow
3862 Old Santa Rita Road

PROJECT SPECIFIC CONDITIONS

Planning Division

1. The hours of operation shall be limited to the following:
   Office Hours: Monday through Friday, 8:00am to 5:00pm.
   Vehicle Pick-up Hours: Monday through Sunday, 24 hours
   Towing Hours: Monday through Sunday, 24 hours

2. If additional hours of operation or activities beyond what is stated in the applicant's written narrative, dated "Received December 20, 2012," on file with the Planning Division, 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.

3. There shall be no outdoor storage, other than the authorized number of impounded vehicles (12 maximum).

4. If the Lease Agreement with the owner of 3878 Old Santa Rita Road for the six customer parking spaces expires or is no longer in effect, the quantity of vehicles stored on the subject site shall be reduced by six vehicles to allow for customer parking to be accommodated on-site.

5. No auto repair/service shall occur on-site.

6. There shall be no washing, steam-cleaning, or detailing of cars on-site.

7. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton Municipal Code for a grand opening.

8. Wrecked vehicles (e.g. vehicles involved in collisions causing substantial damage to the vehicle) shall be parked within the building.

9. No vehicles leaking fluids including, but not limited to, motor oil, fuel, coolant, brake fluid, etc., may be parked in the parking area on this site.

10. Applicant is encouraged to employ good housekeeping methods, and use Best Management Practice to eliminate trash and debris be discharged from the site.

Police

11. The proposed use is encouraged to install a security alarm system.

12. The applicant/business operator shall maintain current contact information on file with the Pleasanton Police Department.

Stormwater

13. Prior to operation, a planter box/infiltration system shall be installed along the eastern property line (along the fence). The design, location, and scale of the planter box/infiltration system shall be reviewed and approved by the City Engineer prior to installation.

Traffic

14. The on-street curb parking shall not be used for vehicle storage, queuing of cars for storage, or for tow truck parking. The on-street curb parking shall be used for customer parking only.

STANDARD CONDITIONS

Planning Division

15. The proposed use shall be in substantial conformance to Exhibit B, dated "Received December 20, 2012," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development.

16. 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 suite.

17. 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.

18. This conditional use permit approval will lapse one year from the effective date of approval unless the applicant receives a business license within that time.

19. The applicant shall maintain the area surrounding the building including the parking lot areas in a clean and orderly manner at all times.

20. This approval does not include approval of any signage for Santa Rita Tow. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation. All signs shall conform to the City's sign regulations for the C-S District.

21. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.

22. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and 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.

CODE REQUIREMENTS

Building Division

Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.

23. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

24. Prior to occupancy, the applicant shall contact the Buiding Division and Fire Marshal to ensure that the proposed use of the subject building meets Building and Fire Code requirments. If required, the applicant shall obtain all appropriate City permits.

Fire

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)

25. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.

{end}

SANTA RITA TOW
APPLICATION FOR DEVELOPMENT REVIEW

This is an existing building with no projects/improvements to take place. The location is the old Pacific Custom Cycles shop. It is located at 3862 Old Santa Rita Road. The building is approximately 3,000 square feet with 3 slider bay doors. The inside consists of 2 small bathrooms, 1 small inner office, 1 customer waiting area and several small storage rooms with 1 larger area for indoor vehicle storage. The outer yard is fenced and gated and the total area including building is approximately 1/3 acre. There are 6 parking spaces along the outer north wall for customer parking.

The business we will put at this location is a small tow company to service the local community.

office Hours of op M-F; 8-5pm
#emp. 4

Veh Storage : Indoor 8 + Motorcycle storage if needed.
outdoor : 12

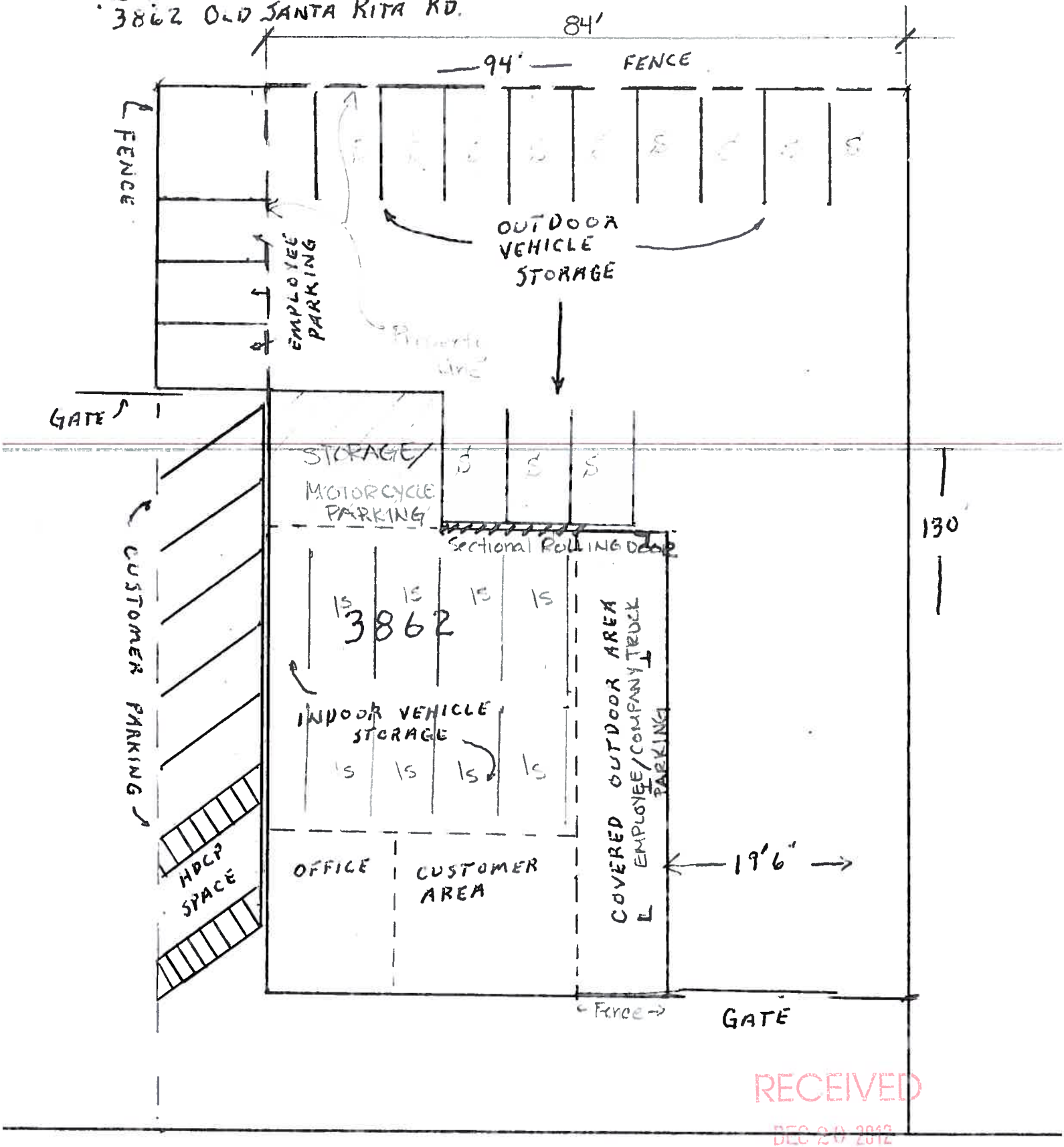
towing & Veh. pick-up - M-Sunday; 24-hours.
7 customer parking

Company trucks : 2

EXHIBIT B
P12-1788

RECEIVED
DEC 20 2012
CITY OF PLEASANTON
PLANNING DIVISION

SANTA RITA TOW
3862 OLD SANTA RITA RD.



RECEIVED
DEC 20 2012
CITY OF PLEASANTON
PLANNING DIVISION

1/16" = 1'

OLD SANTA RITA RD.

NORTH

S - OUTDOOR STORAGE
IS INDOOR STORAGE