



Planning Commissioners Present: Krista Bernasconi, Gordon Hinkle, Julie Hirota, Bruce Houdesheldt, Charles Krafka, David Larson, Joseph McCaslin

Planning Commissioners Absent:

Staff Present: Kevin Payne, Development Services Director
Chris Burrows, Planning Manager
Gina McColl, Associate Planner
Tricia Stewart, Associate Planner
Wayne Wiley, Associate Planner
Ron Miller, Associate Planner
Chris Kraft, Engineering Manager
Robert Schmitt, Assistant City Attorney
Carmen Bertola, Recording Secretary

WELCOME 7:00pm

PLEDGE OF ALLEGIANCE - Led by Commissioner Krafka

ORAL COMMUNICATIONS None.

CONSENT CALENDAR

Chair Hinkle asked if anyone wished to remove any of the items from the Consent Calendar for discussion.

Chair Hinkle asked for a motion to approve the CONSENT CALENDAR as listed below:

IV-A. MINUTES OF AUGUST 8, 2013.

MOTION

Commissioner Houdesheldt made the motion, which was seconded by Commissioner McCaslin, to approve the Consent Calendar as submitted.

The motion passed with the following vote:

Ayes: Houdesheldt, McCaslin, Krafka, Larson

Noes:

Abstain: Bernasconi, Hirota, Hinkle

Commissioner Bernasconi, Commissioner Hirota, and Commissioner Hinkle abstained from approving the minutes of August 8, 2013 due to their absence from the meeting.

NEW BUSINESS

Commissioner Bernasconi recused herself from the public hearing of Item V-A due to a conflict of interest, as she leases an office suite from the Applicant and Owner.

V-A. CONDITIONAL USE PERMIT – SAMMY’S ROCKIN ISLAND BAR & GRILL – 238 VERNON STREET FILE# 2013PL-045 (CUP-000088). The applicant requests approval of a Conditional Use Permit to allow live music and dancing within the existing restaurant Sammy’s Rockin Island Bar & Grill. Applicant: Innova Vernon Street, Jon Yip. Property Owner: KMS Vernon Street, Stephen Pease. (McColl)

Associate Planner, Gina McColl, presented the staff report and responded to questions.

Chair Hinkle opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Jon Yip, Innova Vernon Street, addressed the Commission and responded to questions. He stated that he had received a copy of the staff report and was in agreement with staff’s recommendations.

Public Comment:

- None

Commission Discussion:

- Thanked staff for including the entertainment and public uses of the Historic District, Vernon Street, and Downtown areas in the presentation.

Chair Hinkle temporarily closed the public hearing and asked for a motion.

MOTION

Commissioner Houdesheldt made the motion, which was seconded by Commissioner Larson, to Adopt the three (3) findings of fact for the Conditional Use Permit; and Approve the Conditional Use Permit subject to eight (8) conditions of approval as submitted in the staff report.

The motion passed with the following vote:

Ayes: Houdesheldt, Larson, McCaslin, Krafka, Hirota, Hinkle

Noes:

Abstain:

Commissioner Bernasconi returned to the dais.

V-B. REZONE, GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, DESIGN REVIEW PERMIT FOR RESIDENTIAL SUBDIVISION, TENTATIVE SUBDIVISION MAPS & TREE PERMIT - NERSP PCL 15 LOTS 10-14 TAYLOR MORRISON HOMES – 591 N. SUNRISE AV. - FILE# 2012PL-085 (RZ-000062, GPA-000065, SPA-000047, DRP-0000461, SUB-000164, SUB-000165, TP-000135). The project applicant requests approval of the following entitlements: a Rezone, General Plan Amendment, and Specific Plan Amendment to change the zoning and land use designation on the park site (Lot 10a) to slightly reconfigure the boundaries, allow for 6.34 acres to be changed from Attached Housing and Medium Density Residential to Open Space, and to correct the zoning and land use on the overlook lot (Lot 10b) The SPA will also allow for revisions to the Stone Point Master Plan to address the proposed project; a Design Review Permit for Residential Subdivision for site and unit design, development standards, architecture, and landscaping; a Tentative Subdivision Map for the large lot tentative map as it relates to the boundaries of large lots 10-14, merging existing lots 12 and 13 together, resulting in four residential lots, two park lots and four roadway lots; a Tentative Subdivision Map for a small lot tentative map to subdivide the large lot parcels into 186 residential lots and (four private street lots, four landscape corridor lots, three open space lots, two park lots and 12 HOA lots; and a Tree Permit to modify the existing tree permit to remove 10 protected native oak trees totaling 302 inches, six protected native oak trees with removal subject to field verification totaling 149 inches and

encroachment into the protected zone radius of 23 protected native oak trees. Applicant/Property Owner – Jay Pawlek, Taylor Morrison Homes of California. (Stewart)

Associate Planner, Tricia Stewart, presented the staff report and responded to questions.

Chair Hinkle opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Jay Pawlek, Taylor Morrison Homes of California, addressed the Commission and responded to questions. He stated that he had received a copy of the staff report and was in agreement with staff's recommendations.

Public Comment:

- None

Commission Discussion:

- Referring to exhibit L & K, one Commissioner asked Applicant to consider additional architectural features to the front elevations of the homes in Neighborhoods 2 and 3;
- Concern with limited parking in Neighborhoods 2 and 3;
- Commendation to Applicant and Staff for developing such a good and viable product;
- HOA responsibility for maintenance of front yards.

Chair Hinkle temporarily closed the public hearing and asked for a motion.

MOTION

Commissioner Bernasconi made the motion, which was seconded by Commissioner Larson, to Recommend the City Council adopt the applicable findings of fact and approve the Rezone, General Plan Amendment, and Specific Plan Amendment; Adopt the two (2) findings of fact for the Design Review Permit for Residential Subdivision; Approve the Design Review Permit for Residential Subdivision with thirty-five (35) conditions of approval; Adopt the three (3) findings of fact for the Tentative Subdivision Map (Large Lot); Approve the Tentative Subdivision Map (Large Lot) subject to seventy-six (76) conditions of approval; Adopt the three (3) findings of fact for the Tentative Subdivision Map (Small Lot); Approve the Tentative Subdivision Map (Small Lot) subject to seventy-nine (79) conditions of approval; Adopt the two (2) findings of fact for the Tree Permit; and Approve the Tree Permit subject to twenty-one (21) conditions of approval as submitted in the staff report and as modified below:

DRP-000461

13. The dedication of parkland (proposed future open space Lots (OS-1, OS-2, OS-3) and streetscapes) shall be deeded to the City through an Irrevocable Offer of Dedication (IOD). As a default, open space parcels shall be excluded from acceptance through the mapping approvals and completed as a separate deed process. (Parks, Development Services, Engineering)
 - a. For Open Space, the transfer of property shall occur once the overlook has been satisfactorily constructed, all mitigation measures met, all graded surfaces have been deemed complete and stabilized, Developer construction activity immediately surrounding the parcel, and implementation measures identified in the Overarching Open Space Management Plan have been completed and verified as complete by the Open Space Division of Parks & Recreation.
 - b. For streetscapes to be City-maintained, the lots shall be separate parcels and accepted through the standard Certificate of Compliance (COC) process for street improvements. The establishment period shall be complete at COC unless a letter of agreement outlining establishment responsibilities beyond the COC has been executed between the City and Developer. All HOA maintained landscaping shall be clearly identified on the landscape plans at time of plan approval. (Parks)

SUB-000164 (Large Lot Conditions)

34. c. Water and sewer mains shall not exceed a depth of 12' below finished grade, unless authorized in ~~these conditions~~ by the Environmental Utilities Department during plan review. (Environmental Utilities)
68. The dedication of parkland (proposed future open space Lots (OS-1, OS-2, OS-3) and streetscapes) shall be deeded to the City through an Irrevocable Offer of Dedication (IOD). As a default, open space parcels shall be excluded from acceptance through the mapping approvals and completed as a separate deed process. (Parks, Development Services, Engineering)
- a. For Open Space, the transfer of property shall occur once the overlook has been satisfactorily constructed, all mitigation measures met, all graded surfaces have been deemed complete and stabilized, Developer construction activity immediately surrounding the parcel, and implementation measures identified in the Overarching Open Space Management Plan have been completed and verified as complete by the Open Space Division of Parks & Recreation.
- b. For streetscapes to be City-maintained, the lots shall be separate parcels and accepted through the standard Certificate of Compliance (COC) process for street improvements. The establishment period shall be complete at COC unless a letter of agreement outlining establishment responsibilities beyond the COC has been executed between the City and Developer. All HOA maintained landscaping shall be clearly identified on the landscape plans at time of plan approval. (Parks)

SUB-000165 (Small Lot Conditions)

42. a. Water and sewer mains shall not exceed a depth of 12' below finished grade, unless authorized in ~~these conditions~~ by the Environmental Utilities Department during plan review. (Environmental Utilities)
59. f. Residents within Neighborhood 3 shall bring their refuse containers to the dedicated trash pickup areas as shown on the site plan on trash pickup day. Designated areas shall include a sign at each designated trash pickup area that states no parking permitted on a specific date/time. Language shall be to the satisfaction of the Environmental Utilities Department. (Refuse)
59. g. Parking within the driveway aprons of Neighborhoods 2 and 3 is prohibited. (Planning)

The motion passed with the following vote:

Ayes: Bernasconi, Larson, McCaslin, Krafka, Hirota, Houdesheldt, Hinkle

Noes:

Abstain:

V-C. ZONING ORDINANCE AMENDMENT, SPECIFIC PLAN AMENDMENT, CONDITIONAL USE PERMIT, AND DESIGN REVIEW PERMIT – LIFE TIME FITNESS – 1435 EAST ROSEVILLE PARKWAY – FILE #2012PL-103 (OA-000028, SPA-000048, CUP-000080 & DRP-000470). The applicant requests approval of an Ordinance Amendment to allow Outdoor Sports and Recreation as a conditionally permitted use in the Community Commercial zone; a Specific Plan Amendment to eliminate two parcel specific conditions; a Conditional Use Permit to allow outdoor recreation in the Community Commercial zone; and a Design Review Permit to allow the construction of a 120,000 square-foot fitness center with outdoor pool and 14 tennis courts, and associated site improvements. A Draft Environmental Impact Report (DEIR) has been prepared to address project related impacts. Applicant: Parham Javaheri, LTF Real Estate Company, Inc. Owner: Angelo G. Tsakopoulos, Tsakopoulos Investments, LLC. (Wiley)

Associate Planner, Wayne Wiley, presented the staff report and responded to questions.

Chair Hinkle opened the public hearing and invited comments from the applicant and/or audience.

Marcus J. LoDuca, LoDuca & Avdis, LLP, addressed the Commission on behalf of the Applicant and responded to questions. He stated that his clients had received a copy of the staff report and were in agreement with staff's recommendations.

Parham Javaheri, Lifetime Fitness Real Estate Company, Inc., addressed the Commission and responded to questions following his PowerPoint presentation.

Public Comment:

- Dale Staley, resident, expressed her displeasure at the prospect of this facility being built behind her home. She would prefer to have the facility moved to a different parcel in a more commercial area, not so near a residential area. Concerned that this facility will have a very negative impact on neighborhood quality of life.
- Jerry Novielli, resident in support of the project;
- Jeff Pehrson, resident in support of the facility,
- Terri Clark Dougan, resident in support of project. Lives directly adjacent. Would support indoor 24-hr operations.

Commission Discussion:

- Exploring extending hours of operation within the building to 24/7;
- Exploring possibly allowing outdoor swim meets and tennis tournaments;
- Compliments to Applicant for working so closely with surrounding residents and addressing their concerns;
- Compliments to Applicant for Energy Conservation features of project.

Chair Hinkle temporarily closed the public hearing and asked for a motion.

MOTION

Commissioner Larson made the motion, which was seconded by Commissioner Bernasconi, to Recommend that the City Council certify the Draft Environmental Impact Report; Recommend that the City Council approve the Ordinance Amendment; Recommend that the City Council adopt the one finding of fact and approve the Specific Plan Amendment; Recommend that the City Council adopt the three findings of fact and approve the Conditional Use Permit subject to six (6) Conditions of Approval; and Recommend that the City Council adopt the four findings of fact and approve the Design Review Permit subject to eighty-seven (87) Conditions of Approval as submitted in the staff report and as modified below.

DRP-000470 (recommend deleting condition #79 as it is similar to condition #29)

~~79. The right of way along East Roseville Parkway and Secret Ravine Parkway shall be obtained by the developer prior to approval of improvement plans. If the developer is unable to obtain the needed right of way, the City shall initiate condemnation proceedings pursuant to California Government Code Section 66462.5 at the developer's expense and the developer shall defend and hold the City harmless for any liability which may occur as a result of the condemnation. (Public Works)~~

The motion passed with the following vote:

Ayes: Larson, Bernasconi, McCaslin, Krafka, Hirota, Houdesheldt, Hinkle

Noes:

Abstain:

A resident asked to come to the podium to address the Commission following their motion for Recommendations to the City Council.

- Beverly Flores, resident, expressed her displeasure that the Commission's recommendations to City Council would include adjusting the hours of operation from the agreed upon 7am to 11pm to 24/7; and recommending allowing swim meets and tennis tournaments to occur with their associated public address systems and increased noise. She felt the Commission ignored the months of negotiations and efforts between the residents and Life Time Fitness by disregarding the achieved compromises to limit the business

hours of operation and not allow public address systems in the pool area (no swim meets); or in the tennis area (no tennis tournaments) in order to preserve the neighborhoods quality of life.

Applicant, Parham Javaheri, LTF Real Estate Company, Inc., addressed the Commission and stated that he would like to stay with what was already agreed upon between Lifetime Fitness and the surrounding community.

OLD BUSINESS

VI-A. APPEAL OF PLANNING DIRECTOR'S DECISION – 411 LINCOLN STREET - McRAE OPERA HOUSE - FILE # 2012PL-067 (APP-000003). The appellant is appealing a condition on an approved Minor Design Review Permit (MDRP) which states that occupancy of the proposed fence enclosure by patrons of the McCrae Opera House Saloon constitutes an expansion of an existing nightclub and is not permitted without approval of a Conditional Use Permit, per the City's Downtown Code. Appellant/Owner: Richard Ryan. (Miller) **THIS ITEM IS CONTINUED TO THE MEETING OF SEPTEMBER 12, 2013 PER APPLICANT REQUEST.**

REPORTS/COMMENTS/COMMISSION/STAFF

Chair Hinkle welcomed new Commissioner Krafka, and expressed his thanks to Sam Cannon for his many years of service on the Planning Commission.

VII-A. Election of Chair and Vice-Chair of the Planning Commission. (Continued from August 8, 2013)

Chair Hinkle called for a motion to nominate a Chair and Vice-Chair for Planning Commission.

MOTION

Commissioner Houdesheldt made the motion, which was seconded by Commissioner McCaslin, to nominate Commissioner Hinkle as the Chair of the Planning Commission and Commissioner Larson as Vice-Chair. This term expires June 30, 2014.

The motion passed with the following vote:

Ayes: Houdesheldt, McCaslin, Bernasconi, Krafka, Hirota, Larson, Hinkle

Noes:

Abstain:

VII-B. Election of Design Committee Representative and Alternate. (Continued from July 12, 2013)

Chair Hinkle called for a motion to nominate a Design Committee Representative and Alternate Member.

MOTION

Commissioner Houdesheldt made the motion, which was seconded by Commissioner Bernasconi to nominate Commissioner Larson as the Design Committee Representative and Commissioner Houdesheldt as the Alterante. This term expires June 30, 2014.

The motioned passed with the following vote:

Ayes: Houdesheldt, Bernasconi, McCaslin, Krafka, Hirota, Larson, Hinkle

Noes:

Abstain:

Reports from Staff

- Development Services Director, Kevin Payne, introduced himself and the newly created Development Services Department, which includes Permit Center; Building Division, Engineering – Land Development Division; Engineering – Special Projects/Long Range/Traffic Division; and Planning Division.

Commission Comments/Questions

- Update on transition to electronic packets;
- Concern with continued deterioration of former Jack in the Box building on Douglas Bl and Harding.

ADJOURNMENT

Chair Hinkle asked for a motion to adjourn the meeting.

MOTION

Commissioner Larson made the motion, which was seconded by Commissioner Bernasconi, to adjourn to the meeting of September 12, 2013. The motion passed unanimously at 9:10 PM.