

**PUD-80-16-13M, Paul Thometz, LBA Realty**

**Application for a modification to an approved PUD Development Plan for an approximately 65,000-square-foot, two-story research and development building with an enclosed outdoor service yard on the northwest corner of a developed 26.15-acre site located at 4900-5040 Johnson Drive. Zoning for the Property is PUD-I/C-O (Planned Unit Development – Industrial/ Commercial- Office) District.**

**Also consider the Negative Declaration prepared for the project.**

Marion Pavan presented the staff report and described the scope, layout and key elements of the project.

Commissioner Blank stated that page 14 of the staff report recommends the addition of two conditions which reflect the additional shrubbery and the landscaping to be used to break up the wall massing.

Commissioner O'Connor noted that there was more than landscaping and inquired if a decorative metal architectural detail would be added.

Mr. Pavan apologized that the two items on page 14 were inadvertently omitted from Condition No. 26 of Exhibit A, on page 6 under Landscape Design. He suggested that the Commission recommend including this in the condition when the motion is made.

Commissioner Pentin stated that on page 9 of the staff report, it states that the service yard will be screened by a 12-foot to 14-foot tall solid metal fence, and Condition No. 31 of Exhibit A on page 7 states that all equipment including storage containers that may be visible above the service yard fence shall be painted to match the building. He inquired if the storage containers in the service yard were not anticipated to be taller than 14 feet.

Mr. Pavan replied that the condition is used as a back-up in the event that some of the storage containers may be visible. He noted that the applicant has assured staff that the wall will be tall enough to screen all of the enclosures, with the exception of the stacks.

Commissioner Pentin expressed concerned that storage containers that are 10 feet to 12 feet high might be stacked.

Mr. Pavan suggested that the condition be revised to state that the enclosures will be no taller than the surrounding fence.

Commissioner Pearce inquired how the matter could be forwarded to the City Council before the CEQA review period ends.

Mr. Dolan replied that CEQA requires a certain review period, and staff was not able to achieve that in advance of the Planning Commission hearing date. He noted that while it is not a common practice, it is acceptable to have the review period end just prior to

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the date of Council review and final action. He added that any additional comments would be incorporated into the City Council report and will be shared with the Commission, although staff has not received any to date.

Commissioner O'Connor noted that in one of the prior City Council approvals, special measures were taken for issues dealing with scheduled work hours to avoid the AM and PM peak traffic. He inquired if this was included in the proposal.

Mr. Pavan replied that this is addressed under the condition that requires the new Transportation Systems Management (TSM) program that would recommend staggered work hours.

Commissioner O'Connor inquired if those TSM measures have been completed.

Mr. Pavan replied that staff has set forth a pallet of measures that could be utilized to achieve the goals set forth in the draft conditions of approval; however, the draft hours have not been provided but will be finalized.

Chair Olson noted that the second sentence of the last paragraph on page 12 of the staff report is incomplete and requested that it be completed before it goes to the City Council.

Mr. Pavan apologized for the error and indicated that it would be corrected to state that any increase in the floor area of the building will require a major modification.

### **THE PUBLIC HEARING WAS OPENED.**

Bob Kubichek, LBA Realty, noted that they have prepared a PowerPoint presentation which could be presented by their project architect, Mark Herman, should the Commission so desire. He added that they can answer questions at the end of the presentation.

After informally consulting with the other Commissioners, Chair Olson indicated that they had sufficient information and that the presentation would not be necessary.

Commissioner Pentin indicated that he likes the project and has enough information to make a decision.

### **THE PUBLIC HEARING WAS CLOSED.**

Chair Olson advised that two motions would be made: the first to address the Mitigated Negative Declaration, and the second to address the PUD modification.

**Commissioner Blank moved to find that the proposed project will not have a significant environmental impact and that the Mitigated Negative Declaration is appropriate, and to recommend approval of the Initial Study and the Mitigated Negative Declaration.**

**Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.**

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: Commissioner Narum.**

Resolution No. PC-2010-27 recommending approval of the Initial Study and the Mitigated Negative Declaration was entered and adopted as motioned.

**Commissioner Blank moved to make the PUD Development Plan Findings as stated in the staff report and to recommend approval of Case PUD 80-16-13M, subject to the Conditions of Approval as shown in Exhibit A of the staff report, with the following modifications: (1) Modify Condition No. 26 to require additional building detailing on the west building elevation for visual interest and to relieve the flat appearance of the elevation; and (2) Modify Condition No. 31 to require that the height of storage containers be lower than that of the perimeter service yard fence to completely screen the storage containers, as approved by the Director of Community Development.**

**Commissioner Pentin seconded the motion.**

**THE PUBLIC HEARING WAS RE-OPENED.**

Mr. Herman stated that the storage containers are clearly not part of the approval process but of the building permit process. He indicated that some horizontal storage units are planned below the fence lines, but there will be some vertical storage tanks that will be taller than a fence. He indicated that the fence will be one that the community would accept and suggested that instead of a having blanket statement at this time, Building and Planning staff be provided the ability to determine at the building permit stage what the best solution might be.

Commissioner Pentin supported this suggestion. He indicated, however, that he was more concerned about the storage containers of various sizes and heights and would like to have staff work this out as they are part of the layout of the use of the building.

Mr. Pavan suggested that Condition No. 31 be modified to state that storage containers will be lower than the height of the fence to minimize the visual impact of the equipment, at the discretion of the Director of Community Development.

Commissioners Blank and Pentin accepted the amendment.

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.**

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: Commissioner Narum.**

Resolution No. PC-2010-28 recommending approval of Case PUD-80-16-13M was entered and adopted as motioned.