



# City of Woodland

## REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR  
AND CITY COUNCIL

DATE: November 27, 2007

SUBJECT: Planning Commission  
Meeting Minutes October 4, 2007 and November 1, 2007

### **Report in Brief**

The Planning Commission meeting minutes of October 4, 2007 and November 1, 2007 are attached for the Council's review. No action is necessary on this item; the minutes are provided for the City Council's information.

Prepared by: Barry Munowitch, AICP  
Assistant City Manager

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Mark G. Deven  
City Manager

Attachment

**ACTION MINUTES  
CITY OF WOODLAND  
PLANNING COMMISSION  
THURSDAY, NOVEMBER 1, 2007**

VOTING MEMBERS PRESENT: Wurzel; Dote; Murray; Sanders; Barzo;  
Spesert

VOTING MEMBERS ABSENT: Gonzalez

STAFF MEMBERS PRESENT: Munowitch; Hanson; Stillman; McLeod;  
Norris

The meeting was called to order at 7:03 PM.

1. Approval of Minutes: None
2. Director's Report:
  - a. Development Services functions of the City have been reorganized. Public Works Development Services is now part of Community Development Department in order to look at business practices and improve operations.
  - b. The next Planning Commission meeting on 11/15/07 will be a study session (workshop) for the City Center Lofts project. Commissioners will discuss design, use, parking and downtown impact. Staff will then bring the project back to Planning Commission for a formal review at a later date.
  - c. The Planning Commission meetings for next two months are scheduled for 12/6/07, 12/20/07, 1/3/08 and 1/17/08. Staff will assess applications coming forward to determine need for meeting dates. Due to the holidays, staff requested a survey of the Commissioner's availability and preferences of these dates.
    - Commissioner Sanders: Not available on 12/20/07 or 1/3/08.
    - Commissioner Spesert: Not available on 12/20/07.
    - Commissioner Sanders: 1/3/08 is enough for a quorum.
  - d. Commissioner Barzo: Announced that Jack Mahan has passed away. Mr. Mahan was a City of Woodland Planning Commissioner for 4-6 years. Mr. Mahan was a contributor towards Springlake development and Springlake Specific Plan.
3. Public Comment: This is an opportunity for the public to speak to the Commission on any item other than those listed on the Agenda. The Chairman may impose a time limit on any speaker.
  - a. None.
4. Communication: Commission Statements and Requests: This is an opportunity for the Commission members to make comments and announcements to express concerns or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.

- Commissioner Wurzel: Met with Developers of City Center Lofts before the last Planning Commission meeting but did not make comment. There is a one-on-meeting scheduled with the developers (Neighborhood Partners) of the “Lot O project”. These are the Letter Lots within Reynen & Bardis Communities, the affordable housing component.
- Commissioner Murray: Would like to reintroduce Bed and Breakfasts. Thought that could bring up again or introduce within the city-wide plan.

5. Subcommittee Reports: None

PUBLIC HEARING

6. **Country Oaks Tentative Subdivision Map No. 4851.** Request for approval for a Tentative Subdivision Map and a Planned Development Conditional Use Permit to divide existing 5.65 acre parcel into thirty-eight (38) parcels at 1341 East Gum Avenue in the R-1/PD Zone.

Applicant/Owner:	Spare Time, Inc. (Larry Gilzean)
Environmental Document:	Mitigated Negative Declaration
Staff Contact:	Paul L. Hanson, AICP, Senior Planner
Recommend Action:	Conditional Approval

COMMENTS

- Paul Hanson: The staff report has been amended. A copy of the Environmental Checklist & Initial Study and Mitigation Monitoring Plan were provided to the Commissioners tonight. The map and not the design will be reviewed tonight. Reports will be prepared for the arbors, environmental report and traffic study. Condition #2 states that two-story homes will be allowed in the interior lots of the map.
- Commissioner Wurzel: What are the alterations to Lots 25 & 26?
- Paul Hanson: The map will expand to include the alley. The neighbors agreed to this change so the map will include the alley and fence line.
- Larry Gilzean, Spare Times Inc: Spare Time plans to sell off lots to developers. There will be no design review now as the developers will deal with design review.
- Brian Bonino, Civil Engineer: City utilities run through the alley. Water lines will be removed but the storm drain will remain.
- Commissioner Wurzel: The Conditional Use Permit is for 9 months and demolition only. Are the applicants prepared?
- Brian Bonino, Civil Engineer: The applicants agree with the City about demolition of the existing structures.
- Commissioner Wurzel: Was market analysis done? How long will the lot remain empty with the market the way it is now?
- Brian Bonino, Civil Engineer: No market analysis has been done.
- Commissioner Dote: Is the alley an easement for City and storm drain?

- Brian Bonino, Civil Engineer: The easement is fully contained within Country Oaks portion. The fence line would not.

#### PUBLIC COMMENTS

- Steve German, 1543 E. Gum Avenue: Requests one-story homes next to existing homes, keep the existing trees, change the chain-link-fences and provide pest control before demolition.
- Mel Thoma, 1345 E. Gum Avenue: Country Oaks is now in poor condition. Trees and weeds need to be kept under control.
- Art Williams, 1721 Lopes Court: The fencing is chain-link now. The trees hang into his yard. Vandalism continues to be an issue. He called regarding activity today as the site is dangerous. He hopes that the problems will not continue.
- Christine Shewmaker: Plant Biologist and Woodland Resident. Stated that greenhouse gases effect global warming. Hopes that greenhouse gases are included in the Environmental Impact Report and CO2 omissions due to construction and continued use by homes be studied and compared to preexisting usage. Hopes 10%-15% proposed solar homes. Requests that trees are maintained until development, greenhouse gases are studied and mitigation proposed.
- Art Williams, 1721 Lopes Court: The prior developer was planning mitigation to the City for 8 new tennis courts. Dan Gentry says that there is no money now. The demolition will include taking 16 tennis courts. Requests mitigation money for tennis courts.
- Kim German, 1543 E. Gum Avenue: Concerned about the swimming pool loss. Requests that City do something about it. Also concerned about congestion & air quality on E. Gum and that the existing trees are not cared for now.
- Paul Hanson: Condition #5 discusses traffic control and rat control prior to demolition. Condition #6 requires the applicant to keep the location more secure during the 9 months. Security might include a night guard. Applicant will replace the chain fence and the air quality mitigation will be similar to Springlake.

#### COMMENTS

- Barry Munowitch: Country Oaks is a private recreation facility. Therefore, the tennis courts are currently private property. The applicant is not required to provide replacement courts or maintain the tennis courts for public access.
- Commissioner Wurzel: Asked about mitigation for the loss of the tennis courts.
- Barry Munowitch: Since the tennis courts are private, there is no requirement to mitigate their loss by providing public facilities.
- Commissioner Wurzel: Issue #14 within the Mitigated Negative Declaration is regarding recreation. States that impact fees include mitigation for loss of the tennis courts. States that there is a potentially significant impact. After staff discussion, the impact is actually not significant.
- Commissioner Spesert: Impact fees mitigate creation of new units on recreation for the city and not loss of 16 tennis courts due to Country Oaks being private property.
- Commissioner Wurzel: Request that Item #14 of the Initial Study be amended.
- Barry Munowitch: Issues #14A and #14B of the Initial Study. to state “less than significant”. Amendment is ok.

- Commissioner Murray: By approving, Commission is approving 38 units?
- Barry Munowitch: Yes, map is for 38 units.
- Commissioner Murray: Request care for property.
- Commissioner Barzo: No comments.
- Commissioner Dote: Concerned for housing product. Concerns with density and setbacks.
- Commissioner Spesert: Request further explanation of two-story homes.
- Paul Hanson: Condition #2 allows for neighbor privacy. Second story windows to be frosted.
- Commissioner Spesert: Concerned that this condition affects designs of homes in the future.
- Paul Hanson: Condition is providing for neighbors.
- Commissioner Sanders: Acknowledge the loss of recreation center. Mitigation to provide more recreation opportunities for the City in the future. No problems with project. Request applicant help mitigate issues of pest control and security.
- Paul Hanson: Conditions have been written. Condition #5 discusses pest control and condition #6 discusses security.
- Commissioner Sanders: Happy to see this project go-forward.

#### RECOMMEND APPROVAL

It was moved by Commissioner Barzo and seconded by Commissioner Murray and unanimously approved, that the Planning Commission recommends approval of the Country Oaks Tentative Subdivision Map No. 4851, based on the identified findings of fact and subject to the identified conditions of approval, by taking the following actions:

- Determine that the project, as conditioned, is consistent with the General Plan.
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance.
- Determine that the project, as conditioned, is consistent with the Community Design Standards.
- Adopt the Mitigated Negative Declaration for the project, pursuant to the requirements of CEQA.
- Approve Tentative Subdivision Map #4581, subdividing APN 066-122-060 totaling 5.65 acres into 34 single family lots, 4 half-plex lots and dedication of public street right-of-way in the residential zone.
- Approve the Planned Development Conditional Use Permit for Tentative Map #4581.

Commissioner Barzo: Motion read as written with changes.

Paul Hanson: Public Works Condition #48 should be changed to read “prior to tentative approval of map”.

Commissioner Sanders: Also, change to the Initial Study issue #14 (Recreation)

Commissioner Wurzel: Revised motion to change the language from “potentially significant” to “less than significant” impact within the Mitigation Measure #7 as stated in the staff report.

7. **Budget Car Rental Conditional Use Permit.** Request for a Conditional Use Permit to establishment a satellite car rental office with an inventory of eleven cars (APN: 0027-310-62). The subject site is located at 2000 E. Main Street on the corner of CR 102 and E. Main Street in the Highway Commercial (C-H/EOZ) Zone.

Applicant/Owner: RHL Design Group Inc. / Tim Colin, Colin Enterprise.  
Environmental Document: Categorical Exemption  
Staff Contact: Jimmy A. Stillman, Associate Planner  
Recommend Action: Conditional Approval

#### COMMENTS

- Jimmy Stillman: Revised recommended Condition of Approval provided to Commissioners to amend for 18 parking stalls. Staff will work with applicant to allow 18 stalls.
- Commissioner Wurzel: Applicant to stripe stalls as their own? Does the City have any obligation to enforce use of parking stalls?
- Barry Munowitch: No, parking stalls will be there for the applicant to utilize and not for their specific use. If parking continues to be a problem, staff will bring back to Planning Commission for review of Conditional Use Permit.
- Robert Pracard, RHL Design Group.: Location is a satellite office for Budget. 70 feet behind business would allow a center island to create more parking stalls if needed. Also, they can add 4 spots in the southwest corner of the rear lot.
- Commissioner Barzo: Parking stalls will create less interference for other businesses.
- Commissioner Sanders: Budget should consider allowing private car parking in rental car slots if needed.
- Tom Olsson, Avis Real Estate Department: Not typical for customers to leave their own cars. Try to provide car parking away from retail businesses.

#### RECOMMEND APPROVAL

It was moved by Commissioner Barzo and seconded by Commissioner Spesert and unanimously moved, that the Planning Commission approves the Budget Car Rental Conditional Use Permit, based on the identified findings of fact and subject to the identified conditions of approval, by taking the following actions:

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered categorically exempt, Class 1 – Existing Facilities §15301 of the Public Resources Code.
- Determine that the project, as conditioned, is consistent with the General Plan.
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance.
- Approve the Conditional Use Permit permitting a satellite car rental office at, 2000 E. Main Street in the Highway Commercial (C-H) Zone.

Commissioner Barzo: Motion read as written with change to title of Revised COA to state date of November 1, 2007.

**8. Affordable Housing Ordinance (6A) and Spring Lake Affordable Housing Plan Update.** The City is proposing changes to the Inclusionary Housing Ordinance (6A) and the Spring Lake Affordable Housing Plan. These changes will make the program easier to implement for city staff and the housing developers as well as clarifying some outranking issues.

Applicant:	City of Woodland
Environmental Document:	Categorical Exemption
Staff Contact:	Jamie McLeod, Associate Housing Analyst
Recommend Action:	Conditional Approval

**COMMENTS**

- Commissioner Wurzel: Questioned the use principle and interest only. It is important to open the window of opportunity for affordable housing. Is the issue the number of people not qualifying or the number of applicants?
- Barry Munowitch: The use of Principle, Interest, Taxes and Insurance (PITI) lowers the return that developers get on affordable units. To increase the “window” of potential buyers, open up to moderate income. If not enough low income applicants, then open to lower end of 80-120%.
- Commissioner Dote: Asked how are the homes marketed and what outreach done?
- Jamie McLeod: Yes, there are monthly affordable housing meetings held by the City to add people to the list. The City also places ads and assists people who come to the office for information. In City of Woodland, City partners with developers to market the affordable homes. Market affordable homes for 210 days then go to market rate. There is right of refusal in City in which the City can purchase the home and continue to market as affordable. Start at 83-85% before move up to 120%.
- Commissioner Murray: How does the lottery work?
- Jamie McLeod: Have a list of those already qualified and who can afford payments. Invite applicants to see the home then announce the lottery date. Lottery process includes pulling balls with numbers on them, similar to bingo.
- Commissioner Barzo: Do you maintain the eligibility list? How updated?

- Jamie McLeod: Yes, the list is maintained. City has a consultant that deals with the applicants and updates every 6 months. City also advised the applicants to provide new information if there are changes. Applicants are removed from the list if they get a home, income is over the requirements or they walk away from the program.
- Commissioner Barzo: If an applicant is not qualified now, how do they get their names on the list?
- Barry Munowitch: Meetings are used to add people to the eligibility list.
- Commissioner Spesert: Concerned about the prices of homes? 3-4 bedroom homes cost compared to 2-bedroom homes.
- Jamie McLeod: The number of qualifying persons per home is bedroom count plus one. Larger homes then consider larger family size. Approximate cost is \$20,000 more per bedroom.
- Commissioner Spesert: Concerned about mandating larger homes. May be forcing moderate income and pricing lower income people out.
- Barry Munowitch: There is a greater demand for the larger units from the affordable community. People tend to have larger families.
- Commissioner Spesert: Are they qualifying?
- Jamie McLeod: City helps applicants by securing funds from State, etc. to get families into these homes.
- Commissioner Spesert: The intent is to go after low income demographic and stay focused on low rather than moderate income side.
- Barry Munowitch: The pool of low income people who meet the underwriting requirements by the banks is not very great. Federal standards set wage earner standards per family. It is a graduated figure out of the Federal government that sets median income for 2, 3, 4 person families and further. Amount of money that able to devote to housing payment is set at 35% of area median income and is set by area standards.
- Jamie McLeod: Consultant is an education provider and works with people to get them qualified.
- Commissioner Wurzel: Concerned with sales price calculations. Lower mortgage amount would qualify more people. Concerned with leaving as Principle and Interest (PI) now with band-aids on the problems and visit the issue of PITI later. Wish could lower the sales prices. Such a narrow “window” so can’t move the product and developers still make money. On the resale side, there are the same standards of PI. Concerned that City needs to market on their own without the Developers assistance at resale. Also, concerned about gain system on assessed value and putting the issue on backs on County of Yolo. Has a different approach on how to lower the tax burden.
- Jamie McLeod: City of Woodland is the only jurisdiction that uses PI but also partner with the developers. If went with PITI to the developers, it would not be good.
- Commissioner Wurzel: Not good because City would receive push back from the developers?

- Jamie McLeod: Based on the subcommittees request, make these major changes to program first allowing moderate income consideration and then could go to PITI.
- Barry Munowitch: City is constantly marketing, continue to work with consultants and the program will continue.
- Commissioner Sanders: Could be a problem if bring a lot of affordable homes to market now in this current market knowing that will go to market rate.
- Jamie McLeod: Most have is 12 units on market at once.
- Commissioner Sanders: If possible, prevent in the future lots of units going to market at once.
- Barry Munowitch: Clarification of tonight’s vote. Planning Commission is to make a recommendation to City Council. Council is the final authority on this issue.

RECOMMEND APPROVAL

It was moved by Commissioner Murray and seconded by Commissioner Dote that the Planning Commission recommends City Council approval of the Affordable Housing Ordinance (6A) and Spring Lake Affordable Housing Plan Update.

AYES:	Dote, Murray, Sanders, Barzo, Spesert
NOES:	Wurzel
ABSENT:	Gonzalez

Motion is approved.

NEW BUSINESS:

- 9. Update Regarding Proposed Revisions Regarding Downtown Parking and Implementation of the Parking Management Plan.** Report to the Planning Commission on the current state of downtown parking including recommended future actions to amend parking standards, implement in-lieu fees and to evaluate parking management practices. The proposed amendments will implement strategies contained in the City of Woodland’s Downtown Parking Management Plan.

Applicant:	City of Woodland
Staff Contact:	Cindy Norris, Senior Planner
Recommend Action:	Consideration of proposed amendments to parking standards and a parking in-lieu fee for new development and recommendation on next steps, including City Council review, consideration and adoption.

COMMENTS

- Commissioner Barzo: Need mandatory bicycle parking. Woodland is not bicycle friendly. Now there is no bicycle parking downtown. City needs to look at other modes of transportation that are environment and family friendly.
- Commissioner Murray: Have the courts made a decision yet?
- Barry Munowitch: Yolo County Court is a State court project and is the number 1 priority of the proposed State FY08-09 budget. If funding is approved, the first studies will begin January 2009. It could be 2014 before the new court house is built. It will be a 16 court room facility. The design and location is not yet determined. Possible joint use designs. The funding mechanism not yet set. Also, looking at potential lease of parking.
- Commissioner Sanders: Glad there is a parking problem. This is not a public hearing?
- Barry Munowitch: Yes, this is not a public hearing. Staff is requesting direction for Planning Commissioners. Later there will be a formal request with recommendation to take to City Council.
- Commissioner Dote: Pleased to see 2001 parking plan being used.
- Barry Munowitch: Preference is to encourage peripheral parking and not paid parking.
- Commissioner Barzo: Want the City to take a proactive look at parking by using bicycles. Also, like to see City look at security for bicycle parking.
- Commissioner Sanders: Do we have a bicycle plan already? Should look at bicycle plan in conjunction with parking plan.
- Commissioner Wurzel: Staff report is excellent work. Thanked Cindy Norris for preparing the staff report. Understands the difficulty at looking at other jurisdictions.
- Cindy Norris: Bicycles were included in the staff report. Excellent suggestion for bicycles from Commissioner Barzo.

There being no further business, the meeting was adjourned at 9:11 PM.

Respectfully submitted,

Barry Munowitch, AICP  
Assistant City Manager

**ACTION MINUTES  
CITY OF WOODLAND  
PLANNING COMMISSION  
THURSDAY, OCTOBER 4, 2007**

VOTING MEMBERS PRESENT: Wurzel; Murray; Sanders; Barzo; Gonzalez;  
Spesert

VOTING MEMBERS ABSENT: Dote

STAFF MEMBERS PRESENT: MacNicholl; Hanson; Pollard

The meeting was called to order at 7:01 PM.  
Commissioner Dote arrived at 7:05 PM.

1. **Approval of Planning Commission Meeting Minutes for June 1, 2006; July 6, 2006; July 20, 2006; September 7, 2006; September 21, 2006; October 19, 2006; November 2, 2006; and September 6, 2007:**

Commissioner Wurzel requested abstention from all minutes prior to his appointment to the Planning Commission. It was moved by Commissioner Spesert and seconded by Commissioner Murray that all of the minutes for the Planning Commission be approved.

The motion was carried by the following vote:

AYES: Spesert, Murray, Sanders, Barzo, Dote, Gonzalez, Wurzel (for the September 6, 2007 Minutes)

NOES: None

ABSENT: None

2. Directors Report: Move Planning Commission Meeting start time from 7:00 PM to an earlier time, possibly 6:00 PM, consistent with the start time for City Council meetings:

COMMISSIONER COMMENTS:

- Commissioner Gonzalez: The City Council does start early, but they have more items on their agenda.
- Commissioner Sanders: Want to leave it at 7:00 PM
- Commissioner Barzo: Agree with Commissioner Sanders, leave at 7:00 PM; feel that the later time would allow for more community involvement

It was moved by Commissioner Murray and seconded by Commissioner Dote to keep the start time of the Planning Commission Meetings at 7:00 PM.

AYES: Murray, Dote, Sanders, Barzo, Wurzel, Spesert, Gonzalez

NOES: None

ABSENT: None

3. Public Comment: This is an opportunity for the public to speak to the Commission on any item other than those listed on the Agenda. The Chairman may impose a time limit on any speaker.
  - None.
4. Communication – Commission Statements and Requests: This is an opportunity for the Commission members to make comments and announcements to express concerns or to request Commission’s consideration of any items a Commission member would like to have discussed at a future Commission meeting.
  - Commissioner Dote: Met with people from City Center Lofts, and recommended the meeting with the Architectural Subcommittee.
  - Commissioner Murray: Also met with City Center Lofts as Architectural Subcommittee.
  - Commissioner Sanders: Would like to take this opportunity to recognize past Chairman Barzo and all his work on the Stroll Through History. It was a great success.
5. Subcommittee Reports:
  - None.

PUBLIC HEARING:

6. **Country Oaks Tentative Subdivision Map No. 4851:**

Request for approval for a Tentative Subdivision Map and a Planned Development Conditional Use Permit to divide existing 5.65 acre parcel into thirty-eight (38) parcels at 1341 East Gum Avenue in the R-1/PD Zone.

APPLICANT/OWNER:	Spare Time, Inc. (Larry Gilzean)
ENVIRONMENTAL DOCUMENT:	Mitigated Negative Declaration
STAFF CONTACT:	Paul Hanson, AICP, Senior Planner
RECOMMENDED ACTION:	Conditional Approval

**THIS ITEM HAS BEEN POSTPONED UNTIL A FUTURE DATE**

7. **Rite Aid Tentative Parcel Map No. 4929:**

Request for approval to reassembly five (5) properties (APN: 005-644-04, 05, 08, 10 & Union Pacific railroad land) and re-divide into two (2) parcels on Main, Sixth and Court Streets in the Central Business District.

APPLICANT/OWNER:	Petrovich Development Company
ENVIRONMENTAL DOCUMENT:	Categorical Exemption
STAFF CONTACT:	Paul L. Hanson, AICP, Senior Planner
RECOMMENDED ACTION:	Conditional Approval

DISCUSSION:

- Commissioner Dote: Will the Downtown Specific Plan be updated?
- Robert MacNicholl, Planning Manager: Yes, it will be updated in the near future, along with other larger projects that will come before this Commission.
- Commissioner Murray: Where is the parking lot located?
- Paul Hanson, Senior Planner: Parking lot fronts on East Street.
- Commissioner Wurzel: Would like explanation as to where access to site is from Court Street, Sixth Street, and Main Street.

- Bruce Pollard, Senior Civil Engineer: As currently conditioned, the map includes a raised median from the south leg of Sixth Street, across Sixth Street and up to approximately mid location. Heading eastbound on Main Street there is a left turn into the driveway; heading westbound on Main Street there is a right turn into the driveway or a right turn on Sixth Street and then a right turn into the driveway on Sixth Street; heading eastbound on Court Street turn right on Sixth Street and left into driveway or right into driveway access on Court Street; the proposed driveway easement on Court Street will allow through driveway on Main Street. The map's intention is for a left turn only from eastbound Main Street.
- Commissioner Dote: The left turn pocket is so close to East Street and Main Street, is there any potential conflict foreseen?
- Bruce Pollard, Senior Civil Engineer: The left turn pocket is continuous – serves the left turn into Rite Aid and also the left turn onto East Street.; we don't see as an accident potential or safety hazard, but there may be more congestion.
- Commissioner Dote: Did service station that was on site previously have any problems with traffic?
- Bruce Pollard, Senior Civil Engineer: Rite-Aid will have fewer driveways than the service station had, no knowledge of accidents or complaints of traffic when service station was in use.
- Commissioner Wurzel: At present, only one through lane of traffic westbound on Main Street. Will it stay that way?
- Bruce Pollard, Senior Civil Engineer: The intersection between East Street and Sixth Street will be widened to two (2) lanes.
- Commissioner Wurzel: With two (2) through lanes does it become a safety issue?
- Bruce Pollard, Senior Civil Engineer: With two (2) through lanes, given you will have a driveway for ingress, it is better than having one (1) lane because otherwise you will have people slowing down and causing back up and congestion at the railroad tracks.
- Commissioner Dote: Is this a Redevelopment Project?
- Paul Hanson, Senior Planner: No, it is not.

**PUBLIC COMMENT/APPLICANT COMMENT:**

- None.

**COMMISSIONER COMMENTS:**

- Commissioner Spesert: Thinks this is a good project, ready to move forward
- Commissioner Gonzalez: Have concerns with traffic; sees the Main Street entrance as problem; will there be a signal light at Sixth Street and Main Street?
- Bruce Pollard, Senior Civil Engineer: Within this project there will be no traffic signals included on Sixth Street and Main Street. Within the Downtown Specific Plan long term projection there will be a signal at Fifth Street and Main Street. There is also a mid-block cul-de-sac on the south leg of Sixth Street between Main Street and Lincoln Avenue. When the Downtown Specific Plan is updated traffic recirculation in the area may also be explored.
- Commissioner Barzo: No problem, good infill project.
- Commissioner Murray: No problems
- Commissioner Dote: Share some of the same concerns regard traffic issue, but feel Bruce has explained adequately. Will project come before Commission for Design Review? Have no problem with action tonight.
- Commissioner Barzo: Will the project come back to the Planning Commission for Design Review?

- Robert MacNicholl, Planning Manager: The project will not come before Commission for Design Review. Design Review has been performed at staff level. The project before the Commission for consideration of a Tentative Parcel Map.
- Commissioner Wurzel: There will not be a left turn onto Sixth Street eastbound on Main Street permitted?
- Bruce Pollard, Senior Civil Engineer: Reason for that is that the left turn currently provided from the Wiseman Building on Main Street going out from the south leg of Sixth Street.
- Commissioner Wurzel: Biggest congestion area is Main Street and East Street; I therefore cannot support the left turn lane; would rather see median extended and make it a right in/right out only. Will applicant have signage on Court Street for Rite-Aid?
- Paul Petrovich, Applicant: There will be directional signage off of Court Street. If left turn is cut off on Main Street this project dies; this is a retail site, has to have access from Main Street; there were two (2) driveways to begin with; the left turn from Main Street is a requirement from Rite Aid.
- Bruce Pollard, Senior Civil Engineer: This is an urban environment, drivers expect different conditions than say freeway driving; there are similar driveway configurations at other locations in the City.
- Commissioner Dote: Would like clarification – did applicant say project dies if no left turn lane for eastbound traffic on Main Street?
- Robert MacNicholl, Planning Manager: According to applicant based upon the criteria Rite Aid uses, the project requires a left turn access from Main Street.
- Paul Petrovich, Applicant: That is correct, and let me add that the development agreement for the Woodland Gateway Project required an investment in the Downtown, which this project is, so if this project is denied then that obligation goes away.
- Commissioner Gonzalez: Did I hear correctly that there will be no design review on this project?
- Robert MacNicholl, Planning Manager: No, that is not correct; the design review will be done at staff level as provided for in the Downtown Specific Plan.
- Commissioner Barzo: Is landscape plan and design review coming back to the Planning Commission?
- Commissioner Gonzalez: If we are just voting on map tonight, what other phases of this project will come before the Planning Commission?
- Robert MacNicholl, Planning Manager: This map is the extent of review at the Planning Commission level. The rest will be at staff level, as provided for in the Downtown Specific Plan.
- Commissioner Dote: Are there design guidelines for the Downtown Specific Plan?
- Robert MacNicholl, Planning Manager: Yes.
- Paul Hanson, Senior Planner: The Downtown Specific Plan was updated in 2003, at which time we strengthened the design standards.

It was moved by Commissioner Spesert; and seconded by Commissioner Barzo that the Planning Commission approve the Rite Aid Tentative Map #4929 dated 7/11/07, based on the identified findings of fact and subject to the identified conditions of approval, by taking the following actions:

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered categorically exempt, Class 15, minor land division and Class 32, infill development.
- Determine that the project, as conditioned, is consistent with the General Plan.
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance.

- Approve Tentative Parcel Map #4929 dated 7/11/07 dividing APN 005-644-04, 05, 08, 10 and property previous owned by Union Pacific railroad into “Parcel 1” and “Parcel 2” as identified by the attached tentative parcel map.

AYES: Sanders, Spesert, Barzo  
 NOES: Wurzel, Dote, Murray, Gonzalez  
 ABSENT: None  
 Motion is denied.

FURTHER DISCUSSION:

- Commissioner Wurzel: My issue with the project is access off of Main Street, not with the parcels; could the applicant come up with an alternate to Main Street access?
- Commissioner Sanders: I believe the applicant has made his position clear.
- Commissioner Barzo: The applicant has the right to appeal the Planning Commission decision within ten (10) days to City Council.
- Commissioner Spesert: Can we put this up for reconsideration?
- Commissioner Dote: Has to be one of the No votes that requests it to be reopened.
- Commissioner Wurzel: Would like to reopen and discuss more.
- Robert MacNicholl, Planning Manager: I would like to clarify Commissioner Wurzel’s concern expressed in regard to access to site, as well as with restricting left turns into site from Main Street.
- Commissioner Wurzel: Making a left turn across the future two (2) lanes on Main Street is an issue.
- Paul Petrovich, Applicant: Approve map with access requested with the condition that if Public Works determines this becomes a traffic problem they have a right to close the left turn lane.
- Bruce Pollard, Senior Civil Engineer: After project is complete the Traffic Engineer can extend the median at anytime, should it become unsafe.
- Commissioner Sanders: With that condition on the map would that be satisfactory?
- Commissioner Wurzel: That would be fine with the stipulation
- Commissioner Dote: I would be ok with the condition on the map.
- Commissioner Murray: I would also be ok with the condition on the map.
- Commissioner Gonzalez: I am offended as a Commissioner that the staff does not give full the history of project. Commissioners need to know if the project is denied that it fails completely; I don’t want the project to go away.
- Commissioner Dote: Impact on downtown development agreement should have been outlined in staff report also, if this is a keystone project to that development agreement.
- Commissioner Wurzel: Wish to thank Paul Petrovich for proposing a solution, I am supportive of project.
- Robert MacNicholl, Planning Manager: There is a replacement for condition #11 now proposed.
- Commissioner Wurzel: I propose a new motion with an added condition to the map that in the event that Traffic Engineer finds an unsafe condition does exist; he has the ability to extend the median restricting left turn traffic from eastbound Main Street into parcel #1. The motion also incorporates all other conditions and findings as recommended by staff.
- Commissioner Dote: What is the trigger for the Traffic Engineer?
- Bruce Pollard, Senior Civil Engineer: If, in the determination of the City Traffic Engineer, the left turn access from Main Street causes undue congestion or traffic safety concerns, the Traffic Engineer may close the access and extend the median along Main Street.

- Commissioner Spesert: Remove “congestion” unless it can be specifically defined; change verbiage to read “traffic safety concerns”.
- Paul Petrovich, Applicant: Property owner should have a right to appeal.
- Bruce Pollard, Senior Civil Engineer: Providing a perspective as former Traffic Engineer, and member of the Traffic Commission; under the Vehicle Code and City Ordinance the Traffic Engineer can close a left turn access to any property. Every property has a right to access to a main street at any time from a right turn in and right turn out, but they do not have a right to a left turn access. If the Traffic Engineer decides to close a left turn, the property owner has a right to an appeal process through the Traffic Commission and the City Council; both the ability to close a left turn access and the ability to appeal the closure is provided for in the current legislature. By adding the condition of giving notice to property owner, you are, in effect, letting future property owners know that this item has been discussed at the Planning Commission at some prior time.
- Commissioner Sanders: Bruce will reword the condition and I will clean up the record. Commissioner Wurzel called for reconsideration; do we need to vote on that?
- Robert MacNicholl, Planning Manager: Yes.
- Commissioner Sanders: Called for a motion to reconsider the earlier denial
  - AYES Sanders, Barzo, Wurzel, Dote, Murray, Gonzalez, Spesert
  - NOES None
- Commissioner Sanders: Motion is back on table. We had a motion to amend the condition of approval, which I think we are doing, with the first draft. Commissioner Wurzel you made that motion, would you like to withdraw that motion and make a new motion?
- Commissioner Wurzel: No, rather than motion to amend it, I want a motion to move the item with that amended condition.
- Commissioner Sanders: The condition that Bruce Pollard is drafting now?
- Commissioner Wurzel: The one Bruce Pollard is drafting now.
- Commissioner Sanders: Then we need to withdraw your previous motion.
- Commissioner Wurzel: I withdraw my previous motion with conditions.
- Bruce Pollard, Senior Civil Engineer: If in the determination of the City Traffic Engineer the left turn-in access from Main Street causes undo traffic safety concern the Traffic Engineer may close the access and extend the median along Main Street under guidance of the City Municipal Code and the California Vehicle Code.
- Commissioner Sanders: Does this satisfy everyone? I see nods all around. Does someone want to make a motion?
- Commissioner Wurzel: I already made it.
- Commissioner Sanders: Make it again for the record please.

It was moved by Commissioner Wurzel, seconded by Commissioner Spesert and unanimously carried that the Planning Commission Approve the Rite Aid Tentative Parcel Map #4939 dated 7/11/07, based on the identified findings of fact and subject to the identified conditions of approval, as amended, by taking the following actions:

- Confirmation of finding of exemption from the provisions of CEQA. This project is considered categorically exempt, Class 15, minor land division and Class 32, infill development.
- Determine that the project, as conditioned, is consistent with the General Plan.
- Determine that the project, as conditioned, is consistent with the Zoning Ordinance.

- Approve Tentative Parcel Map #4929 dated 7/11/07 dividing APN 005-644-04, 05, 08, 10 and property previous owned by Union Pacific railroad into “Parcel 1” and “Parcel 2” as identified by the attached tentative parcel map.
- Subject to the following amendments to conditions amending condition #11 and condition #14:
  - Condition #11: Unless otherwise approved by the City Engineer applicant shall comply with all conditions set in the site plan review memo dated April 11, 2007 and letter to Ms. Tanihana dated May 21, 2007. (See attached Memo dated April 11, 2007).
  - Condition #14: Unless otherwise approved by the City Engineer the project shall relocate PG & E vault currently located in the proposed Main Street project driveway.
- Also subject to the following traffic safety condition:
  - If in the determination of the City Traffic Engineer the left turn in access from Main Street causes undo traffic safety concerns the Traffic Engineer may close the access and extend the median along Main Street in accordance with the City Municipal Code and the California Vehicle Code.

There being no further business, the meeting was adjourned at 8:45 PM

Respectfully submitted,

Barry Munowitch  
Community Development Director