



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, July 14, 2010

(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 July 14, 2010, was called to order at 7:00 p.m. by Chair Olson.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Julie Harryman, Assistant City Attorney; Janice Stern, Planning Manager; Steve Otto, Associate Planner; Jenny Soo, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: Commissioners Phil Blank and Jennifer Pearce

2. APPROVAL OF MINUTES

a. June 9, 2010

Commissioner Narum moved to approve the Minutes of June 9, 2010. Commissioner Pentin seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the June 9, 2010 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 speakers.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Janice Stern advised that an email was received from the applicant for PSDR-453, Lemoine Ranch Estates, which is on appeal this evening, withdrawing the application for a new subdivision identification monument sign. She added that the appellant, Ms. Sorensen, would like to address the Commission and make a brief request that she be informed of any future proposals on this property.

THE PUBLIC HEARING WAS OPENED.

Lynn Ann Sorensen stated that she heard about the applicant withdrawing the application and requested that she be informed of any future applications for the site. She indicated that she was not informed when the application was initially approved, and she has a deed restriction that specifically states that monument signs are not to be constructed on the property in question. She added that the developer had applied for a sign once before this when the development was built, and the City had denied it due to the deed restriction.

Commissioner O'Connor noted that this application was approved on the Zoning Administrator level and inquired if the City will be able to manage the notification requested by Ms. Sorensen.

Ms. Stern said yes.

Ms. Sorensen stated that she has experienced identity theft and theft of her mail and that if she did not show up at a meeting in the future, it would mean she did not receive the notice.

THE PUBLIC HEARING WAS CLOSED.

5. **CONSENT CALENDAR**

- a. **PCUP-270, Jennifer Zheng, Little Ivy League**
Application for a Conditional Use Permit to operate a tutorial facility with a maximum of 40 students within an existing building located at 5933 Coronado Lane, Suite 200. Zoning for the property is PUD-RDR/LDR (Planned Unit Development – Rural Density Residential/Low Density Residential), West Foothill Road Corridor Overlay District.

Commissioner Narum requested that this item be removed from the Consent Calendar and be heard as Item 6.b. under Public Hearings and Other Matters.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

- a. **PAP-145 (Appeal of PSDR-453), Lynn Sorensen**
Appeal of the Zoning Administrator's approval for Sign Design Review to install a new subdivision identification monument sign at 4456 Foothill Road for Lemoine Ranch Estates.

This item was withdrawn by the applicant.

- b. **PCUP-270, Jennifer Zheng, Little Ivy League**
Application for a Conditional Use Permit to operate a tutorial facility with a maximum of 40 students within an existing building located at 5933 Coronado Lane, Suite 200. Zoning for the property is PUD-RDR/LDR (Planned Unit Development – Rural Density Residential/Low Density Residential), West Foothill Road Corridor Overlay District.

Jenny Soo presented the staff report and described the scope, layout, and key elements of the application.

Commissioner Narum noted that on page 3 of the staff report, it is stated that there will be a maximum of 40 students and inquired whether this number was correct, given the size of the facility.

Ms. Soo replied that she discussed this with the applicant, Ms. Jennifer Zheng, who indicated that based upon the floor plan; six of the seven rooms in the facility will be used as regular classrooms, and the seventh room will be available for possible extra classes if there is a need to hold another small session or if the demand increases.

Commissioner Narum stated that given there could be 40 students at the location at the same time, it would appear that some of the conditions for the other Little Ivy League application would still be applicable in this case. She indicated said she understood this is not a child care facility and is not intended to be one; however, when there are 40 children, it would be appropriate to have at least one person on-site with first aid/CPR training and a disaster plan.

Ms. Stern stated that the Commission has not added such conditions to tutorial uses in the past but that staff would ask the applicant if she would be amenable to the addition of these two conditions.

Commissioner Narum commented that having a facility of this size would be like a little school.

Commissioner Pentin referred to the conditions on page 11 and noted that this application, as in the first one, includes the requirement to acquire a business license, to contact the Building Division and the Fire Marshall to ensure compliance with the Building and Fire Codes, and to have fire extinguishers on-site. He inquired if the first application required first-aid- and CPR-trained staff.

Commissioner O'Connor inquired what the differences were between the conditions of the first and current applications.

Commissioner Narum noted that Condition No. 18 is the background check, Condition No. 19 is the first aid/CPR, and Condition 20 is having a disaster plan. She added that Condition No. 21 is not appropriate in this case.

Commissioner Pentin noted that the first paragraph on page 3 mentions that the proposal is for middle-school children, generally ages 12 to 14 years, with classes for 6th, 7th, and 8th grades. He indicated that in some cases, a slightly younger child will be enrolled, such as a 10-year-old child with a late birthday; therefore, the ages might span a bit. He noted, then that a 6th-grade child could be taking a 7th or 8th grade class, and inquired if the City would require them not to allow these students to roll into another class.

Ms. Stern replied that the City does not have a specific requirement that they not enroll. She added that staff does not anticipate they would be enrolled in subsequent classes.

Chair Olson referred to the Draft Conditions of Approval and noted that he also received a copy of the Final Conditions of Approval but has different PCUP number and a different address.

Ms. Soo replied that those are the final Planning Commission conditions for the existing school on West Las Positas Boulevard, which has a maximum of 90 students. She added that Commissioner Pearce had requested staff to provide a copy of these Conditions for comparison purposes.

Chair Olson inquired if there is an absolute limit of a maximum of 40 students for PCUP-270.

Ms. Soo said yes.

Commissioner O'Connor stated that he concurred with Commissioner Narum regarding the addition of the two conditions for the safety of the children.

THE PUBLIC HEARING WAS OPENED.

Jennifer Zheng, applicant, indicated that she was available to answer questions.

Commissioner Narum stated that the Commission is recommending the addition of conditions requiring a background check, and first aid and CPR training for the facility staff, and that the applicant have a disaster/evacuation plan, given that there may be up to 40 children on-site at any given time. She asked the applicant if she agrees with those added conditions.

Ms. Zheng replied that every single employee has CPR training/certification as well as background checks, and that, therefore, this is not an issue. She added that a disaster/evacuation plan can be prepared.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pentin moved to make the required Conditional Use Permit findings as listed in the staff report and to approve PCUP-270, subject to the conditions listed in Exhibit A, with the modification that Conditions Nos. 18, 19 and 20 of the previously approved application for the facility be added to the list of conditions.

Commissioner Narum seconded the motion.

Commissioner Narum stated she did not think Condition No. 18 is as important, given the fact that children are there for an hour in a classroom setting, she was more interested in Conditions Nos. 19 and 20.

Commissioner Pentin noted that he would like Condition No. 18 included, especially since there are children involved and the applicant is willing to comply with it.

Commissioner Narum agreed to include Condition No. 18; Chair Olson and Commissioner O'Connor concurred.

ROLL CALL VOTE:

AYES: Commissioners Narum, O'Connor, Olson, and Pentin.

NOES: None.

ABSTAIN: None

RECUSED: None.

ABSENT: Commissioners Blank and Pearce

Resolution No. PC-2010-17 approving Case PCUP-70 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

a. Supervisor Scott Haggerty's offer of \$6 million for the extension of Stoneridge Drive

Mr. Dolan stated that this item is in response to a question posed by Commissioner O'Connor at a previous meeting. Commissioner O'Connor had indicated that there was a public discussion on Staples Ranch at which Supervisor Haggerty was quoted to committing \$6 million to the Staples Ranch project for the purpose of constructing the bridges. Mr. Dolan explained that as part of the development agreement, the County will construct the bridges at the estimated cost of \$6 million. He indicated that there is no cash transaction involved.

Commissioner O'Connor inquired whether or not this was tied only to if the four-lane proposal is built and not the single or constricted lane.

Mr. Dolan replied that he knew of no such restrictions on that.

Commissioner Pentin stated that he remembers being at a Chamber of Commerce function where Supervisor Haggerty was the keynote speaker, who made the claim that he has a \$6 million check in his pocket if Staples Ranch was put through.

Chair Olson indicated that he remembers this as well.

Mr. Dolan stated that there is a very long agreement for the project, and the agreement identifies who is paying for what. He noted that the \$6 million is part of the County's share in that agreement.

b. Status of the half-built house at 6356 Inspiration Terrace (Serenity at Callippe).

Mr. Dolan stated that this item responds to a question from Commissioner Pentin. Mr. Dolan noted that the property is currently in foreclosure, and the house is half-built. He indicated that the property has had a Code Enforcement case on it for some time. He added that it is in violation of several aspects of the property maintenance ordinance, and staff took it up to the point where hazards were removed.

Mr. Dolan indicated that to pursue violations under that particular code is difficult, given the status of the property. He noted that staff has tried to be proactive and agreed with Commissioner Pentin that the situation is less than desirable.

Mr. Dolan further stated that staff contacted the bank that is likely to end up with the property and inquired if the bank would be interested in cooperating with the City in partnering with a contractor who is interested in removing the existing steel framing for the value of the steel. He indicated that the bank has responded favorably, and

assuming that the foreclosure goes through, the bank will have control over the property. He added that staff is currently trying to contact the party who expressed interest in removing the steel framing.

Tommy T's Truck Removal

Commissioner O'Connor reported that the truck at Tommy T's with the flashing sign appears to have been moved from the site.

Mr. Dolan noted that staff had contacted the owner.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

Mr. Dolan stated that an upcoming action of a project had been tentatively scheduled for the August 11, 2010 meeting; however, staff received notification that there would be some Commissioners who have indicated they will not be able to attend the meeting on that day. He noted that alternative dates were discussed with the applicant, who indicated that he has a potential conflict on August 25, 2010 but would be available for a special meeting on August 18, 2010. Mr. Dolan stated that a special meeting on August 18th may be the only meeting held for the month.

Commissioners O'Connor and Chair Olson indicated their availability on August 18, 2010.

Commissioner Narum stated that she would be on vacation.

Commissioner Pentin stated that he would be out of town on August 11th but would be available on August 18th; however, he would be returning on the evening of August 17th.

Commissioner O'Connor inquired what the item was.

Mr. Dolan replied that this would be the Pleasanton Gateway Safeway project. He noted that this is a big project and would like to have the majority of the Commissioners present at the meeting. He indicated that he would inquire if the applicant is able to arrange his calendar or wait until the September meeting; it would then go to the Council in October.

Commissioner Narum stated that she heard the application was submitted and it was quite a bit different from what the Commission considered at the last workshop. She indicated that she would not be available on August 18th and inquired if there could be another workshop before voting on the matter. She further inquired if the gas station has been removed.

Mr. Dolan explained that there are some changes but that these changes are responsive. He confirmed that the gas station was removed from the project.

Commissioner O'Connor stated that he would be returning from out of town two days prior to the 18th and indicated that this may not be sufficient time to review whatever substantial changes had been made.

Commissioner Pentin agreed.

Mr. Dolan stated that he would consider all of the Commissioners' input, talk to the applicant, and notify the Commissioner of the meeting date before the end of the week.

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

No discussion was held or action taken.

12. ADJOURNMENT

Chair Olson adjourned the Planning Commission meeting at 7:37 p.m.

Respectfully,

JANICE STERN
Secretary