

Planning Commission Staff Report

March 11, 2009
Item 6. a.

- SUBJECT:** PDR-804/PCUP-233
- APPLICANT:** Tom Kubo/William Wood Architects
- PROPERTY OWNER:** Dan Yoon
- PURPOSE:** Applications for design review approval to construct an approximately 6,080 square foot building for Hana Japan Steak House and a conditional use permit to serve alcohol after 10:00 p.m.
Consideration of Negative Declaration.
- LOCATION:** 11991 Dublin Canyon Road
- GENERAL PLAN:** Retail/Highway/Service Commercial; Business and Professional Offices
- ZONING:** C-C (Central Commercial) District and PUD-O (Planned Unit Development –Office) District
- ATTACHMENTS**
1. Exhibit A-1-- Draft Conditions of Approval for PDR-804
 - Exhibit A-2-- Draft Conditions of Approval for PCUP-233
 2. Exhibit B -- Site Plan, Floor Plan, Elevations, Grading and Drainage Plan, Landscape Plan, and Colored Building Perspectives, dated "Received January 23, 2009"; Engeo Report, dated "Received, May 2, 2008", and Cotton, Shires & Associates Report, dated "Received, July 25, 2008"
 3. Exhibit C -- Initial Study and Negative Declaration
 4. Exhibit D -- CalTran's Dublin Canyon Road Construction Map
 5. Exhibit E -- Location Map
 6. Exhibit F -- Notification Map

BACKGROUND

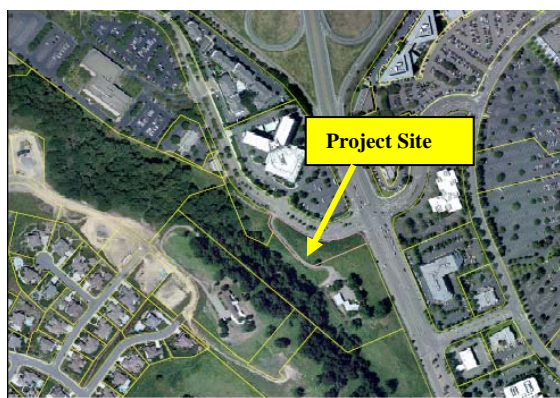
In August 2008, William Wood Architects, submitted an application for a design review approval to construct a 6,080 square foot restaurant. The project site is constrained by an embankment along Dublin Canyon Road and Foothill Road. The embankment is the result of grading and construction of Dublin Canyon Road.

The site had a previous approval by the Design Review Board (PUD-90-15) for an office building. The previous project analyzed the feasibility of constructing a larger two-story structure, approximately 13,300 square feet, within the flat area at the southerly boundary in the same location the proposed restaurant will occupy. The previous design also designed the site with multiple retaining walls along Foothill Road and Dublin Canyon Road similar to the proposed project.

This project is before the Planning Commission because it is a new commercial development requiring both design review approval and a conditional use permit to allow alcohol served after 10:00 p.m.

SITE DESCRIPTION

The site is located on the southwest corner of Foothill Road and Dublin Canyon Road. The Marriott Hotel is located north of the subject site, across Dublin Canyon Road, commercial/office buildings are located to the east across Foothill Road, a single family residence and the Kolb Ranch development is south, and an undeveloped parcel is located to the west. Adjacent to the undeveloped site are additional commercial office buildings.



The site is approximately 1.16-acres. It is an irregular-shaped parcel with an artificially created slope on the northern portion of the site created by the construction of Dublin Canyon Road. A paved driveway is located along the westerly boundary serving both the site as well as the

residential property to the immediate south. A concrete-ditch bisects the property east-west, and it also serves as a defining line separating the flat (southern) portion of the parcel from the sloped (northern) portion of the parcel.

The site is currently vacant with limited vegetation. It contains open grass-land across the site with one 10-inch diameter coast live oak tree located near the south property line.

PROJECT DESCRIPTION

The applicant proposes the following:

- Construct an approximately 6,080 square foot commercial building for restaurant use;
- Construct a parking lot area for 50 parking spaces;
- Construct a turn-around area for emergency vehicles at the boundary on the adjacent residential property;
- Reconfigure the width of the travel lanes on Dublin Canyon to provide a bicycle lane;
- Remove a portion of the median in Dublin Canyon Road to create a left-turn pocket for west bound traffic to enter the site;
- Restripe Foothill Road to provide a bicycle lane;
- Construct curb/gutter on Dublin Canyon Road;
- Plant new landscaping both on- and off-site;
- Dedicate a portion of the north and east property to the City for additional right-of-way.

The restaurant would be open from 11:30.m. – 11:00 p.m. A cocktail lounge/bar area would be adjacent to the dining area

ANALYSIS

General Plan and Zoning Land Use

The General Plan land use designation for the subject site is Retail/Highway/Service Commercial; Business and Professional Offices

The site is in the Central Commercial (C-C) zoning district which allows restaurants as a permitted use. The zoning district classifies an establishment that sells alcoholic beverages after 10:00 p.m. as a bar, therefore a conditional use permit is required. Staff has added a condition of approval requiring restaurant staff participate in a training program such as TIPS (Training for Intervention Procedures) that is designed to prevent patrons from intoxication, underage drinking, and drunk driving.

The proposed commercial use as a restaurant is consistent with the General Plan and zoning district regulations.

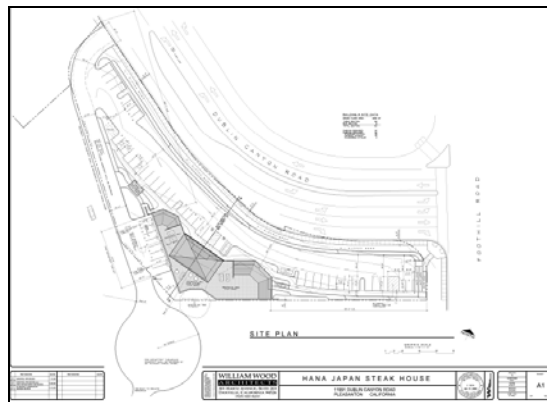
Development Standards and Site Design

The proposed development would follow the development standards of the C-C District. The C-C zoning district does not specify minimum yard setbacks distances.

The placement of the building along the rear property line decreases its impact on the streetscape and creates a less-imposing structure maximizing the opportunity to provide screening from street trees that will be planted as well as on-site parking area landscape materials. The terraced retaining walls and landscaping should also provide additional screening to soften the view of parked vehicles from the intersection of Dublin Canyon Road and Foothill Road.

Access/Parking

The entrance to the site is from an existing driveway on Dublin Canyon Road that would be modified to increase the width to 25 feet in width until it intersects the parking area entry. At the southern end of driveway, a 100-foot diameter turnaround would be constructed to provide for emergency vehicle maneuvering. This turnaround is currently proposed on the adjoining residential property, also owned by the applicant. The applicant would be required to grant an easement for the benefit of Hana Japan Steakhouse. A condition of approval is included to address this issue with a provision that the recordation of the easement would be concurrent with any future sale of the residential property. Additionally, this condition would be required as a disclosure on the residential property to future buyer(s)



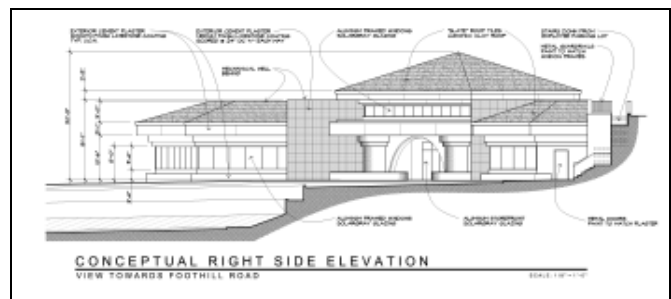
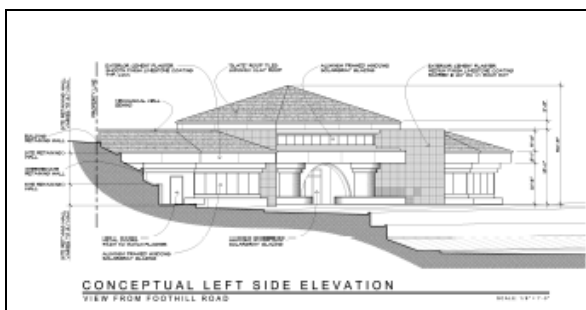
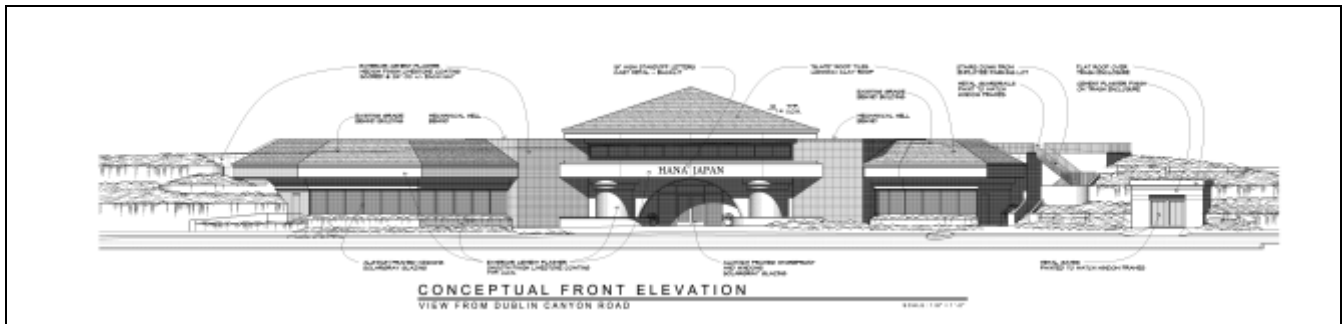
Two fire hydrants would be installed – one is to be located at the driveway entrance and the other would be near the end of the driveway. The applicant would be required to conduct a hydraulic study to ensure adequate water pressure is available. A condition of approval has been added to address this issue.

Pedestrian access to the site is provided by a sidewalk constructed on the roadway frontages. A separate pedestrian path is proposed located on the east end of the site for direct access to Foothill Road.

The required parking ratio is calculated as one space per three seats in a restaurant. The restaurant will seat 150 patrons thus providing a total of 50 parking spaces, which adequately meets the parking ratio. Parking would be located primarily in the front (north side) of the restaurant with eight spaces on south side of the building.

Building Design

The design of the building is contemporary and complements the surrounding area building styles. The building is divided visually into three separate elements. The two ends of the building are designed in a linear fashion, with full-length windows, and capped with a stucco fascia with a neutral color. The middle portion of the building presents a prominent arched entryway into the restaurant. It is defined by two rounded column elements to soften the building and provide an additional focus for the entryway. The columns would have glass tiles with water running down the columns into a pool at the bottom of each column. The arched entryway flanked by the two columns terminates into oval landscaped islands. The clearstory element above the entryway creates another central focal point.



The building design creates “three sections” which gives the structure varied depth and guide patrons into the building. The colors of the building are interesting but subtle and blend into the surrounding area.



Staff finds that design of the building has been thoroughly considered and professionally executed. It effectively utilizes the various materials and color scheme, giving the building a simple but solid appearance.

The building will be required to install a fire sprinkler system designed to the standards per the adopted Fire Code, or as required by the Livermore-Pleasanton Fire Department.

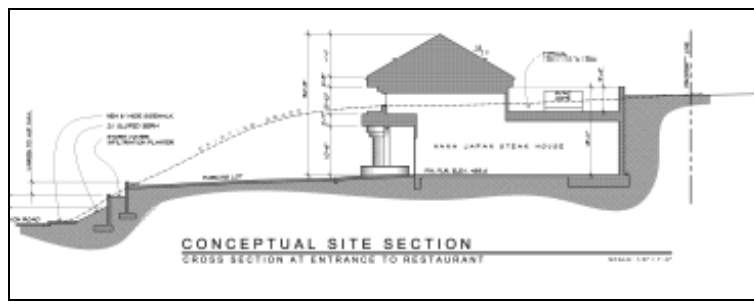
Landscaping

The landscaping design makes use of a variety of native plant species, interspersing them with a more typical urban landscape palette. London plane trees would be planted on the Dublin Canyon Road frontage layered with ground cover and small shrubs. More decorative plants such as Japanese maple, crape myrtle, ornamental plum, and ornamental pear, would be planted near the building to add accent and color. The planting palette consists of materials that are primarily low in water usage. Landscaping is also provided along the southern property line to the east of the building and on the Foothill Road frontage to enhance the site appearance.

Staff would like to note that portions of the landscaping site plan are slightly inconsistent with the site plan. Some of the planter areas are not shown on the landscaping plan yet shown on the site plan. Staff has added a condition of approval requiring that the landscaping plan to be consistent with the site plan and the grading plan.

Grading

Due to the steeply sloping hillside site, it is estimated that approximately 10,000 cubic yards of would be excavated to construct the proposed development. A preliminary grading plan indicated that retaining walls would be utilized along the sidewalk, at the edges of the parking lot, behind and to either side of the building. The retaining walls facing Dublin Canyon Road would be separated by four foot wide planter areas, which will lend a terraced appearance to the development softened by landscaping. The walls along the sidewalk and front edge of the parking lot would be designed to maintain an exposed height of no more than 4 feet 9 inches.



Traffic

The City's Traffic Engineer has reviewed the proposed use and determined that no traffic study is required for this proposal. According to ITE manual, the peak hour trips generated from this location would be 65 vehicles. The increase in trips, while contributing to the delay at the intersections, is insufficient to require additional mitigations. The intersection of Foothill Road and Dublin Canyon Road will require widening in the future, but again the increase in trips created by the proposed development is insufficient to require the developer to construct this mitigation. Similarly, the Foothill Road and I-580 interchange needs improvement. This improvement has been identified through future planned projects using traffic impact fees and would also be funded from the regional traffic impact fee. The regional and local traffic fees will be collected for this project to pay for their fair share of these future improvements.

In addition to the payment of the fee, the applicant is conditioned to complete the following to improve vehicular, bicycle and pedestrian circulation:

A Bicycle Lane on Dublin Canyon Road and Foothill Road: The City's Master Bicycle plan shows a bicycle lane on Dublin Canyon Road which continues onto Foothill Road from eastbound to southbound. The proposed development is required to connect to the existing bicycle lane on Dublin Canyon Road and Foothill Road.

The existing travel lane on the south side of Dublin Canyon Road would be reconfigured, in that the width of the travel lane would be reduced from the existing 13 feet to 11 feet. With the four feet gained from the lane width reconfiguration plus two-foot from the project site, a six-foot wide bicycle lane would be constructed as part of the proposed development.

Foothill Road currently has the required width to accommodate a bicycle lane. The applicant would be required to restripe the travel lanes on south-bound Foothill Road so that a bicycle lane would be created thus connecting to the existing bicycle lane south of Stoneridge Drive.

Staff has discussed the bicycle lane requirements with the applicant, who has agreed to implement these requirements. Staff has added conditions of approval requiring the specific reconfiguration plan be reviewed and approved by the Director of Community Development prior to the issuance of a building permit.

A Left-Turn Lane: To facilitate west-bound traffic and access to the project site, the applicant would be required to construct a left-turn lane at the project entrance by removing the existing median. The striping plan needs to be modified so that the left-turn lane would have a length of 80 feet for vehicle queueing. Staff has added a condition requiring that details of the left-turn lane plan be reviewed and approved by the Director of Community Development prior to the issuance of a building permit.

Geotechnical Investigation

A Geotechnical report was prepared in May 2008 by Engeo Incorporated for the proposed project. The report stated that the project site is located within the State of California Earthquake Fault Zone for the Calaveras Fault. Two fault traces were shown crossing the site. The Engeo report reviewed the proposed building and recommended that two building setback zones be established – one is a 50-foot wide setback zone from the east property line and the second one is a 25-foot wide zone from the west property line. The Engeo report stated the boring encountered “medium stiff to very stiff, sandy silty clay to depths between 4-5 feet below existing grade along the eastern flat upper portion of the site.”(page 4 of the report). At a depth of 20 feet, strong, moderately weathered conglomerate was found (page 4 of the report). The report concluded that the site is suitable for the proposed development with specific recommendations pertaining to earthwork, building pad preparation, site clearing, soil mitigation, and drainage.

The Engeo report was peer reviewed by Cotton, Shires & Associates, Inc. Cotton, Shires & Associates concurred with the findings and recommendations that the construction plan should be reviewed by the geotechnical consultant, and added a recommendation that the geotechnical consultant should be present during trenching and grading.

Staff has added condition of approval requiring adherence to the recommendations of the Engeo, Inc. report and Cotton, Shires & Associates peer review report.

Urban Stormwater Runoff Measures

The storm water control plan prepared by DeBolt Civil Engineering shows the treatment of on-site storm water. The landscaping area at the edge of the parking and the planting between the retaining walls fronting Dublin Canyon Road would be utilized as pre-treatment bio-swales.

In addition to the Standard Urban Stormwater Runoff Requirements for compliance with Alameda County NPDES Permit # CA5002983, the applicant would be required to comply with the Permit's Hydromodification requirements unless otherwise approved by the City Engineer. Staff has added a condition to address this issue.

Hill Area Development Restrictions - Measures PP and QQ

In the November 2008 general election, the Save Pleasanton's Hills and Housing Cap Initiative (Measure PP) was passed by Pleasanton voters. Measure PP prohibits both grading for, and the placement of, structures on hillside slopes of 25% or greater, or within 100 vertical feet of a ridgeline.

The proposed restaurant is a commercial structure planned for the property where portions of the existing slope are greater than 25%.

However, in review of the language and intent of Measure PP, and the unusual circumstances of this parcel, staff recommends that the Planning Commission determine that the project site is not subject these Measure PP hillside development restrictions for the following reasons:

1. The 25% slope is man-made. The project site existed prior to the construction of Dublin Canyon Road. It was of a boomerang shape. The original parcel included what is now Dublin Canyon Road. A slope easement, also in a boomerang shape, was located on the property parallel to the western property line. The widest area of this easement is approximately 100 feet. The original parcel had an average slope of approximately 10% based on the CalTran's plan (Exhibit D).

When Caltrans constructed Dublin Canyon Road in the mid 1970s, the slope easement was graded and the newly flattened area was dedicated as right-of-way for Dublin Canyon Road. A cut slope adjacent to Dublin Canyon Road is evident as a result of this roadway grading. Because of this road construction, the area immediately adjacent to Dublin Canyon Road, where the subject parcel is located, has areas with a man-made slope greater than 25%.

The Planning Commission is asked to consider whether the restrictions of Measure PP are intended to apply to this parcel, where portions have a man-made 25% slope, or if the project can proceed because the parcel was originally just an average 10% slope.

The stated purpose of Measure PP "is to protect our city from uncontrolled growth and the impact it has on ridgelines and hillsides..." with the specific intent to "direct development and development speculation away from lands with environmentally sensitive features, lands with primary open space values, and lands difficult to service by existing jurisdictions."

The proposed project site was graded and partly developed with Dublin Canyon Road in the 1970's, does not possess environmentally sensitive features, is not designated as open space, and is directly adjacent to a major street providing access to complete municipal services. Therefore, staff recommends that the Planning Commission determine that Measure PP's restrictions against development on slopes of 25% or greater do not apply to the subject property because the 25% slope was created by public road construction done over 30 years ago.

2. Restaurant on flat area of less than 25% slope & parking lot grading and structures not subject to restrictions. The restaurant building is proposed to be constructed in a knoll on the property which is relatively flat, and thus does not violate the restriction against structures on 25% or greater slopes.

However, the parking lot to serve the restaurant is to be constructed on a portion of the parcel where the man-made slope is greater than 25%.

The Planning Commission is asked to consider whether the restrictions of Measure PP are intended to apply to the proposed parking lot being built to support the restaurant.

Measure PP states that "structures shall not be placed on slopes of 25% or greater or within 100 feet of a ridgeline. No grading to construct a residential or commercial structure shall occur on hillside slopes of 25% or greater, or within 100 vertical feet of a ridgeline." Measure PP does not include a specific definition of "structure", nor does the General Plan.

To build the parking lot, the man-made 25% slope will need to be graded to allow for paving and drainage, and building permits issued for the light poles. The California Building Code (adopted by the City) broadly defines a structure as "that which is built or constructed." The Municipal Code defines a structure as "anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence or wall used as a fence if the height does not exceed six feet, or access drives or walks." (Municipal Code section 18.08.535.)

While staff acknowledges that the parking lot is being built to support the restaurant, staff recommends that the Planning Commission determine that Measure PP's grading restrictions do not apply to a parking lot, and that the limits on structures are inapplicable to the parking lot's light poles.

The Planning Commission is being asked to consider both the man-made nature of the 25% slope, as well as whether the parking lot is subject to Measure PP. If the Planning Commission concurs with staff's recommendation that the man-made 25% slope is exempt from the hill area development restrictions of Measure PP, the Planning Commission can choose not to address the issue of whether the parking lot is subject to Measure PP based on the grading needed to build the parking lot to support the restaurant or the light poles being structures themselves.

Also at the November 2008 election, voters adopted the Pleasanton Ridgelines Protection and Growth Control Initiative (Measure QQ). Staff recommends that the Planning Commission find that the proposed project is consistent with Measure QQ because it does not include development within an Open Space area as designated in the General Plan, nor does it compromise any scenic hillside or ridge views of the Pleasanton ridge due to its location at a lower elevation off of the already urbanized Dublin Canyon Road.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within 1,000-feet of the site. At the time this report was prepared, staff had not received any comments or concerns.

FINDINGS

A. 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.

Objectives of the zoning ordinance 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 use is an incidental service available for the restaurant patrons. As conditioned, the food service staff would be required to undergo a training program such as TIPS (Training for Intervention Procedures) that is designed to prevent intoxication, underage drinking, and drunk driving. Thus, staff believes this finding can be made.

B. 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 serving of alcoholic beverages has been conditioned to adhere to all requirements of the Alcohol and Beverage Control agency. A condition of approval has been added to allow the review and possible revocation of this use permit should there be any adverse impacts on the public health, safety, and general welfare.

C. The proposed conditional use will comply with each of the provisions of the Zoning Ordinance.

Based on the proposal and staff's analysis of this proposed use, staff believes that granting a conditional use permit to the proposed use would be consistent with the City's ability to regulate zoning regulations. Therefore, staff believes that the third finding can be made.

ENVIRONMENTAL ASSESSMENT

A Negative Declaration has been prepared for this project. Based on the initial study, staff has determined that approval of Case No. PDR-804 would not have any significant adverse effects on the environment. As a result, the Negative Declaration can be issued in conformance with the California Environmental quality Act (CEQA). If the Planning Commission concurs with this environmental assessment, it must make the finding and adopt a resolution approving the Negative Declaration prior to approve the project.

CONCLUSION

The project, as conditioned, would be consistent with the General Plan, zoning and design review criteria and would provide an attractive design for the currently vacant corner at Dublin Canyon Road and Foothill Road. Considering its close proximity to the Stoneridge Mall, Interstate I-580/I-680, and the new BART station, the proposed development would be a suitable commercial establishment other surrounding uses

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Find that the proposed development would not have a significant effect on the environment and adopt the Negative Declaration;
2. Find that the proposed development conforms to the Pleasanton Municipal Code; therefore approve PDR-804, subject to the conditions in Exhibit "A-1".
3. Find that the findings for the conditional use permit can be made; therefore, approve PCUP-233, subject to the conditions in Exhibit "A-2".

Staff Planner: Jenny Soo, Associate Planner, 925.931.5615, or email at: jsoo@ci.pleasanton.ca.us