



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Wednesday, April 25, 2012**

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

### **CALL TO ORDER**

The Planning Commission Meeting of April 25, 2012, was called to order at 7:00 p.m. by Chair Jerry Pentin.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Pearce.

### **1. ROLL CALL**

Staff Members Present: Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Natalie Amos, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

### **2. APPROVAL OF MINUTES**

#### **a. March 14, 2012**

Commissioner Blank requested that the following verbiage be added at the end of the third paragraph on page 6: "...the Commission is not interested in knowing the amount as that is a matter for discussion between the two parties."

Commissioner Black requested that the last sentence of the last paragraph on page 29 be modified to read as follows: "He noted that he drove up toward there but t he did not actually get on the property."

Commissioner Olson noted that his last name is spelled "Olson" and not "Olsen" and requested that the change be made on various pages of the document.

Chair Pentin requested that the fourth paragraph on page 33 be modified to reflect that he had indicated that while the trail is proposed to be north/south, it would be wonderful to still have the east/west connector trail in the property.

**Commissioner Blank moved to approve the Minutes of the March 14, 2012 meeting, as amended.**

**Commissioner Olson seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin**

**NOES: None**

**ABSTAIN: Commissioner Narum**

**RECUSED: None**

**ABSENT: None**

The Minutes of the March 14, 2012 meeting were approved as amended.

**b. March 18, 2012**

Consideration of the March 18, 2012 meeting Minutes was continued to May 9, 2012.

**c. April 11, 2012**

**Commissioner Narum moved to approve the Minutes of the April 11, 2012 meeting, as amended.**

**Commissioner Blank seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, Narum, O'Connor, Pearce, and Pentin**

**NOES: None**

**ABSTAIN: Commissioner Olson**

**RECUSED: None**

**ABSENT: None**

The Minutes of the April 11, 2012 meeting were approved as submitted.

**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 members of the audience wishing to address the Planning Commission.

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

Janice Stern advised that there were no revisions or omissions to the Agenda.

5. **CONSENT CALENDAR**

a. **P12-0017, Spira Institute of Healing Arts**

**Application for a Conditional Use Permit to operate a massage school and wellness center from an existing building located at 6654 Koll Center Parkway, Suites 160 and 170. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.**

**Commissioner Narum moved to make the required Conditional Use Permit findings as listed in the staff report and to approve Case P12-0017, subject to the conditions listed in Exhibit A of the staff report.**

**Commissioner Blank seconded the motion.**

**ROLL CALL VOTE:**

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

**NOES: None**

**ABSTAIN: None**

**RECUSED: None**

**ABSENT: None**

Resolution No. PC-2012-21 approving P12-0017 was entered and adopted as motioned.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

a. **P11-0977, Salon Esencia**

**Appeal of the Zoning Administrator's decision requiring the proposed (existing) green body color of the building located at 335 St. Mary Street to be repainted to a muted earthtone color. Zoning for the property is C-C (Central Commercial), Downtown Revitalization, Core Overlay District.**

Natalie Amos presented the staff report and described the history, scope, and key elements of the appeal.

Commissioner Pearce stated that the Commission was provided a sheet with color strips and inquired if they were an accurate representation of the building colors, noting that they were very different from those in the staff report.

Ms. Amos replied that the pictures in the staff report were taken two weeks ago and appear grayish. She indicated that the building is green, as shown on the color strips.

Commissioner Olson noted that the colors on the Exhibit B swatches are green and those in the staff report are light blue.

Commissioner Narum inquired if the awning underwent design review and if the appeal opens discussion on the awning.

Ms. Amos replied that the awning was previously approved through a design review process. She added that the appeal does not open that approval to further review or discussion.

Commissioner Narum further inquired if the applicant came back to staff for approval of the new color scheme.

Ms. Amos said no.

Commissioner Olson noted that the color of the building on page 3 of the staff report is green and that the color on the swatch is pretty close to that green. He added that it is much brighter than the blue-ish color shown on Exhibit B, which matches the color of the awning. He then inquired if staff did not find the dark green color of the building to be earth tone.

Ms. Amos said yes; she noted that it is not a muted earthtone color.

Commissioner Olson asked what “muted earthtone” is.

Ms. Amos replied that an example of a muted earthtone color is a light/off-white or beige color.

Commissioner O’Connor inquired if that would be light brown or tan, if the building’s color before it was repainted was muted earth tone, more consistent with the color of the Veteran’s Hall next door.

Ms. Amos said yes.

#### **THE PUBLIC HEARING WAS OPENED.**

Lana Harris, applicant, stated that the interior of the salon is Mexican style. She noted that the building is a Mexican house, and she was looking for a color that would be consistent with the color inside the building and would go with the purple awning. She added that she looked at muted colors, and found that orange and brown are muted colors, and green was pretty close. She indicated that she painted the green on the swatches individually and that it was the actual color of the building.

Ms. Harris stated that all her clients like the color, and she presented three pages of signatures from customers indicating that they like it as well. She added that Mr. Chris

Beratlis, who was born in Pleasanton and owned several buildings in the Downtown, also liked the color. She added that Mr. Beratlis just recently passed way, and this makes his opinion more meaningful to her.

Commissioner O'Connor inquired if the people who came in and did not like the color did not sign the paper.

Heather Stratton, independent contractor at the business, stated that no one did not like the color or declined to sign.

Ms. Harris added that Councilmember Cindy McGovern, who is also a client, likes the color.

Commissioner O'Connor inquired if Councilmember McGovern signed the paper.

Ms. Harris replied that she did not.

Scott Harris stated that he was a real estate lawyer and the building lessee, together with his wife, Lana. He noted that staff had denied the existing green color of the building based on the Downtown Design Guidelines (DTDG) provision that Mission Revival or Mediterranean style buildings should have earthtone wall color, and staff had considered the building to be generally Spanish Colonial. He indicated that like the law office next door, the house is Mexican rather than Spanish Colonial, and the existing green color is consistent with the Mexican bright colors identified by Google.

Mr. Harris stated that staff denied the green because it is not an earthtone color. He noted that the DTDG states that Mediterranean-style buildings have to be earthtone, but nowhere does it say Mexican-style buildings should be earthtone or muted. He added that the DTDG uses the term "should" and not "shall." He indicated that the staff report states that modifications to existing buildings in the Downtown must be sensitive to the character of the historic Downtown, and he believed they were. He indicated that earthtone colors do not apply to the building and that the Veterans Memorial and Coast Gasoline Station have Spanish colors. He cited the email marked as Exhibit D from Andrew Shafer, a neighbor who is not associated with the salon and who supports the color and thinks it is in good taste and provides the needed cultural diversity. He continued that Mr. Shafer believes that "over-regulation and conformity make for a very dry, boring environment and community," and that "Cupid's Tooth on Rose Avenue is much more garish." Mr. Harris pointed out that the Pleasanton Hotel's surface colors are circus colors and questioned how they were approved. He asked that the salon's colors be allowed to remain.

Ms. Stratton stated that she works at Salon Esencia as an independent contractor and has been a full contractor for 15 years. She explained what the existing green color does for her as a business owner. She noted that when she moved her business to the salon, the building was white and blended well with the neighborhood; however, it was boring, and because the salon is located on St. Mary and not on Main Street, it did not

have much visibility. She further noted that when the building was painted green, clients began to walk in, stating that they noticed the business because of the color.

Ms. Stratton stated that there are other buildings in Downtown Pleasanton that have different colors that provide character and keep business flowing. She disagreed with staff that the color needs to be changed, noting that the existing color is amazing and beautiful, especially with the new landscaping. She added that with business struggling, they are doing anything and everything to bring people in. She indicated that in the past two weeks, she had asked her clients to sign the petition to retain the color if they liked it, and not to sign if they did not. She noted that there was only one client who did not sign.

Commissioner Blank asked Mr. Harris if he was aware, as an attorney, that design review was required to change the building colors.

Mr. Harris said no. He added that he assumed that a design review would be required if a modification to the building was made but that he did not know it was also required for a color change. He admitted that he could have and should have checked.

Ms. Harris stated that when she applied for a party for the salon's second anniversary, nothing in the conditions said that they could not repaint the building, and so the night before the party, she asked her husband to repaint the building.

Commissioner O'Connor asked Ms. Harris if they had the owner's approval to repaint the building.

Ms. Harris said yes.

Commissioner O'Connor further asked Ms. Harris if the owner did not tell her that a Design Review approval was needed to repaint the building.

Ms. Harris replied that the owner does not live locally.

Mr. Harris stated that they were not using that as an excuse. He indicated that they would not have a problem with changing the color to a muted earthtone color if a lot of people had a problem with it or are upset with it; but a lot of people have indicated they loved this color. He added that they have heard only one negative complaint.

#### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Blank inquired if staff had any background on the Code Enforcement complaint.

Ms. Amos replied that Code Enforcement was contacted to see if an application was filed to paint the building green, and Code Enforcement checked and found none.

Steve Otto explained that the complaint originated at a Design Committee meeting of the Pleasanton Downtown Association (PDA).

Commissioner O'Connor inquired if PDA commented that it did not like the color.

Ms. Amos said yes and noted that PDA's comments are attached as Exhibit F.

Commissioner Blank stated that he is aware of the Pleasanton look but noted that this is not on Main Street or at a main City entry point. He added that he is not so sure why the building should be repainted.

Chair Pentin noted that the building to the left of the salon on Peters Avenue, a spa, is painted Tuscan yellow, which is not a muted earthtone color but a very bright yellow-gold color.

Ms. Amos explained that the spa building did not receive approval for that color.

Chair Pentin questioned if no action was being taken on that because no complaint was filed.

Ms. Stern noted that the color is more earthtone than the color of the subject building.

Chair Pentin stated that when he bikes down the street, he sees both of those buildings and they stand out. He added that he does not recall seeing a lot of muted earthtone colors on St. Mary Street.

Ms. Stern explained that this color requirement is specific to Mediterranean-style buildings.

Chair Pentin inquired what the requirement was for Mexican-style buildings.

Ms. Stern replied that architectural style is not recognized in the DTDG.

Chair Pentin stated that he has traveled a lot in Mexico and South America and that this building would fit there. He added that he understands if it is identified in the DTDG as Mediterranean but that he does not understand the argument if it is seen as something else, for example, Latin, and that it would have a different take.

Commissioner Blank noted that the PDA letter states that "the consensus of the group is not to approve the color" but not that it takes a position against it. He noted that what is most telling is the fact that PDA is not present tonight and that he is certain it was sent a notice.

Ms. Amos confirmed that a notice was sent.

Commissioner Blank noted that if the PDA considered this significant, a representative would be present or ask that the hearing be postponed.

Commissioner O'Connor stated that a flat roof is more in line with what he has seen in Mexico and that a Spanish Mediterranean would be larger and more elegant. He noted that he would probably not go for that bright a color, but it appears to be good for business. He added that there are others buildings in that area that have bright colors. He indicated that he does not have a problem with retaining the green color.

**Commissioner Blank moved to uphold the appeal, thereby overturning the Zoning Administrator's decision.**

**Commissioner Narum seconded the motion.**

Commissioner Olson informed staff that the years on the first page, December 7, 2012 and December 15, 2012 are incorrect.

Ms. Amos noted the errors.

Commissioner Pearce stated that she would support the motion. She indicated that she liked the color when she first saw it and added that the color swatch is very useful. She added that she finds the color to be muted. She noted that she agreed with Commissioner O'Connor's comments regarding the style of the building and that style is a subjective judgment call of a DTDG provision.

Commissioner Olson agreed and indicated that he would support the motion.

Commissioner O'Connor stated that variety is good and that he would support the motion.

Commissioner Narum stated that she would support the motion as well. She noted that the awning is not a muted color but yet has been allowed years ago. She added if that is all right with staff, then she is all right with the existing green color.

Chair Pentin agreed. He added that he does not agree that it is easier to ask for forgiveness than for permission. He indicated that he agreed with Commissioner Blank that if the PDA found this to be significant, a representative would be in attendance to discuss the issue.

Commissioner Olson commented that ignorance of the law excuses no man.



**ROLL CALL VOTE:**

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

Resolution No. PC-2012-22 upholding the appeal as filed under Case P12-0977, thereby overturning the Zoning Administrator's approval, was entered and adopted as motioned.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

No discussion was held or action taken.

**8. MATTERS FOR COMMISSION'S REVIEW/ACTION**

No discussion was held or action taken.

**a. Future Planning Calendar**

No discussion was held or action taken.

**b. Actions of the City Council**

No discussion was held or action taken.

**c. Actions of the Zoning Administrator**

No discussion was held or action taken.

**9. COMMUNICATIONS**

**a. Draft Housing Site Development Standards and Design Guidelines**

Ms. Stern stated that the Draft Housing Site Development Standards and Design Guidelines borrows heavily from work done of the Hacienda Transit-Oriented Development (TOD) Standards and Design Guidelines. She advised that two community meetings have been scheduled for Monday, April 30, 2012, and Saturday, May 5, 2012 to provide an opportunity for community members to present their thoughts on the document and to express any concerns they may have. She indicated that the item will come before the Commission for its consideration and recommendation to the City Council.

**10. REFERRALS**

No discussion was held or action taken.

**11. MATTERS FOR COMMISSION'S INFORMATION**

Commissioner Blank stated that the Historical Preservation Task Force is making good progress. He noted that the May 10, 2010 meeting may be skipped as the Task Force requested staff to work on quite a few things, which may require more time to complete.

Chair Pentin advised that the Downtown Hospitality Guidelines Task Force is holding another meeting next week.

**12. ADJOURNMENT**

Chair Pentin adjourned the Planning Commission meeting at 7:43 p.m.

Respectfully,

JANICE STERN  
Secretary