

RESOLUTION NO. PC-2020-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING APPLICATIONS FOR A CONDITIONAL USE PERMIT (CUP) AND DESIGN REVIEW (DR) LOCATED AT 4210 ROSEWOOD DRIVE, AS FILED UNDER CASE NOS. P20-0623 AND P20-0624

WHEREAS, on June 24, 2020, Gabriela Marks of Marks Architects, Inc. on behalf of Jinglebells, LLC (“Applicant”) applied for Conditional Use Permit (CUP) and Design Review (DR) approvals to demolish an existing oil change facility and construct an approximately 2,053-square-foot freestanding Taco Bell drive-through restaurant and related site improvements on “Pad B” within Phase III of the Rose Pavilion Shopping Center at 4210 Rosewood Drive; and

WHEREAS, zoning for the property is PUD-C (Planned Unit Development – Commercial) District; and

WHEREAS, drive-through restaurant uses are a conditionally permitted use in the subject District, and require Planning Commission approval of a CUP; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, New Construction or Conversion of Small Structures; and

WHEREAS, on September 9, 2020, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from the applicant and interested parties; and

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written agenda reports and all public comment and testimony:

Section 1: Findings for Conditional Use Permit Approval (P20-0623)

With respect to the approval of the Conditional Use Permit application, P20-0623, the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

- 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.**

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and ensure public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The other uses within the immediate vicinity are primarily commercial in nature and include other quick-serve and drive-

through food service uses; thus, the proposed drive-through restaurant would be compatible with these existing uses. The Planning Commission has previously approved other drive-through uses in similar commercial and larger format shopping centers, which, with very few exceptions operate without reported issues. Furthermore, the applicant has been operating an in-line Taco Bell store format across Rosewood Drive in Phase II of the Rose Pavilion Shopping Center for several years and no complaints have been reported to the City. As conditioned, the Planning Commission finds the proposed drive-through restaurant would be consistent with these objectives.

The subject site is zoned PUD-C District which permits a variety of commercial uses. Drive-through restaurant uses are in accordance with the purposes of the PUD-C District in that they offer quick-serve food services to the residents of Pleasanton and surrounding areas. As conditioned, the Planning Commission finds the proposed operation would be consistent with the PUD-C District.

- 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 use, as conditioned, would operate in accordance with the standards set forth in the General Plan, Municipal Code and the CUP conditions of approval with the specific intent to avoid and minimize adverse effects of uses such as drive-through restaurants on nearby uses. The drive-through restaurant is required to adhere to the City's Noise Ordinance, which was designed to protect the peace, health, safety, and welfare of the citizens of the City. Furthermore, if the operation of the drive-through restaurant results in conflicts pertaining to parking, noise, traffic/circulation or other factors, a condition of approval allows the Planning Commission to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures. As conditioned, the Planning Commission finds the project will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity.

- C. That 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 they may be located properly with respect to their effects on surrounding properties. The subject site's zoning conditionally permits the establishment of a drive-through restaurant. Granting a CUP for the drive-through restaurant would be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the Municipal Code. In addition, the Planning Commission finds, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and will not detrimentally affect the surrounding properties and

uses. As with any CUP, this use can be suspended or revoked if the conditions are not met.

Section 2: Findings for Design Review Approval (P20-0624)

With respect to the approval of the Design Review application, P20-0624, the Planning Commission makes the following findings and determinations with respect to each of the criteria for approval of Design Review as required by Section 18.20.030 of the Pleasanton Municipal Code (PMC):

1. Preservation of the natural beauty of the City and the project site's relationship to it;
2. Appropriate relationship of the proposed building to its site, including transition with the streetscape, public view of the buildings, and scale of the buildings within its site and adjoining buildings;
3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings.
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

Not all nine of the Design Review criteria specified above are applicable to the project. The proposal consists of demolishing an existing oil change facility and constructing an approximately 2,053-square-foot freestanding Taco Bell drive-through restaurant and related site improvements on "Pad B" within Phase III of the Rose Pavilion Shopping Center at 4210 Rosewood Drive.

The proposed drive-through restaurant footprint is similar to the footprint of the existing oil change facility except the proposed restaurant has been shifted further to the interior of the shopping center and away from Rosewood Drive. The circulation pattern, parking access and orientation is generally similar except the drive aisle and parking spaces at

the east end of “Pad B” would be eliminated and/or modified to accommodate the drive-through queueing lane entrance and additional landscaping along the Rosewood Drive frontage. The other primary site layout change is the reorientation of the parking spaces on the north side of “Pad B” from 90 degree to parallel spaces. This change would not alter access or functionality of the parking spaces, associated drive aisle, or the adjacent tire repair shop.

The preliminary landscape plan includes a tree/plant palette of native and non-native species that are primarily drought tolerant and would enhance the streetscape along Rosewood Drive and within the interior of the shopping center, provide screening between the proposed restaurant and the adjoining properties and add accent colors to complement the proposed drive-through restaurant site and building design as a whole.

The drive-through restaurant design complements the new and recently implemented Rose Pavilion Shopping Center architecture and incorporates many of the same architectural elements and finishes including stacked stone and smooth finish plaster. The massing has been segmented by varying wall plane depths and recessed panels, varying roof heights, storefront and transom glass, material and color changes, horizontal and vertical score lines, stacked stone tower/column elements, metal awnings and accents, and vine trellises. Finish materials include smooth stucco, stacked stone, and typical storefront/transom glazing. Primary exterior colors are earthtone in nature including browns, tans, and grays.

Based on the details above, the Planning Commission finds the proposal to be positive and commensurate with the high-quality site, landscaping, and building design and finishes expected for new development within the City. Furthermore, the Planning Commission finds the proposal compatible with the surrounding buildings and development within the immediate vicinity of the project site.

Section 3: The Planning Commission hereby approves Case Nos. P20-0623 and P20-0624, the applications of Gabriela Marks of Marks Architects, Inc. on behalf of Jinglebells, LLC to demolish an existing oil change facility and construct an approximately 2,053-square-foot freestanding Taco Bell drive-through restaurant and related site improvements on “Pad B” within Phase III of the Rose Pavilion Shopping Center at 4210 Rosewood Drive, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 4: This resolution shall become effective immediately upon its passage and adoption.


PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on September 9, 2020, by the following vote:

Ayes:	Commissioners Allen, Balch, Brown, O’Connor, Ritter
Noes:	None
Absent:	None
Abstain:	None

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ATTEST:



Melinda Denis
Secretary, Planning Commission

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Herb Ritter
Chair

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney