



PLANNING COMMISSION MINUTES

City Council Chamber
200 Old Bernal Avenue, Pleasanton, CA 94566

APPROVED

Wednesday, July 22, 2009

(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Regular Meeting of July 22, 2009, was called to order at 7:00 p.m. by Chair Pearce.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Julie Harryman, Assistant City Attorney; Donna Decker, Principal Planner; Michael Tassano, City Traffic Engineer; Jenny Soo, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Jennifer Pearce, Commissioners Phil Blank, Kathy Narum, Greg O'Connor, Arne Olson, and Jerry Pentin

Commissioners Absent: None.

2. APPROVAL OF MINUTES

a. June 24, 2009

Commissioner Blank referred to the phrase "and that it is a requirement" in the last paragraph of page 6 and stated that he thought Mr. Bocian had indicated that the condition stating the Hendrick property was outside of the City of Livermore's designated Airport Protection Area was cut and pasted from another document and that it would be corrected because it was not accurate. He requested staff to check the tape for verification.

Chair Pearce requested that the phrase "at night" at the end of the sentence in the last paragraph on page 15 be deleted.

Commissioner Olson referred to the last sentence of the second full paragraph on page 11 and inquired if “40 feet in diameter” actually referred to the circumference.

Mr. Dolan clarified that it referred to the diameter of the tree’s canopy.

Commissioner Olson requested that “Commissioner O’Connor” in the last paragraph on page 11 be replaced with “Commissioner Olson” as he was the one who spoke at that time.

Commissioner Narum moved to approve the Minutes of June 24, 2009, as amended.

Commissioner Blank seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

The Minutes of the June 24, 2009 meeting were approved as motioned.

b. July 8, 2009

Commissioner Blank referred to the first sentence of the last paragraph on page 8 and requested that it be modified for clarification as follows: “Commissioner Narum noted that when she left the Parks and Recreation Commission,....”

Commissioner Blank noted that Childcare is a very difficult subject to handle and commended staff for a well-written Minutes which captured the spirit of the Commission’s discussion.

Commissioner Narum moved to approve the Minutes of July 8, 2009, as amended.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

The Minutes of the July 12, 2009 meeting were approved as motioned.

3. **MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA**

There were no public comments.

4. **REVISIONS AND OMISSIONS TO THE AGENDA**

Donna Decker advised that Item 5.a. PRZ-41, PUD Code Amendment and Item 5.c., PDAM-2, Ken and Pamela Chrisman, are continued to August 12, 2009; however, staff needs to confirm whether all parties for Item 5.c are available on that date.

5. **CONSENT CALENDAR**

a. **PRZ-41, City of Pleasanton**

Review and consideration of amendments to Section 18.68 and various related sections of the Pleasanton Municipal Code regarding the PUD Planned Unit Development District.

This item was continued to August 12, 2009.

b. **PCUP-244, Paul Rubio, Box-R-Cise Fitness Center**

Application for Conditional Use Permit to modify the previous approval for an existing fitness facility (PCUP-219) located at 1279 Quarry Lane in the Valley Business Park to add classes for children aged 7 to 14 years. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.

Commissioner Pentin requested clarification regarding the hours of operation on Saturday being 9:00 a.m. to 10:00 a.m.

Ms. Decker replied that the applicant would like an opportunity to extend the hours to either noon or until 3:30 p.m. She added that the Monday-through-Friday hours show 3:30 p.m. to 9:30 p.m., which does not allow for set-up and take-down time. She noted that staff typically allows one-half before and after the effective hours of operation for set-up and take-down and recommended that the Commission approve this change.

c. **PDAM-2, Ken and Pamela Chrisman**

Application to extend the Development Agreement for five years for the property located at 1944 Three Oaks Drive (formerly 1944 Vineyard Avenue), in the Vineyard Avenue Corridor Specific Plan Area. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

This item was continued to August 12, 2009, pending availability of concerned parties.

Commissioner Blank moved to approve Case PCUP-244, subject to the Conditions of Approval as listed in Exhibit A of the staff report, with the addition of the condition provided in the staff memo dated July 22, 2009 regarding sign-in and sign-out requirements; the extension of Saturday hours of operation from 9:00 a.m.-10:00 a.m. to 9:00 a.m.-3:30 p.m.; and allowing 45 minutes before and after the stated hours of operation on Monday through Friday for set-up and take-down purposes.

Commissioner Narum seconded the motion.

Commissioner Narum inquired whether the applicant was comfortable with the maximum number of 16 children.

Ms. Decker said yes. She added that the applicant's consideration and discussions with staff have been to ensure that parking can support that number. She noted that the applicant may reconsider and request additional participants in the future and would return to the Planning Commission for another modification.

Commissioner Narum noted that there is sufficient parking for a maximum of 16 children as the building is not fully occupied. She inquired if, in the event the applicant comes back in the future to request an increase in number of children, there would be sufficient parking should the vacancies be filled by that time.

Ms. Decker replied that if the vacant tenancies were filled and the applicant was allowed to have 20 students, there may be some conflict between businesses in terms of parking space availability. She stated that staff recommended that the applicant accept a maximum of 16 children at this time and that when the other businesses come to locate and operate, staff could analyze parking requirements and determine if there would be any parking space availability issues.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

Resolution No. PC-2009-23 approving PCUP-244 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

- a. PDR-849/PCUP-242, 99 Ranch Market
Application for Design Review approval and a Conditional Use Permit to modify the building façade and to operate a “99 Ranch Market” at 4299 Rosewood Drive. Zoning for the property is C-C (Central Commercial) District.

Before making the presentation, Jenny Soo stated that the applicant for this project is 99 Ranch Market and not Centro Properties Group. She then presented the staff report and gave a brief overview of the background, layout, and key elements of the application.

Commissioner Blank inquired whether there was an automatic sprinkler system in the building.

Ms. Soo confirmed that there was.

Commissioner Pentin noted that Condition No. 5 and Condition No. 8 of Exhibit A-1 were identical and requested that Condition No. 8 be deleted.

Commissioner Narum referred to the traffic study, and inquired if staff takes into account approved but not necessarily operating uses such as the Fresh and Easy store.

Mr. Tassano replied that staff updates its model every six months and includes in the study all projects that have already been approved since staff knows those businesses would be there. He added that this is more practical than updating the model every time a new business is approved.

Commissioner Narum inquired if traffic would most likely get worse once the auto dealership moves out of its current location and another business locates there.

Mr. Tassano replied that auto malls are high traffic-generating so the odds are that traffic will be lowered. He added, however, that replacing it with a business such as a SuperTarget Store would definitely result in a higher traffic generation rate.

Commissioner Narum referred to the left-turn lane and inquired whether or not eliminating the ability to make a U-turn would help.

Mr. Tassano replied this would not be his first consideration. He stated that U-turn takes almost twice as long as a normal left turn and that about 30 percent to 40 percent of traffic makes a U-turn at that intersection, which slows down the length of time the left turn takes. He noted that there is a very short-term pocket at the next left turn into Rosewood Pavilion, and, therefore, if the City prohibited that U-Turn, drivers would have to go onto Rosewood Drive and then make a left into the development. He added that there is not much stacking at that location and that this would not be his first solution.

Commissioner Narum stated that conceivably, if the Commission approves the project and it is clear there is an issue at that intersection, a solution would be for a no right turn on red.

Mr. Tassano stated that was correct but that his preference would be to resurface the left-turn pocket to allow for more time.

Commissioner Blank inquired if the left-turn lane could be made longer.

Mr. Tassano said yes and added that the ideal situation would be to have a second left-turn lane.

Chair Pearce inquired if this was a possibility.

Mr. Tassano replied that it was, but the City would have to remove some landscaping. He noted that there is actually more congestion at noon time with people going to lunch at TGI Friday and other eateries in the area than at 5:00 p.m.

Commissioner O'Connor inquired, given a worst case scenario, who would bear the cost if the need for two left-turn lanes was identified at a later date.

Mr. Tassano replied that the City would pay for it because this is not included in the City's traffic impact fee. He added that the cost could be assigned to a new business coming into the area such as if a new development was brought in at the auto mall.

Commissioner Olson inquired what the hours of operation were.

Ms. Soo replied that the proposed hours of operation are 9:00 a.m. to 9:00 p.m. seven days a week. She added that this was in the current conditions but could be included.

Commissioner Olson noted a typographical error in Condition No. 16 and stated that it should read: "The project developer shall submit shopping cart corral details to the Director of Community Development...." He expressed concern that customers do not use corrals in all cases, leaving shopping carts all over the parking lot that later show up in nearby areas. He suggested that a condition be added that all carts be returned inside the store as part of the store's closing process.

Commissioner Blank inquired if this was a condition required of all shopping centers that utilize carts. He stated that he did not want to burden the applicant with something that others in the same business are not required to do.

Commissioner Pentin commented that given the cost of shopping carts, he was surprised that business owners do not lock them up at night.

Ms. Decker stated that a screened shopping cart corral is included in the site plan. She added that shopping center staff would typically remove the carts from the parking area and put them behind the screen wall and lock them up. She indicated that staff could add a condition that all shopping carts shall be put away or not left in the parking area.

Commissioner O'Connor noted that he did not find a prohibition of deliveries at the front of the store, even though there are roll-up doors in the back of the store. He stated that this can be dangerous if people try and maneuver around the trucks. He proposed that a condition be added to not allow deliveries in the front of the store.

THE PUBLIC HEARING WAS OPENED.

Chien Ho Lin, applicant, thanked staff for their detailed report and presentation as well as the opportunity to present their project to the Commission. He indicated that 99 Ranch Market has operated for 25 years and has grown to 30 stores in several states, with current projects in Houston, Texas and Concord, California. He then discussed the store's offerings and improvements of the image of their stores. He indicated that their most successful project is in Dublin and in Mountain View. He added that they have recently introduced accessory uses in their stores such as optometry and book store services, similar to what Safeway Stores and Costco have.

Mr. Lin stated that they are proposing exterior elevation improvements, new colors, finishes, trellises and landscaping. He requested the Commission to approve their project.

Commissioner Narum requested Mr. Lim to reply to the comments involving shopping carts.

Mr. Lin stated that they have a full-time staff to collect carts throughout the day; at the end of the day, shopping carts are corralled and pushed to the back of the building and locked up. He added that their normal business hours are from 9:00 a.m. to 9:00 p.m. and that they would like to request that these hours be extended to 10:00 p.m. during the summer.

Commissioner Pentin suggested that deliveries before 9:00 a.m. be allowed in front of the store. He noted that Raley's does that because they have more deliveries occurring at the back of the store.

THE PUBLIC HEARING WAS CLOSED.

Commissioners Blank moved to make the required conditional use findings for Case PCUP-242 as listed in the staff report, and to approve Case PCUP-242 and Case PDR-849, subject to the Conditions of Approval as listed in Exhibit A-1 and Exhibit B, respectively, with the following modifications to Exhibit A-1: (1) Delete Condition No. 8, which is a duplicate of Condition No. 5; (2) Modify Condition No. 4 to include language prohibiting store deliveries in front of the building during business hours; (3) Modify condition No. 5 to include language requiring that all shopping carts be retrieved and placed in the designated shopping cart storage area in front of the building; and (4) Add a new condition designating hours of operation as 9:00 a.m. – 10:00 p.m. seven days a week.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

Resolution No. PC-2009-24 approving PDR-849/PCUP-242 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

Photovoltaic System

Commissioner Blank indicated that he thought the Minutes captured the discussion on the costs to prep residential and commercial buildings for the installation of photovoltaic systems and requested staff to provide the Commission with a guideline of what these costs might be.

Mr. Dolan indicated that staff was currently working on compiling this information.

Comerica Bank on Main Street

Commissioner Olson reported that he visited the new Branch Manager of the Comerica Bank on Main Street, who indicated that he has a problem with the sun shining right into his office at sunset. He stated that the Manager is unable to occupy the office until the sun is sets behind the buildings across the street. Commissioner Olson stated that he suggested installing a shade, but the Manager indicated that he was not allowed to place a shade across the front window due to police concerns of not being able to see inside the building.

Commissioner Olson noted that Chase Bank across the street currently has shades and suggested that Comerica be allowed to install shades similar to that on the Division Street side which could then be pulled halfway down for a couple of hours until the sun is gone and then raised again. He added that the Manager had indicated that installation of awnings had been proposed but that the signage would have to be moved and that it was not clear either whether or not that would solve the problem. Commissioner Olson inquired if something could be done to resolve this matter.

Commissioner O'Connor noted that if the police would have to see inside Comerica Bank, they would have to be able to see inside Chase Bank as well, which uses shades. He suggested that there should be consistency.

Ms. Decker stated that the approval for Comerica was to allow awnings and canopies which were ready to be installed to help with the sunlight; however, there is a conflict because of the signage that has been mounted. She add that the connections for the signage have been modified and that as soon as that is fabricated and put up, the awnings will be installed. She indicated that she would follow-up with staff regarding window dressings on the inside and acknowledged that various businesses have them for the reasons mentioned.

Commissioner O'Connor acknowledged that the awnings were part of the design approval and that they would still go up. He suggested, however, that if once the awnings are up and there is a still a problem, staff review alternatives.

Commissioner Blank noted that the need for police having the ability to see inside the building was not discussed in any of the many meetings.

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

- a. Brief report on conferences, seminars, and meetings attended by Commission Members

12. ADJOURNMENT

Chair Pearce adjourned the Planning Commission meeting at 7:37 p.m.

Respectfully,

DONNA DECKER
Secretary