

**IN THE PLANNING COMMISSION
OF THE CITY OF LIVERMORE
STATE OF CALIFORNIA**

A RESOLUTION APPROVING

Conditional Use Permit (CUP) 14-006
and Site Plan Design Review (SPDR) 14-018

Authorizing Site Plan Design Review for a bus manufacturing facility and a Conditional Use Permit to allow a maximum building height of 44 feet, including roof screen, where the standard maximum building height is 40 feet. The project consists of an approximately 559,500 square foot primary building and two ancillary, single-story buildings of 50,000 and 27,000 square feet. The primary building is mostly single-story with a two-story office component on the northwest portion of the building. The application includes landscaping, fencing, lighting, and a parking lot with approximately 836 parking stalls.

The Oaks Business Park
Located at the southeast corner of West Jack London Boulevard
and Discovery Drive

WHEREAS, the City received an application for Conditional Use Permit 14-006 and Site Plan and Design Review 14-018;

WHEREAS, a Public Hearing Notice was duly mailed to neighboring property owners and published in a newspaper of local circulation; and

WHEREAS, the Planning Commission held a public hearing on February 3, 2015, considered the staff recommendation for approval and heard public testimony.

NOW, THEREFORE, the Planning Commission finds based upon the information presented that:

Conditional Use Permit Findings:

1. The proposed use is consistent with the General Plan and any applicable Specific Plan.

Response: The subject site has a General Plan land use designation of Low Intensity Industrial (LII). Low Intensity Industrial areas are intended to provide for those industrial uses which do not include objectionable levels of noise, vibration, odors, glare, or hazard. Manufacturing, warehousing, distribution, research, and development facilities, as well as administrative and professional offices are all acceptable uses in a LII area. The bus manufacturing facility is consistent with the General Plan designation.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of the Development Code and the Municipal Code.

Response: The proposed height increase is consistent with PD-I 01-003. The four-foot increase in height accommodates a manufacturing land use allowed in PD-I 01-003 and does not conflict with any other provisions of the Development or Municipal Codes and will not impact aviation operations.

3. The design, location, size and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity,

Response: The request to allow a height increase with approval of Conditional Use Permit 14-006 is proposed to permit the height of parapets, roof deck, specialized interior equipment, and roof top screening up to 44 feet to accommodate the manufacturing use.

The design, location, size, and operating characteristics of the project are compatible with the existing and future land uses in the vicinity. Generally, the project site is relatively large with relatively deep setbacks and the buildings themselves are large scale, in which additional height is aesthetically compatible. More specifically, the nearest Building One wall is approximately 106 feet from Discovery Drive right-of-way, and the nearest corner at the southwest end is approximately 100 feet from the street. Building Two is approximately 174 feet from Discovery Drive right-of-way. The smallest building, Building Three is setback approximately 90 feet from the street.

4. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

Response: The request to allow a height increase with a CUP 14-006 is proposed to permit the height of parapets, roof deck, specialized interior equipment, and roof top screening up to 44 feet to accommodate the manufacturing use.

The subject site is physically suitable in its design and location and operating characteristics in that the footprints of the buildings are not affected by the CUP. The site will operate with adequate provision of public utilities and access, including emergency access. The sites are served by public streets within the Business Park, which also connect with Isabel Avenue, a State Highway; thereby providing streets and highways that can handle the traffic expected from the project. The increase in height does not affect any of the aforementioned operating characteristics and physical site suitability. The increase in height is intended to serve the permitted bus manufacturing use and is found to be in scale with the scale of the buildings, the site on which the buildings are proposed and the buildings' surroundings.

5. The site's suitability ensures that the type, density, and intensity of use being proposed will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

Response: The project is consistent with the Airport Land Use Compatibility Plan and would not result in any structures encroaching into the Federal Aviation Administration (FAA) air space above the subject site and is not detrimental to the public interest, health, safety and welfare.

6. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Conditional Use Permit or Zoning Use Permit.

Response: The applicant has agreed.

Site Plan and Design Review Findings:

1. Be allowed within the subject zone.

Response: The subject site is located in the Planned Development-Industrial (PD-I) 01-003 Zoning District, the Oaks Business Park. The Oaks Business Park was established in 2004. The purpose of this Planned Development (PD) Zoning District is to provide an environment for and conducive to the development and protection of modern, professional, and administrative facilities, research institutions, manufacturing operations, and related uses, including distribution facilities, all of a non-nuisance type. The proposed project is consistent with PD-I 01-003 with approval of the concurrently requested Conditional Use Permit request to increase building heights by four feet to 44 feet.

2. Be designed such that:

- a. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
- b. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments;
- c. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site; and
- d. The project's site plan and design is consistent with the City's Design Standards and Guidelines.

Response: Two-way circulation is proposed all around the site, providing for emergency access.

The site design orients the entrance to the adjacent street, Discovery Drive. The site layout provides clear clues to functional organization by providing adequate public street access oriented to building entries, employee and visitor parking areas, and grouping loading areas further from adjacent streets in less public areas.

Building design orients the office as the most prominent feature, nearest the public street. This office placement shows off the more articulated office-window patterns on the building to the more publicly visible areas. The loading and outdoor storage areas are set back from public streets and screened completely by berms and screen walls.

Sidewalks are provided from the public sidewalks to each building entrance in conformance to Design Standard 3.5.1.

The project is consistent with the Oaks Business Park and the City Design Standards and Guidelines.

3. Be designed to include the following criteria, as applicable:
 - a. Compliant with Chapter 9.07 of the Development Code (Site Plan and Design Review), Municipal Code Title 15 (Buildings and Construction), and any other applicable City regulations and policies;
 - b. Efficient site layout and design;
 - c. Compatible and appropriate scale to neighboring properties and developments.
 - d. Efficient and safe public access (both pedestrian and vehicular) and parking;
 - e. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;
 - f. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;
 - g. Proper site utilization and the establishment of a physical and architectural relationship to existing and proposed structures on the site;
 - h. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
 - i. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;
 - j. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;
 - k. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;
 - l. Compatible in scale and aesthetic treatment of proposed structures with public areas;
 - m. Appropriate open space and use of water efficient landscaping; and
 - n. Consistent with the General Plan and any applicable Specific Plan.

Response: Overall, the building design, materials, and colors project a contemporary aesthetic, consistent with the Oaks Business Park design guidelines. Building rhythm is created by the vertically and horizontally articulated features such as accent color, score lines, reveals, and ventilation pop-outs.

The entry is emphasized in conformance with Design Standard C.5.4.1. The office provides the main entry and is a two-story component that offers a variation in parapet height in coordination with reflective glazing, contemporary awnings and a protruding arched, fly-wall element. At the human scale, the entry is highlighted with hardscape, lighting and landscape which complement building design. Further, the arched fly-wall is mimicked with the hardscape. Consistent with Design Standard C.3.2.1, awning design is consistent with the overall building design.

The applicant proposes a landscape plan that meets the Oaks Business Park, Development Code and DSG requirements. Reclaimed water is used throughout the Oaks Business Park for irrigation. And in this project recycled water will also be used for bus washing and leak testing. The proposed landscape plan complies with the Water Efficient Landscape ordinance. A variety of trees, shrubbery, vines, and groundcovers are proposed to enhance the project's landscape.

CEQA Finding:

The environmental effects of the project were previously evaluated in the adopted Environmental Impact Report for the Oaks Business Park, State Clearinghouse #2001032069.

BE IT RESOLVED by the Livermore Planning Commission that, based on the above findings, Conditional Use Permit 14-006 and Site Plan and Design Review 14-018 is approved. The project approval is subject to the Conditions of Approval dated February 3, 2015, which are necessary to protect the public health, safety, and general welfare.

On the motion by Commissioner Storti, seconded by Commissioner Pann, the foregoing Resolution was adopted at the Planning Commission meeting of February 3, 2015 by the following vote:

AYES: KASKEY, PANN, AND STORTI.
NOES: NONE.
ABSENT: NONE.

Loretta Kaskey, Chairperson



by Paul Spence, Planning Manager
Secretary to the Planning Commission