



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, March 25, 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 March 25, 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; Larissa Seto, Assistant City Attorney; Donna Decker, Principal Planner; Marion Pavan, Associate Planner; Steve Otto, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Jennifer Pearce, Commissioners Phil Blank, Anne Fox, Kathy Narum, and Arne Olson

Commissioners Absent: Commissioner Greg O'Connor

2. APPROVAL OF MINUTES

a. February 25, 2009

Commissioner Olson referred to the fourth full paragraph of page 26 and requested that a statement be added to indicate that the information had not yet, at that point in time, been provided to the Planning Commission.

Chair Pearce requested that the first sentence of the last paragraph on page 26 be modified to read as follows: "Chair Pearce stated that she cannot support the proposal because she thinks ~~the section~~ Section 66427.5 is much more limited in scope than has been discussed."

Commissioner Fox inquired whether the approval of the Minutes could be continued to later in the meeting in order to allow Commissioner O'Connor to provide his comments.

Mr. Dolan stated that he was not sure whether Commissioner O'Connor would be in attendance and noted that if the Planning Commission did not act on the Minutes tonight, it would preclude the City Council from having the final Minutes for PMCC-2.

Chair Pearce indicated that the approval of the February 25, 2009 Minutes would be deferred to the end of the meeting.

b. March 11, 2009

Commissioner Olson requested that the second sentence of the fourth paragraph be modified to read as follows: "He noted that it ~~appears~~ appeared to him that the Commission's legal history is consideration of Measures PP and QQ was like trying to ~~find out~~ determine what the framers meant when they wrote the Constitution."

Chair Pearce indicated that the approval of the March 11, 2009 Minutes would be deferred to the end of the meeting.

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 speakers.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Commissioner Narum requested that Item 6.a., UP-77-13, City of Pleasanton be continued and have staff work with members of the Lodge and the neighbors to clarify Condition No. 1 regarding what the City's permitted non-Lodge versus Lodge uses were. She voiced concern that the condition was narrowed down and its intention was not clear. She added that while this condition was being reviewed, members of the Lodge could initiate the sound study.

Commissioner Fox supported the continuance and stated that she had previously sent comments to staff requesting that it review the land use Conditional Use Permit (CUP) and make a list of Lodge-sponsored and non-Lodge-sponsored activities and conditions. She further requested that, if the item were continued, staff consider that St. Clare's Episcopal Church, as a state-licensed child care center, needs the parking lot and that activities in the parking lot must conform to requirements.

Commissioner Blank announced for the public's benefit that any Commissioner can continue an item one time to be scheduled to the next available meeting.

Chair Pearce inquired whether there was availability at an upcoming meeting schedule to hear the item.

Ms. Decker replied that that next available date would be April 22, 2009; however, it would depend on when the noise study would be completed, assuming the Lodge members agree to conduct the study.

Chair Pearce asked staff if the public hearing could be opened to receive testimony and then continued to a future meeting, leaving the public hearing open.

Ms. Decker said yes.

Commissioner Fox requested that staff go back to the Millers' letter and comments regarding their concerns about some of the conditions. She noted that one of the conditions staff recommended is that a study be conducted; however, she stated that typically a condition in a use permit would read like: "The noise and decibel levels shall not exceed "x" between the hours of "y" and "z." She suggested that the condition include a limitation in terms of noise decibel limits and that activities be limited to 10:00 p.m. on weeknights and 12:00 midnight on Fridays and Saturdays.

With respect to the use of the outdoor area, Commissioner Fox suggested that the conditions be the same as those approved for St. Clare's Episcopal Church when it went through the City process in 2005. She recommended that a moratorium be placed on Lodge activities so no activities similar to the "Naughty or Nice" event held a few months ago takes place until the matter returns to the Commission.

Commissioner Blank inquired whether or not the City could legally do this for an item that has been continued and has not yet been heard.

Mr. Dolan replied that the Commission can request but not direct staff to do things.

Chair Pearce suggested that staff contact the property owners to obtain their consensus regarding the requests.

Commissioner Fox stated that since the project is zoned as a CUP for private, non-commercial lodges and halls, any activity that includes commercial sales of tickets on the Internet would be grounds for revocation. She concluded that it would, therefore, be better for staff to clarify rules that classify businesses as commercial versus non-commercial.

Commissioner Blank stated that he did not disagree with Commissioner Fox but that he had a problem with the process, stating that the purpose of the hearing was to consider revoking the CUP. He added that he did not know if the Commission

should place a moratorium on the business or otherwise revoke the CUP, as there was supposed to be a hearing tonight.

Commissioner Fox agreed with Commissioner Narum's assessment that a noise study is necessary but did not believe a way to test this was by having another event.

Commissioner Narum stated that the noise consultant would most likely require another event there to get an accurate reading of the noise and how it bounces around off of the buildings and fences. She noted that she would not want to make a decision based on a simulated noise study.

Commissioner Blank inquired if staff contacted the Police Department to determine whether or not complaints had been received. Ms. Decker said yes and added that this information was included in the materials.

Commissioner Narum stated that her preference would be for an independent consultant to conduct the noise study, assuming that the Lodge agrees to do this. She noted that the study would affect how the Commission thinks about the north side of the property and what mitigations would be included in the use permit that the Commission finally approves.

Commissioner Olson voiced his support for continuance of the item.

Chair Pearce stated that the Commission would open the public hearing, receive comments, and continue the item as an open hearing to the next appropriate Commission date.

5. CONSENT CALENDAR

There were no items for consideration.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. UP-77-13, City of Pleasanton

Review and consider the revocation of UP-77-13, an approved Conditional Use Permit granted to the Pleasanton Lodge located at 3370 Hopyard Road. Zoning for the property is RM-2,500 (Multi-Family Residential) District.

THE PUBLIC HEARING WAS OPENED.

Reverend Ron Culmer, St. Clare's Episcopal Church, stated that his congregation sits adjacent to the Masonic Lodge and that they share the parking lot, which belongs to St. Clare's, through a Joint Use Agreement. He indicated that this issue is difficult for the leadership of St. Clare's because they like the Masons. He stated that St. Clare's has a pre-school as part of its property, and at times when the school

has maintenance problems, the Masons have always been accommodating and allow the school children to use their bathrooms and facilities. He noted that they generally get along very well; however, the problem arises whenever catered parties are held at the Lodge, and the Church ends up cleaning up alcohol bottles in their backyard and the parking lot the following day.

Rev. Culmer recounted that they had a pre-school Christmas program event planned for the evening that the Lodge was having the "Naughty or Nice" party and that the school had to cancel its program because the "Naughty or Nice" party had been posted on the Internet, and people were coming from all over. He stated that he is still hearing complaints from parents who are furious about the event being canceled.

Rev. Culmer stated that he is interested in having a good neighborly relationship again but that he was having some difficulty with some issues. He expressed concern about the noise level and stated that he had made calls to police when things have gotten out of hand. He requested that these particular types of parties never be allowed to take place at the Lodge in the future.

Fred Schwartz, Masonic Lodge Board President, stated that they will conduct the sound study but that he did not believe it would prove a lot because the re-creation of their one mistake would need to be made, and he indicated that there would never be another event of that type at the Lodge. With respect to Condition No. 1 of the Conditions of Approval, he stated that they typically rent out the facility for weddings and anniversary parties but do hold events such as art auctions or tool shows. He requested that the language be tightened for that condition.

As regards Condition No. 2, Mr. Schwartz stated that they agree to do the acoustical study; however, he believed spending any money for a professional consultant would be extremely costly and is not necessary. He indicated that, as an alternative, they had began discussions with a major building contractor who deals with noise-related issues in high rise structures and that they expect to have a proposal shortly, which they will share with the City. He noted that they have never been cited for any noise issues in the past. He added that they have been recognized as good neighbors since 1979, that they do not intrude on their neighbors' peace, and that by eliminating events as stipulated in Condition No. 1, the noise issues would be eliminated. He stated that they do not accept any claims from neighbors concerning excessive decibel readings due to the fact that they have not been provided with any background calculations that take into consideration the ambient noise from Hopyard Road at the time of each reading or any calibration data from the Radio Shack decibel meter was used.

Mr. Schwartz continued that they concur with Conditions Nos. 3 and 4. With regard to Condition No. 5, he stated that he did not believe St. Clare's should have veto power over any events at the Lodge; rather, they would continue to work closely with

Reverend Culmer, as they have done in the past, and ensure that everyone is apprised of scheduled events.

Mr. Schwartz concluded that they concur with Conditions Nos. 6 and 7 as well.

Kevin Keen, a 32-year member of the Masonic Lodge, stated that he believed it was important for the Commission to recognize that while the police took calls on numerous occasions, not once did they indicated that the Lodge was in violation of any noise ordinance. He stated that he has personally been present when an officer had visited the Lodge after a call was made. He added that the officers had indicated they must respond to these calls and agreed there was no problem. He clarified that this did not mean they have never had noise issues and agreed that the "Naughty and Nice" event was a problem.

Mr. Keen stated that the Masons are planning the Lodge's 30th Anniversary celebration this summer and had just spent \$25,000 replacing the air-conditioning units. He added that they have also invested money putting in grease traps, walk-ins and other improvements.

Mr. Schwartz stated that Lodge's calendar of events is available on-line to the public at "www.atastefulaffair.com/calendar." He indicated that it was important for them to do what is best for the City, that they want to get along with neighbors and the Church, and that there is no intention to hurt or bother anyone needlessly.

Craig Bell, Officer at Masonic Lodge and a Pleasanton resident, pointed out three factual mistakes in the staff report: (1) The caterer's name is "A Tasteful Affair" and not "A Tasteful Event"; (2) He respectfully questioned Mr. Miller's qualifications to measure decibels and the equipment he uses; and (3) The report states that 47 non-Lodge events have been held between January 2008 and 2009. Mr. Bell stated that they have had numerous events, both sponsored and not sponsored by the Lodge.

With reference to the Conditions of Approval, Mr. Bell stated that it needs to be crafted such that everybody concerned agrees to it, in language that is extremely specific and accounts for everything. With respect to a condition that "No events open to the public at large should be allowed," he stated that the Lodge is a polling place, which includes the public at large. He added that when St. Clare's underwent remodeling of its preschool last year, the school rented some space from the Lodge, and a fee is charged for the conduct of the school. With respect to the condition that "No advertising of a social event shall be allowed," he inquired if this was for non-Lodge-sponsored social event. He noted that the Lodge notifies all members via the Internet and U.S. Mail of their annual Children's Christmas Party and inquired if this would be deemed advertising. He indicated that he understood the concept behind the condition that "No alcohol shall be sold at any Lodge-sponsored event held at the Lodge" but questioned its practicality, citing the fact that many individuals rent halls and hire caterers in the City for weddings where alcohol is either served or

sold. As to the condition that "The use of the outdoor area should be concluded no later than 9:00 p.m.," he requested that this be extended to 10:00 p.m. for a Friday or Saturday night. As regards the Condition No. 5; he stated that the Lodge has events that are not scheduled within 30 days and cited, as an example, a memorial service for a recent death. Finally, he indicated that he did not support the Church having veto power over the Lodge's activities.

Kenneth Hamm stated that he is a new member of the Lodge and a member of the Valley Trails Homeowners Association. He indicated that they have all been good neighbors over the years. With respect to the noise, he stated that he regularly walks the Pleasanton Sports Park where there are softball games as late as 11:00 p.m. He noted that he can hear their cheers from his backyard, just like he hears the football games at Foothill High School. He indicated that he is also a member of the Good Guys Car Club, which will hold an event this weekend, and Hopyard Road can be quite loud when they are in town. He cited that noise from traffic, blaring radios, and events around Hopyard Road will always affect those who live close by. He added that he believed there were noise regulations and guidelines already in place for events held at the Senior Center, Veterans Hall, and Century House.

Michael Miller characterized the noise situation as starting in one place, creeping along, and ending some place else. He stated that he and his wife, Darlene, had spent a lot of time trying to understand the situation at the Lodge, why a good relationship with the Masons for so many years had deteriorated so dramatically in the last few years. He noted that looking at the Planning Commission and permitting process language for the building back in 1977, it appeared that the Masons wanted a building with some sort of commercial use that would generate noise and activity, and because it abuts right up against a residential area where residents would be impacted, the Masons agreed to keep all noise inside and not allow any outdoor activity. He added that at the ensuing Design Review Board hearing, the conditions of the building design approved by the Board indicated that no openings would be allowed on the north or west side of the building, and all activities were to focus on the south side, with noise to be contained from within.

Mr. Miller stated that the Lodge had been good neighbors for many years, until the building was changed three years ago and doors were installed on the north side of the building and landscaping added. He noted that it was at this point that he and his wife began hearing loud noise and seeing a lot of activity. He stated that at one time, their house began to shake and thump from a party at the Lodge where there were about 30 to 40 people and music was blasting, violating the noise ordinance.

Darlene Miller added that they felt the vibration with their doors and the Lodge's doors closed and with their heater on.

Mr. Miller continued that he also went to the farthest room of his house and closed all the doors inside the house to get away from the noise, and he felt the noise levels were far greater than those shown on police reports.

Mr. Miller stated that unfortunately, the Masons have not been good neighbors the past few years. He noted that there were parties at the Lodge on every weekend of June 2008. He indicated that their life has been impacted by these weekend parties and that this building was not intended for this kind of use. He invited the Commissioners to come by their home during one of these parties to experience what they are going through.

Mrs. Miller stated that the log she submitted of the Lodge parties was only for the second year because that was when she and her husband met with the Planning Commission, with the guidance of Connie Cox, the President of the Valley Trails Homeowners Association. She noted that they did not log the first year, but there were parties Friday night, all day Saturday, and Saturday night. She asked if the earlier speakers from the Lodge had attended any of the parties and believed that the speakers were making statements based upon non-personal experience.

Mrs. Miller stated that she was shocked by the statement made earlier that there had been only one bad event. She added that police had told her when they called to report the noise that they were told by the Masons that the property is commercially zoned and that they can operate until midnight. She indicated that she and her husband are very frustrated with the police and that there is confusion regarding the training of police and proper procedures to measure noise. She noted that the site is residentially zoned and that they could not operate until midnight.

Ms. Miller referred to another statement made that there are many nuisances in the area and stated that people are aware of the nuisance when they move next to a park. She noted that this is not the case here as this nuisance moved into the neighborhood.

Ms. Miller also voiced concern that there would be a conflict of interest to have a noise study that will be paid for and conducted by the Masons. She stated that she felt the neighbors are not being protected from what was approved in the original use permit. She noted that the Design Review Board report provide significant evidence that the property was originally meant for only one building – St. Clare's Episcopal Church. She continued that St. Clare's sold part of the property to the Masons, and the Commission at that time recognized that the second building was being squeezed into a property meant for only one building, and therefore was built too close to the neighbors. She added that as a result, the entire building design was approved with the intention of protecting the neighbors from noise. She noted that there are hundreds of yards between neighbors across the street, which is unlike their situation where they are literally feet away from the structure. She indicated that they would like to see the original use permit enforced and requested the Commission to do so.

Jeff Renholts stated that he lives right behind Foothill High School and knows what noise is. He addressed the Millers' statement that the Masons do not attend any of the functions and indicated that while they do not attend the functions, they are on the premises during the time that the event is going on to monitor activity and noise. He noted that several times during the course of the evening, he has walked the perimeter of the property, out to the fence line of neighbors, and in all cases, unless the doors are open, which are closed after 8:30 p.m. or 9:00 p.m. in deference to neighbors, one cannot tell whether there is anything going on in the premises that is any louder than street noise or music playing from somebody's family room in an adjacent house. He stated that if the noise is noticeable, they require the DJ to turn down the music to an acceptable level.

Mr. Renholts noted that up until a few years ago, there was no fence between Hopyard Road and the back street that abuts St. Clare's property. He added that there was a complete pass-through there as parkland, and while it was a buffer, it was an ideal place for people to gather. He stated that they would constantly find empty beer bottles and other bottles in the bushes on both their and St. Clare's properties; hence, the blame should not solely be on those using the Lodge.

There being no other speakers, Chair Pearce stated that the item would be continued to a future meeting, with the public hearing remaining open.

Mr. Dolan clarified that it was the intention of staff to have the noise study conducted by a noise professional at the City's direction and funded by the applicant, which would not cause any conflict of interest.

Commissioner Blank requested that staff provide larger, blown-up site drawings in order that the Commission can properly read them. He further asked that staff review the double door that was permitted but not finalized, as well as its legal standing.

Commissioner Fox referred to the January 18, 2009 police call under Exhibit H, noting that there were "600 kids in attendance with a line to get in" and inquired what type of occupancy the building had, the maximum number of occupants allowed, what the ingress and egress is, and where the line was out to the roadway. She noted that there were similar noise issues experienced in the past from Toby's Restaurant and the Marquee, which came to the Planning Commission and the City Council. She recalled that with Toby's, there was some discussion about soundproofing and automatic shutting doors. She requested that the Chief Building Official be involved in refining the condition regarding the noise attenuation and work in conjunction with the noise study consultant. She further requested that a representative from the Police Department be present when this comes back to the Planning Commission.

Chair Pearce continued the public hearing to a future Planning Commission meeting.

b. PSDR-388, Steve Peterson

Application for sign design review approval for a master sign program and new “Comerica Bank” tenant signage for a commercial building located at 600 Main Street. Zoning for the property is C-C (Central Commercial), Downtown Revitalization, Core Area Overlay District.

Commissioner Olson recused himself from participating on the item due to a conflict of interest.

Steve Otto presented the staff report and described the scope, layout, and key elements of the application.

Commissioner Blank inquired what the window signs would consist of and if the sign program includes signs mounted off the glass or large posters hanging six inches behind the glass.

Mr. Otto replied that the window signs would be vinyl letters and taped on the window. With respect to signs off or behind the glass, he stated that while they are not specifically included in the program but that they are considered as window signs and would need to conform to City regulations.

Commissioner Blank inquired if there would be any value in specifying that in the conditions to ensure compliance.

Mr. Otto replied that the Commission would have the ability to appeal any such signs that staff approves as in conformance to City regulations.

Commissioner Blank inquired what the process for over-the-counter sign approvals are and if the signs are limited to 25 percent of the window space. He further inquired if there were standards for colors and fonts and what would happen if the logos included offensive or loud colors.

Mr. Otto replied that 25 percent is correct, the colors are specified as either gold or white. He added that different colors are allowed for the logo as staff cannot require that the tenants change their logos.

Ms. Seto stated that there are various issues regarding the City's inability to tell people that they have to change their logo if they are in a designer color. She added that the City can limit the size of the logo but cannot tell companies their logo must look different than their registered trademark.

Commissioner Blank inquired if the Commission could prohibit window signs or indicate that no logo signs would be allowed to be placed in windows.

Ms. Seto and Mr. Otto both agreed that the Commission could do that.

Commissioner Fox referred to the orientation of the sign and inquired if it was mounted on the actual siding or was it hanging out perpendicular to the building. She further inquired why the City would allow some to have window signs on the second floor and others on the siding, noting that she believed the City would want to be consistent in terms of signage.

Mr. Otto replied that the overhang signs are mounted on the siding and the blade signs are perpendicular to the building. He added that the wall signs on the second floor were purely building identification signs.

Commissioner Narum inquired what the percentage of sign space would be for a 12-square-foot window.

Mr. Otto replied that the sign coverage cannot exceed 25 percent and that some of the window signs were approximately in the ten percent range.

Commissioner Narum inquired if the Sign Ordinance allows for every window to potentially have a window sign on it.

Mr. Otto replied that it potentially did. He explained that the Ordinance simply limits the actual size of a window sign for each window at no more than 25 percent and that there is a maximum square footage of signage in totality for the business property.

Commissioner Narum noted that as shown on the exhibits, every single window on the first floor could have a sign on it.

Mr. Otto clarified that there were also some signs that were not included in the drawings. He stated that in its first submittal, Comerica included four window signs as part of its proposal, but later decided it did not want to do window signs other than a small sign on the door.

Commissioner Fox stated that she did not recall the original Kolln Hardware building having a building identification sign on the second floor but possibly on the awning. She inquired if the sign on the second floor was in keeping with the architecture of the building.

Mr. Otto replied that he did not believe the Kolln Hardware building had a building identification sign but that there was a "Kolln Hardware" business sign located mid-level on the building on the Main Street elevation. He added that staff also does not believe placing the sign on the second floor would detract from the design or architecture of the building.

Mr. Otto then discussed the actual design, lettering, and placement of the Comerica Bank signs. He noted that the applicants are also switching the locations of the ATM

and night deposit box, based on the plan the Commission had approved last September, which switch is supported by staff and subject to the Commission's approval.

Mr. Otto continued that staff has questions relating to the signs for the overhang and blade signs. He indicated that staff prefers the Master Sign Program design because it ties in better with the colors of the outer border and the oak leaves in the Master Sign Program. He presented pictures of how the signs could be changed, including modifying the shape from the logo's trapezoid to the Master Sign Program's oval.

Commissioner Narum referred to the window signs for Comerica Bank. She inquired if Comerica could place the logo sign on the second floor and if there would also be a hanging sign which would not exactly match the logo sign.

Mr. Otto said that was correct for both questions.

Commissioner Fox referred to the elevations and stated that it appears the building on the upper floor is symmetrical. She stated that having a three-foot by five-foot sign on the second floor seems to alter the balance of the symmetry and inquired if there was another location for the sign. She further inquired in the sign needed to be 15 feet by 5 feet, considering that it only includes the building's name.

Mr. Otto replied that staff felt what was being proposed was acceptable. With respect to symmetry, he noted that there is a narrower spot where the sign could be placed but which would require a reduction of the size of its lettering. He stated that he believed the applicants chose the second floor because the entire first floor is storefront windows and there is no location to put a sign there.

Commissioner Fox inquired if the building needed to have a sign. She further inquired if there was a location on the first floor where "Kolln Hardware" sign could be placed.

Mr. Otto replied that it was not necessary for the "Kolln Hardware" sign but that the applicant wanted to provide some historical reference to the old building name. He added that the owner will be putting a plaque that would serve as a historic landmark identification on a fire service door on the Division Street side of the building; the marker would indicate the building's age and some historical reference.

In response to Commissioner Blank's request for clarification if this would be a historical landmark rather than a sign, Mr. Otto confirmed that was the case.

Commissioner Pearce stated that it appears that the maximum total sign area allowed per tenant is one square foot per lineal foot of leasable frontage. She inquired if this cumulatively matched the proposal.

Mr. Otto replied that there is a note in the Program that states that while these signs may add up to more than the allowed area, they are limited to what the maximum total sign area is. He noted that in situations where the applicant got close to the limit, the size of the signs could be reduced in order to not exceed the limit.

THE PUBLIC HEARING WAS OPENED.

Steve Peterson, applicant, stated that he would allocate his time to the different representatives of the project. He then introduced Bradley Lancaster of CB Richard Ellis to present the item.

Mr. Lancaster thanked the Commission and staff for their review, requested the Commission to approve the Comerica Bank signs as shown in Exhibit A-2, with the exception of Condition No. 2.a. He stated that the Master Sign Program for the building has always recognized that a nationally recognized logo scheme was envisioned and that their intent from the beginning has been clear as to what they desired to see with respect to signage. He indicated that staff desires to retain some consistency in the building signage, and added that they believe the Comerica signage provides an appropriate level of consistency with the Master Sign Program while preserving the integrity of the Comerica Bank logo. He noted that there is consistency in the materials utilized in signs, the mounting details, and the lighting and that it provides a good balance between the staff's desires and Comerica's requirements for national brand recognition and consistency.

Mr. Lancaster stated that staff has also suggested a redesign of the Comerica signs to conform to the Master Sign Program and has provided an example. He emphasized that re-designing the signs degrades the Comerica brand and compromises the brand and Comerica's national logo, which is extremely important to them. He re-emphasized that the Comerica program complies with regulations and guidelines stated in the Downtown Revitalization District and Downtown Design Guidelines and is supported by the Pleasanton Downtown Association.

Commissioner Narum noted that this is the City's flagship building and that she was not comfortable with the potential amount of window signage across the front on the first floor. She inquired how important it was for Comerica Bank to put their logo on every single window.

Mr. Lancaster replied that they do not have an emotional attachment to window signs; however, they would like to use the sign program they had submitted to staff with respect to the two overhang signs on Main Street and Division Street and the cantilevered blade sign that runs perpendicular to Main Street on the north side of the building.

In response to Commissioner Narum's inquiry if painted window signs such as "3% Interest Rate on CD's" would be permitted, Mr. Otto said no. He noted that the sign program limits signage to the business name and logo.

Chair Pearce inquired if temporary signs would be allowed.

Ms. Decker replied that staff is looking at a Code amendment for temporary window signage, which has been under discussion by the Planning Commission for some time. She stated that the Commission may wish to clarify this point with this particular sign program as it is an issue that has arisen in the Downtown and other areas.

Commissioner Blank stated that if the trapezoidal logo sign could be made smaller, it would fit into the approved Master Sign Program signage without changing the logo.

Mr. Lancaster stated that they would like to preserve the integrity of the Comerica sign and compared it to putting a Ford sign into another shape.

Commissioner Blank noted that the logo presentation of the McDonald's restaurant on Mission Boulevard in Fremont, which is in a historic area, was significantly modified in order to fit into that district.

Commissioner Fox noted that the overhang sign on Division Street appears to be smaller than the one on Main Street, with the gooseneck lights located outside the perimeter of the sign. She inquired if this was the actual dimensions of the sign and if the elevation was accurate. She recalled that in 2003, the Commission had approved a sign for Jack in the Box, but the sign on the plan was not to scale, and the sign that were installed was a lot bigger than what was approved.

Mr. Otto replied that this sign is 9 feet, 3 inches long and that the sign program allows up to 12 feet. He then presented the actual construction detail which better represented the sign and showed the gooseneck lights to be within the sign length.

Mr. Lancaster agreed it was their intent to have the gooseneck lamps to be contained in the plane of the trapezoid and top dimensions of the sign.

Commissioner Fox inquired why signs on both the Main Street and the Division Street elevations were necessary. She stated that she believed one sign on Main Street would be sufficient and added that three signs, including the blade sign on the pedestrian level, is an overkill.

Mr. Lancaster stated that the signs are smaller than what they are allowed. With respect to the quantity and positioning of the signs, he explained that the blade signs are geared for pedestrian traffic, the sign on Division Street is for northbound traffic on Main Street, and the sign on Main Street is for southbound traffic on Main Street and also identifies their main entrance.

Mr. Otto agreed with Mr. Lancaster's statements, noting that one sign was located completely at the opposite end of the building or 50 feet away from the other sign.

Kevin Cornell, Comerica Bank, stated that the signage is the last phase of their project and that the logo's trapezoidal shape is a very integral part of their branding. He noted that taking it into another shape, as well as introducing other colors around it to preserve some of the green trim, cream color, and gold trim around it to exactly match the trim of the other signs in the building, seriously detracts from the integrity of their logo. He stated that they are complying with several of the aspects of the materials and that they are using indirect lighting which they believe is the correct application of lighting. He added that they have met the criteria on many levels and are asking for the exception on the stand alone shape for the three signs. He referred to the Pleasanton logo as a great representation of the City and questioned how the City would feel if someone suggested that it be modified to fit an established sign program.

Mr. Cornell emphasized that they have a strong brand reputation nationally and it is difficult to defer from their logo. He stated that they had referred to their sign program criteria from the beginning and that he had received no real feedback of any problem with that until very recently. He requested that they be granted this one exception in the Conditions of Approval.

Commissioner Blank asked Mr. Cornell if he would be amenable to a condition that would limit his signs to 9 feet, 3 inches as opposed to the 12 feet they are allowed by the Program.

Mr. Cornell replied that they would comply with the 9 feet, 3 inches size on their proposal. He added that this would also address Commissioner Fox's concern of having actual signs being larger than what was approved.

Commissioner Blank referred to the building size on page 3 of the staff report, noting that the Division Street side is shown as 60 feet, 6 inches and the Main Street side as 50 feet, 8 inches. He stated that when he looked at the elevations, it seemed that the effective size of the building as seen from Division Street starts from the ATM to the corner, and from his perspective, the effect of this is that the Division Street side of the bank looks narrower than the Main Street side, and the Division Street sign looks larger than the Main Street sign.

Mr. Otto confirmed that both signs were identical at 9 feet, 3 inches.

In response to Commissioner Blank's question regarding the distance from the corner of the street to just beyond the ATM, Mr. Otto replied that it was about 35-40 feet.

Commissioner Blank stated that he is very sensitive to the marketing aspect of signage. He added that he was supportive of the 9 feet, 3 inches sign and believed that the sign on Division Street was a bit too big given the perception size of the length of the area.

Commissioner Narum asked Mr. Cornell how important the window signs were to the Bank.

Mr. Cornell replied that they did not actually propose the window signs and said they quite commonly run a small stencil of about three inches with their logo at below eye level on windows. He stated that because of the styling criteria, it would not be something they would be interested in. Regarding window signs in general, he indicated that they do like to market through the windows and that they put marketing posters into tasteful, clear plastic holders which sit six feet off the window inside the glass, such as when they have a three percent CD rate. He added that staff had made a specific condition about window signage and it precludes them from doing this; however, they would like to be allowed to have an allowance for temporary signage for short-term marketing.

Commissioner Narum said she was supportive of the Comerica logo and is sensitive to marketing but voiced slight discomfort with every window potentially having signage on it.

Mr. Cornell stated that they were well under the maximum signage limit with three signs proposed today and would be open to a condition to restrict any additional window signage.

In response to Commissioner Fox's inquiry regarding the number of tenants proposed for the top floor, Mr. Otto replied that two tenants were proposed; however, any future tenant space could split into additional spaces. He added that if this were to occur, the owner would have to return to the Commission for additional signs for each of the tenants.

Commissioner Fox noted that the Pleasanton Hotel had tenants on the second floor, but she does not recall seeing any window signage on the second floor, except for occasional banners on the balconies for special events. She inquired how second-floor tenants of historical buildings along Main Street traditionally advertised their businesses.

Mr. Otto replied that the Pleasanton Hotel had a couple of directory signs for the second-floor tenants on the side and rear of their building. He stated that he did not believe there was a traditional approach Downtown and that each request is considered on a case-by-case basis. He added that some have window signs and other have wall signs. He noted that staff had a request a year ago by a tenant who wanted to have signs as well as a front directory sign.

Commissioner Fox inquired if the second-floor uses would be retail and, therefore, would need window signs.

Mr. Otto replied that retail could be located on the second floor; however, typically offices go on the second floor. He noted that second-floor businesses often like to

indicate who they are and where they are located. He reiterated that the proposal limits the amount of window signs and that the applicant had reduced it for the second floor.

Commissioner Fox referred to the side elevation and expressed concern with numerous signs, various types of fonts, colors, and logos. She inquired if the rest of the businesses could mirror signs similar to Comerica or historical-looking signs.

Commissioner Blank said the Commission could always prohibit the use of logos on the window signs.

Commissioner Fox referred to historical buildings in Boston, Chicago, and Philadelphia where there are retail businesses or shops that tend to have a historical sign as opposed to having a logo sign. She inquired if there was a way to indicate the need for consistency with each business's presentation so that there are not so many different signs.

Bud Cornett, property owner, mirrored comments of the representatives of Comerica Bank, which would be a tremendous addition to the building, given the current market and his three vacant spaces. He stated that he was in favor of Comerica's trapezoidal logo sign and that because of all of the other elements of lighting and materials, the signs would fit in very well. He suggested restricting the limits of the Master Sign Program to the side buildings. With respect to the second-floor signage, he indicated that he has always envisioned having gold signs with reflective black to provide a three-dimensional look. He added that these signs would not cover the entire window.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that he supported keeping the trapezoidal signs with the Comerica logo but would like to see the length of the sign on Division Street slightly reduced, possibly by ten percent, because the building profile is about 20 percent less. He suggested that a condition be added prohibiting temporary window signs.

Commissioner Fox concurred that Comerica should be able to keep their trapezoidal signs and corporate logo as it is the main tenant; however, she would like the identification sign in the front and on the second floor removed. She added that she would like the building ID sign on Division Street reduced in size and taken down from the second floor to the first floor. She suggested that the Commission look at the project as one building and asked that restrictions be placed on window signs. She indicated that she would like to limit window signage in front to two windows rather than all six windows. She stated that she wanted to ensure there is signage consistency on the side elevation, so as the building does not end up with varying sets of signs moving farther down Division Street, and that the signs have a historical nature.

Regarding the gooseneck lights, Commissioner Fox requested that there be no replication of the situation at the gas station on Bernal Avenue where signs could be seen from ten miles away because the light bulb was actually below the gooseneck. She indicated that she would like to limit temporary windows signage and that while she did not mind snowmen and holiday signage, she felt marketing CD's was not appropriate. She added that she would like the Master Sign Program to include a provision that signage for other tenants come before the Planning Commission for review and approval.

Commissioner Narum supported the Comerica logo and stated that she would like to restrict the Comerica signage to a maximum of three windows signs plus the doors. She agreed with not allowing temporary signs but was amenable to a three-month grand opening sign because the City wants them to be successful. She would not support removing the "Kolln Building" identification sign from the front or on the side as she believed this was important for the heritage of the town and thinks it is appropriate to have it on the second floor. She stated that she did not agree with Commissioner Blank that the Comerica sign on the side should be reduced as people should be able to see it as they drive by. She indicated that she would rather have this than a lot of signage on the windows. She also supported to limit the size of the signs to 9 feet, 3 inches.

Commissioner Narum stated that she supported the signs along the side on Division Street because they might be tough spaces to rent and keep occupied. She added that she did not believe the Commission should see every sign but supported Commission notification of Zoning Administrator sign approvals.

Chair Pearce inquired if these signs would be approved on the staff level or by the Zoning Administrator.

Mr. Otto replied that the City's guidelines for a comprehensive sign program allows for an over-the-counter approval rather than a Zoning Administrator approval. He indicated that if the Commission wished to be informed of these approvals, staff would have to craft a condition that states that the approval could be appealed by the Commission. He noted that this would delay the approval process for these signs.

Commissioner Fox clarified that she did not necessarily intend for a hearing to take place but rather that the Commission would have the ability to appeal.

Commissioner Narum stated that she would like to see the signs and have the ability to appeal.

In response to Chair Pearce's inquiry if this could be done, Ms. Decker replied that typically, if an appeal period is required, it would need to go through a Sign Design Review process. She noted that this would negate the purpose of a Master Sign Program, which is designed to give a tenant the ability to come in and receive a sign

permit over the counter. She added that staff does not ask for multiple copies of plans for an over-the-counter approval, and if the Commission is seeking a different process, staff would have to require that each sign to go through the Sign Design Review process.

Chair Pearce stated that she felt the alternative might be to tighten up the City's guidelines so that secondary tenant signs can be over-the-counter approvals.

Ms. Decker stated that currently, the program would allow any of the signs to fit into the shapes seen in the Master Sign Program but would allow the greatest flexibility for colors and fonts that the businesses use.

Commissioner Fox stated that she preferred that there be the ability for the Planning Commission to review signage and to appeal them as needed.

Ms. Decker clarified that these would be mean having the signs go through a Sign Design Review process.

Commissioner Narum inquired whether, in the event the Commission approves the Master Sign Program in some form and one of the buildings on Division Street puts up signage which is contrary to what the Commission thought it was approving, the Commission could modify the Program so that subsequent signs would have to return to the Commission.

Ms. Decker replied that the Commission could do that.

Commissioner Blank moved that the Planning Commission approve PSDR-388 subject to the conditions shown in Exhibit A-1 for the Master Sign Program and Exhibit A-2 for the Comerica Bank sign, with the following modifications:

Exhibit A-1: Master Sign Program:

- 1. Signage for secondary businesses shall not include logos.**

Exhibit A-2: Comerica Bank:

- 1. Condition No. 2.a. shall be deleted.**
- 2. The overhang trapezoidal signs shall be limited to 9 feet, 3 inches long**
- 3. Additional tenant signage shall be limited to three windows and one door.**
- 4. There shall be no other window or temporary signs except during the first three months following the opening of the bank.**

Commissioner Narum seconded the motion.

Commissioner Fox questioned the purpose of deleting Condition No. 2.a of Exhibit A-2.

Commissioner Blank clarified that the intent of the condition was to take the logo and make it look like oval.

Mr. Otto concurred and stated that if the Commission wants to allow Comerica to have their trapezoidal sign it should strike Condition 2.a. of Exhibit A-2.

Ms. Decker stated that the Comerica Bank signs are not in exact conformance to the shapes and sizes of the Master Sign Program. She asked if the Commission wanted to make an exception for Comerica Bank only where future tenants should then comply with the Master Sign Program or if this exception would apply to any future primary tenant who would want to propose signage of any shape or size.

Commissioner Blank stated that his intention was is only for Comerica Bank and that if another tenant comes in 20 years from now such as Bank of America or Wells Fargo Bank, he would like their signage to come before the Commission if it does not conform to the Master Sign Program.

Commissioner Narum agreed. She inquired if tenants who want logos would need to come before the Commission for a variance, assuming the Commission strikes the logo from the Master Sign Program.

Ms. Decker replied that the tenant would apply for Sign Design Review approval rather than a variance, which would be reviewed by the Zoning Administrator with an opportunity for the Commission to appeal. She added that if it was controversial, staff could bring it before the Planning Commission for review and approval.

Chair Pearce inquired if the logo included font, color, or size of print.

Ms. Decker replied that the limitation would be the actual shape of the sign, which is going to be established; the interior panel background color and font can be different for each tenant.

Chair Pearce stated that she would like to amend the motion to tighten up the color.

Commissioner Fox suggested keeping the colors in line with the color palette already in use, such as blue, green, gray, black, or brown.

Commissioner Blank proposed that a condition be added that the colors be "consistent with the color palette already in use."

Commissioner Narum stated that the City is trying to get businesses located in the building and she would hate to tell a corporation, such as Jamba Juice, that their logo or brand cannot be used.

Chair Pearce commented that a historical building should not look like a circus.

Commissioner Blank believed businesses would have to put their logo within the oval.

Commissioner Narum stated that she was more concerned with the color because it is a significant piece for the business.

Commissioner Fox stated that she believed an upgraded sign should be in place because this is a historical building.

Chair Pearce inquired what colors are in use for the frozen yogurt shop which just opened on the Division Street side.

Mr. Otto replied that he was not sure.

Commissioner Fox said if "The Country's Best Yogurt" (TCBY) located there, she would want a historical sign and not the neon classic red lettering.

Ms. Decker referred to the overhead and tenant signs and stated that the colors reflected the oak leaf and rim of the oval as set by the Master Sign Program. She pointed out that the oval inside the rim looks like a gray background with the blue, and the colors of the font could be any colors per the tenant. She stated that the Commission may wish to consider a compromise between that and suggested that the background color complement the colors proposed by the Master Sign Program.

Commissioner Blank suggested the following language: "Secondary tenant signs will have a background compatible with the existing Master Sign Program, with the font and color to be at the tenant's selection and landlord approval."

Commissioner Narum referred to the awning on page 20 of the staff report and asked if the logo would be gone unless the tenant returned for an exception through a Design Review.

Ms. Decker stated that the terminology of "secondary signage" was unclear because the blade signs where the awning sign is are not necessarily primary or secondary, and there is only one awning.

Commissioner Blank stated that the term "secondary" was intended to reflect the secondary tenants, assuming the primary tenant was Comerica Bank.

Ms. Decker requested clarification that with the exception of Comerica Bank, no logo would be allowed for any other signage.

THE PUBLIC HEARING WAS RE-OPENED.

Bud Cornett requested clarification regarding what the Commission's intention was for logo signs and it would be eliminated from the awning and the windows.

Commissioner Blank confirmed that the logo signs related to windows, awning, and blade signs. He explained that the Commission is not eliminating logos but requiring

that secondary signs that include logos be reviewed and approved by the Zoning Administrator as opposed to an over-the-counter approval.

Mr. Cornett that with a yogurt shop and two smaller buildings with only one entrance on Division Street, there would not be a lot of signs.

Commissioner Blank stated that if the tenants who want logos on their signs would have to come before the Commission.

Commissioner Narum clarified that logos would be approved by the Zoning Administrator, with copies of the approved sign provided to the Commissioners, who would have an opportunity to appeal the approval.

Mr. Cornett stated that wants aesthetic and tasteful signs, for which reason he is looking for high quality tenants. He indicated that his building in a perfect Downtown location and that he did not want to degrade or negate the building's historic value. He agreed with staff's review of a tenant's logo; however, he did not want a complete restriction of logo signs for tenants.

Commissioner Blank stated that the process would be like that of the golf course homes in the Happy Valley area, where copies of the approved plans are provided to the Commissioners, who could appeal the approval.

THE PUBLIC HEARING WAS CLOSED.

Chair Pearce inquired if the limit of three window signs applied to all windows on the ground floor and not just to those fronting Main Street.

Commissioner Narum stated that this is limited to Comerica's four windows across the front and one on the side. She added that they would still be limited to 25 percent but they can pick whichever three windows they want and the one door sign.

Commissioners Blank and Narum accepted the following modifications to the motion:

Exhibit A-1: Master Sign Program:

- 1. Any requests for logos for secondary businesses shall be processed as a Sign Design Review by the Zoning Administrator.**
- 2. The background color for all signage shall be muted and shall complement the colors of the approved Master Sign Program.**

Exhibit A-2: Comerica Bank:

- 1. The approved Comerica Bank signage shall apply only to Comerica Bank. Signage for any future primary tenant shall comply with the Master Sign Program.**

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum and Pearce.
NOES: Commissioner Fox.
ABSTAIN: None.
RECUSED: Commissioner Olson.
ABSENT: Commissioner O'Connor.

Resolution No. PC-2009-09 approving PSDR-388 was entered and adopted as motioned.

Commissioner Fox stated that somebody asked her why there were so many banks Downtown. She indicated that she found out in 1973 that the City passed an ordinance requiring banks to open a branch in the Downtown before it could open a branch anywhere in town. She noted that this was the case until the mid-1980's when the ordinance was revised requiring the presence of eight banks Downtown.

Chair Pearce called for a five-minute break at 9:15 p.m., and reconvened the regular meeting at 9:20 p.m.

Commissioner Fox left the meeting at this point.

Commissioner Olson returned to the dais.

- c. PUD-84-21-4M, Braddock & Logan
Application for a PUD major modification to add 12 new apartment units in three buildings and miscellaneous site modifications at the Civic Square apartments located at 4800 Bernal Avenue. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.**

Mr. Pavan presented the staff report and described the scope, layout, and key elements of the application. He noted that the numbering of the Staff Recommendation on page 12 should read "1." and "2." instead of "1." and "3."

Commissioner Narum disclosed that she met with Mr. Byde at the site. Commissioners Blank and Olson also noted that they visited the project site.

Commissioner Blank inquired whether projects like this are required to be wired for photovoltaics.

Mr. Pavan replied that the project includes a solar water heater for the pool. He noted that when staff reviewed the project, given the amount of roof area potentially available in a southeasterly to southwesterly orientation, it was determined that the project would most likely not realize a significant return in total kilowatts based upon the cost to install it. He added that should the Commission believe it should be in

place, staff would require that the applicant add conduit, pull strings, location for the inverter, and roof systems needed to be designed to handle an additional five-pounds-per-square-foot load above whatever the project is designed for.

Chair Pearce complimented staff on the Conditions of Approval and stated that having two separate sections for the project specific conditions and the standard conditions was helpful to her. She acknowledged that affordable units would not be concentrated in the building and inquired if any would be incorporated into the new building.

Mr. Pavan replied that families must qualify for moderate or low-income status and could move either into the new or existing buildings, based upon the availability of a vacant unit.

THE PUBLIC HEARING WAS OPENED.

Andy Bye, Braddock and Logan, reported that a number of years ago, a space study and needs assessment was prepared for the site. He stated that it was determined that the small gym, which is co-shared with the administrative leasing office, was somewhat chaotic and residents and leasing agents indicated a strong desire to have separate facilities. He added that the area was expanded and turned into a separate tenant-only gym, and a separate facility only for leasing staff was created. He stated that it was also determined that the tennis court had been a nuisance as it has had an on-going need for repair and has not experienced much use.

Mr. Bye stated that there has always been a high demand for the complex, currently at 96 percent occupancy, which is the main purpose for the application to add units and improve on-site facilities. He confirmed that affordable units will not be concentrated in any one location. He also reported that prior to submitting their application, they conducted a survey for residents in March of 2008, and the residents were overwhelmingly supportive of the project with 185 pro, 3 opposed, and 58 indifferent, 16 vacant units. He stated that they believe the project is unique as it will cause little disruption to residents and will enhance onsite facilities and provide affordable housing.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that it was a great project.

Commission Narum indicated that she was favorably impressed, particularly with the amenities for the tenants.

Commissioner Olson agreed with Mr. Bye and stated that this would be a win-win situation.

Chair Pearce stated that this was a good project.

Commissioner Blank moved to find that the proposed PUD Development Plan modification conforms to the applicable goals and policies of the Pleasanton General Plan, to make PUD Development Plan Findings 1 through 6 stated in the Planning Commission staff report, and to recommend approval of Case PUD-84-21-04M to the City Council, subject to the Conditions of Approval listed in Exhibit A of the staff report.

Commissioner Narum seconded the motion.

ROLL CALL VOTE:

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Fox and O'Connor.

Resolution No. PC-2009-10 recommending approval for PUD-84-21-04M was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Stop Sign on Kottinger Drive

Commissioner Blank reported the installation of a new stop sign on Kottinger Drive, which is located behind a tree. He expressed concern about the sign's location as a vehicular safety issue as it could not be seen by drivers.

Mr. Dolan indicated that he would follow-up on the matter.

Comerica Bank Building Modifications

Chair Pearce inquired whether the Planning Commissioners would be amenable to agendizing building modifications for Comerica Bank under Consent Calendar versus Public Hearing, noting that if there were a need to discuss it, the item could be removed.

The Commissioners unanimously agreed.

APPROVAL OF MINUTES

a. February 25, 2009

Commissioner Narum moved to approve the February 25, 2009 Minutes, as amended.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Narum, Olson, and Pearce.

NOES: None.

ABSTAIN: Commissioner Blank.

RECUSED: None.

ABSENT: Commissioners Fox and O'Connor.

b. March 11, 2009

Commissioner Blank moved to approve the March 11, 2009 Minutes, as amended.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioners Fox and O'Connor.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

PMCC-2, Vineyard Villa Mobile Home Park

Chair Pearce inquired what the status of the Vineyard Villa Mobile Home Park matter was.

Mr. Dolan replied that the matter had been appealed and would be heard by the City Council at its next meeting.

PDR-804/PCUP-233, Hana Japan

Commissioner Blank noted that the Hana Japan project had not been appealed to date.

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 9:42 p.m.

Respectfully,

DONNA DECKER
Secretary