

**FINAL MINUTES OF THE
PLANNING COMMISSION REGULAR MEETING**

January 19, 2010

A regular meeting of the Planning Commission, City of San Ramon was called to order by Chair O'Loane at 7:00 p.m., Tuesday, January 19, 2010 in the Council Chambers 2222 Camino Ramon, San Ramon.

ROLL CALL

Present: Comms. Kerger, Viers, Sachs, and Chair O'Loane

Absent: None

Staff: Phil Wong, Planning Director; Debbie Chamberlain, Planning Services Manager; Marc Fontes, Economic Development Director; Cindy Yee, Associate Planner; Lauren Barr, Senior Planner; Alicia Poon, Deputy City Attorney; Lieutenant Gresham; Luisa Willnecker, Recording Secretary

Audience: 3

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENTS OR WRITTEN COMMUNICATION**
5. **ADDITIONS AND REVISIONS**
-None-
6. **CONSENT CALENDAR**
6.1 Minutes from the November 3, 2009 meeting approved (Comm. Kerger Abstained)
7. **CONTINUED ITEMS AFTER CLOSING OF PUBLIC HEARING**
-None-

8. CONTINUED ITEMS – OPEN PUBLIC HEARING

-None-

9. PUBLIC HEARING – NEW ITEMS

TA 09-410-003 San Ramon Zoning Ordinance Text Amendment. Project Planner: Cindy M. Yee; Associate Planner.

Associate Planner Cindy Yee gave a brief summary on the proposed Zoning Ordinance Text Amendment. The amendment would prohibit 1) unattended fueling at service stations in the City of San Ramon and 2) to increase the time limit for exercising approvals of development applications. Ms. Yee stated that the matter of prohibiting unattended fueling stations was first raised in 2008 when the City during review of a development application for a service station and the potential hazards that may arise without an attendant on-site. Ms. Yee noted that 4 out of 13 existing service stations in the City allow unattended fueling. In 2009, staff presented this issue to the Policy Committee and was directed by the Committee to proceed with the Text Amendment. Ms. Yee further added that the second proposed amendment is to modify the Zoning Ordinance to increase the time limit for exercising approvals of development applications. Ms. Yee noted that the City is seeing a number of approved development applications delayed or deferred due to the current downturn in the economy currently, the Zoning Ordinance allows a project a total of three years from the effective date of a project approval to commence construction. The matter was presented to the Policy Committee in 2009 and staff was directed to proceed with a Text Amendment. The proposed amendment would allow the Zoning Administrator to grant a maximum of three, 12-month time extensions from the effective date of approval.

Chair O’Loane opened the public hearing with no comments from the public, Chair O’Loane closed the public hearing.

Comm. Sachs asked if a gas station was to remodel would they have to comply with the new requirements. Ms. Yee replied yes. Comm. Sachs asked if the gas stations listed in the Staff Report comply with the fire code. Ms. Yee replied that, as part of survey staff did not determine whether they have met all of the fire code requirements. Comm. Sachs asked if enforcement of the fire code would be the responsibility of the fire department. Ms. Yee replied yes; and that the fire department has been notified about the number of service stations that are operating unattended. Comm. Sachs further asked if there is any liability on the City should an accident occur. Alicia Poon, Deputy City Attorney replied no.

Comm. Kerger asked if the City would be grandfathering in any of the service stations. Ms. Yee replied no because they were established prior to the City’s incorporation.

Chair O’Loane asked if there had been any safety concerns about unattended gas stations. Ms. Yee replied no. Chair O’Loane commented that the City was legislating against a problem, which does not exist. Comm. Viers replied that during the Development Plan Amendment application for the ARCO service station it was brought to the City’s attention that ARCO was serving motor fuel after business hours without an attendant on-site.

Chair O’Loane asked if the ARCO service station was in violation of the City code. Mr. Lauren Barr, Senior Planner replied that the ARCO service station was conditioned under the original use permit not to operate past 10:00 p.m. and was in violation of the use permit at the time. Chair O’Loane further added would this prevent the ARCO service station from violating the terms of the use permit and is the City pursuing a problem that does not exist. Mr. Phil Wong, Planning Director replied that the objective is to prevent any future hazards from occurring. Chair O’Loane stated that he does not see this as a preventative but as a potential problem for the City. Ms. Yee added that the current zoning code is silent which makes it very difficult to answer any potential future development applications for service stations. .

Ms. Debbie Chamberlain, Planning Manager added that over time the four service stations would need to upgrade their facilities at which time they could be conditioned to prohibit unattended fueling. Ms. Chamberlain further added that Architectural Review Board (ARB) approval conditioned the ARCO service station mini mart not have unattended service station.

Chair O’Loane asked if the City Council would still grant an extension based upon this proposed text amendment. Ms. Chamberlain replied no. Chair O’Loane further asked if the proposed text amendment prohibiting unattended fueling stations would apply to existing service stations or future. Ms. Chamberlain replied it would apply only to future development applications for service stations.

It was moved by Commissioner Kerger and seconded by Commissioner Viers that the Planning Commission adopts Resolution No. 01-10 recommending that the City Council approve Zoning Ordinance text amendment TA 09-410-002 to revise the Zoning Ordinance.

AYES: Comms. Kerger, Viers, Sachs, and Chair O’Loane
NOES: None
ABSTAIN: None
ABSENT: None

10. NON-PUBLIC HEARING ACTION ITEMS

-None-

11. STUDY SESSION/COMMISSIONER LIAISON REPORT AND INTEREST ITEMS/STAFF REPORTS.

11.1 North Camino Ramon Specific Plan Preferred Land Use Alternative.
Project Planner: Lauren Barr, Senior Planner.

Mr. Lauren Barr, Senior Planner gave a brief PowerPoint presentation. Mr. Barr stated that based on the input received from the December 1, 2009 City Council and Planning Commission Workshop there was support for Concept one with changes. Mr. Barr summarized the land use changes previously presented in the December 15, 2009 memorandum to City Council and Planning Commission.

Comm. Viers commented that he had attended the Housing Advisory Committee meeting and the Committee supported concept one.

Comm. Sachs commented that the NCRSP is a good project with all the elements involved.

Comm. Kerger commented that she likes the plan but would like to see more parks incorporated

Chair O'Loane asked how wide the linear parks would be. Mr. Barr replied they are conceptual at this point but approximately 50 feet wide. Chair O'Loane further asked how critical the Alcosta Extension is. Mr. Barr replied that it is in our General Plan and is programmed to spread traffic throughout the area. The City will continue to work with Danville and look at development potential in the area

It was moved by Commissioner Viers and seconded by Commissioner Kerger that the Planning Commission affirms the Hybrid Alternative for the North Camino Ramon Specific Plan and forward to City Council including comments.

12. ADJOURNMENT

There being no further discussion, Chair O'Loane adjourned the meeting at 8:00 p.m. in memory of Byron Athan.

Respectively Submitted, Luisa Willnecker