



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, September 9, 2009

*(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 September 9, 2009, was called to order at 7:00 p.m. by Chair Pearce.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Jenny Soo, Associate Planner; Rosalind Rondash, Assistant Planner; Natalie Amos, Assistant Planner; Shweta Bonn, Assistant Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: Commissioner Kathy Narum

2. APPROVAL OF MINUTES

a. July 22, 2009

Commissioner Pentin moved to approve the Minutes of July 22, 2009 as presented.

Commissioner Blank seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the July 22, 2009 meeting were approved as motioned.

b. August 12, 2009

Commissioner Blank moved to approve the Minutes of August 12, 2009 as presented.

Commissioner Pentin seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the July 22, 2009 meeting were approved as motioned.

3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

Gerard Rawson expressed concern regarding noise and traffic in connection with the Generations HealthCare property, located to the rear of his property on Second Street and which operates under a Conditional Use Permit (CUP). He noted that although he did not currently reside there, he may do so at some future date, and he believed the operations were a nuisance. He stated that during the time he resided at the residence, his only avenue had been to make complaints to the Police Department, but the problems were not resolved. He noted that in July 2007, Generations HealthCare applied for an amendment to its CUP to add beds [that currently exist] to the facility, which has yet to be resolved. He indicated that he had proposed to staff to install a sound wall to mitigate the noise caused by delivery trucks arriving at all hours. He noted that the installation of walls should have been required for the Firehouse Arts Center as well as Barone's Restaurant to mitigate noise. He requested that the Planning Commission require a soundwall behind his home which is located in this historical section of the City.

Ms. Decker noted the CUP application is still active and that the applicant has been working with surrounding neighbors to help resolve issues. She added that staff anticipates the item to be placed on an upcoming agenda.

In response to Chair Pearce's inquiry if this would occur before the end of the calendar year, Ms. Decker said yes.

Commissioner Blank requested that Mr. Rawson be notified at his mailing address when the item is agendaized, as he does not live at the residence.

4. REVISIONS AND OMISSIONS TO THE AGENDA

There were no revisions and omissions to the Agenda.

5. CONSENT CALENDAR

Chair Pearce acknowledged a speaker card received for Item 5.b., PCUP-248, Kevin Butler, and Item 5.d., PCUP-253, Muslim Community Center of East Bay, and removed the items from the Consent Calendar.

a. PCUP-247, Snap Fitness

Application for a Conditional Use Permit to operate a fitness facility at 6654 Koll Center Parkway, Suite 355. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.

Commissioner Pentin inquired whether or not bicycle racks are to be installed.

Natalie Amos replied that bicycle racks were not proposed, given the scale of the facility.

Ms. Decker stated that it is an existing site and that staff can address the matter by including a condition that a bicycle rack be provided. She added that staff will take a look at the site and identify a location where it could be installed.

Commissioner O'Connor noted that the facility is unusual in that it will be open 24 hours a day, seven days a week, by card access. He inquired if there were any age restriction to access the facility as a ten-year-old could access the facility, unsupervised.

Ms. Amos replied that the applicants have indicated that the facility only allows adult users aged 18 years or older.

Commissioner O'Connor inquired if minors could be allowed if accompanied by an adult.

Mr. Dolan noted that the material submitted by the applicant addresses this matter that only those 18 years and older are allowed to use the facility.

Commissioner O'Connor inquired if this was in the Pleasanton Municipal Code (PMC).

Mr. Dolan replied that it was not but that the trade includes that restriction.

Commissioner O'Connor indicated that he would like to add this condition to the project.

Chair Pearce noted that the staff report indicates there are no classes; however, the applicant references classes in his narrative.

Ms. Amos replied that the applicant was not sure at this time if he will provide classes or not; the applicant would like to see the layout of the gym first before considering the possibility at a future time. She added that should the applicant propose classes, he would need to return to the Commission for an amendment to the use permit.

Chair Pearce referred to the facility being staffed from 10 to 120 days and that she understood that defibrillators are required to be available on site as well as certified users. She inquired if the applicant mentioned that to staff.

Ms. Amos said no.

Mr. Dolan noted that the facility has several outfits in the Bay Area that operate with the same business plan and have not encountered any problems.

**c. PCUP-252, Louis Yihmin Liou, Summit Tutoring Center
Application for a Conditional Use Permit to operate an academic and music tutorial school for Grades 6 to 11 at 4430 Willow Road, Suite C. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.**

Commissioner Pentin noted that there will be a part-time import/export business on site. He inquired if this would be part of the business or would be a separate business with a separate business license.

Jenny Soo replied that the operator of the tutorial business has a separate business that will utilize the facility only for office use. She added that they would need to obtain a separate zoning certificate and City business license prior to operation.

Commissioner O'Connor noted that he did not see a condition requiring children aged 12 years and under to be signed into and out of the facility by an adult.

Ms. Soo replied that this condition would be added.

Commissioner Pentin noted a typographical error in Condition No. 14 of Exhibit A, Draft Conditions of Approval, and requested that the word “grading” be replaced by “grand.”

Commissioner Blank moved to make the required Conditional Use Permit findings as listed in the staff reports and to approve Case PCUP-247 and Case PCUP-252, subject to the conditions listed in their respective Exhibit A, with the addition of a condition for PCUP-247 that no person under the age of 18 years be allowed to use the facility unless accompanied by an adult and that the applicant work with staff on the feasibility of installing a bicycle rack; and the addition of a condition for PCUP-252 that all children 12 years and below be signed into and out of the facility by an adult.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, O’Connor, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Narum.

Resolutions Nos. PC-2009-28 approving Case PCUP-247 and PC-2009-29 approving Case PCUP-252 were entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

(5.b.) PCUP-248, Kevin Butler

Application for a Conditional Use Permit to operate a recreational facility at 1040 Serpentine Lane in the Valley Business Park. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.

Commissioner Pentin indicated that he had a conflict of interest on the two items pulled from the Consent Calendar and stepped down from the dais.

Shweta Bonn presented the staff report and described the scope, layout, and key elements of the application. She noted that staff had received comment from a neighbor residing to the west of the property who voiced concern with nighttime noise levels. She added that staff followed up with the neighbor and the noise concern was resolved.

THE PUBLIC HEARING WAS OPENED.

Kevin Butler, Applicant, stated that he was available to answer questions.

Chris Studzinski stated that he is a property and business owner on Quarry Lane and expressed concern regarding allowing a non-industrial use in Valley Business Park. He noted that there are two driveways on the sides of the building but that they do not continue all the way around. He added that he foresees problems with parking on other tenants' property and cut-through to planted areas. He indicated that he was concerned with losing his business and suggested that the recreational facility be moved to the Vintage Hills Shopping Center or Downtown.

Commissioner Olson asked Mr. Studzinski what type of business he had.

Mr. Studzinski replied that he has a machine shop and has run it for 22 years, and that he has been a Pleasanton resident for 28 years. He noted that his business deals with parts for semi-conductors, telecommunications, precision machinery, etc., all computerized. He added that his business is clean and that the Fire Department has inspected it. He indicated that he provides health care for his 15 full-time employees from day one, that his business contributes to the City, and that he pays his taxes.

Commissioner Olson asked Mr. Studzinski if his employees have ample parking on his property and why he was concerned about losing his business.

Mr. Studzinski replied that his employees have sufficient parking on his property. With respect to losing his business, he stated that he was concerned that the increasing number of non-industrial uses the City allows in the Business Park would crowd him out and that he will incur problems with his insurance company due to the eventual majority of non-industrial operations in a Business Park. He added that he did not want to be a hold-out like the business behind the Round Table Pizza parking lot. He reiterated that he believes there are better locations for such uses.

Mr. Studzinski cited traffic and parking issues, noting that his CC&R's do not allow for on-street parking and that when the piano lesson facility was approved, the Commission encouraged parking on the street. He stated that he thinks things are incrementally changing and this deviates from the intentions of the seven partners who established the Business Park.

Commissioner O'Connor stated that there are permitted uses and conditionally permitted uses. Referring to Mr. Studzinski's statement that the CC&R's for Valley Business Park do not allow on-street parking, he inquired if the CC&R's specifically prohibit this type of uses in the Park.

Mr. Studzinski replied that the CC&R's only identifies allowed uses.

Commissioner O'Connor inquired if recreational facilities are not allowed, even conditionally.

Mr. Studzinski read from the list of allowed uses, which included day care center [*not pre-school or school*], gymnasium or health club [*such as 24-Hour Fitness, not*

gymnastics center], trade school, RV storage, private/non-commercial pub and lodge, and office uses.

Commissioner Blank inquired if there is a tenants association in the Park.

Mr. Studzinski said yes, the Valley Business Park Association.

Commissioner Blank stated that the City does not involve itself with CC&R's and that one possible outlet for him would be to approach the tenant organization and inform its officers that there is a violation of the CC&R's and that he wants some action taken, regardless of what the Planning Commission decides.

Mr. Studzinski stated that he understands that whatever is more restrictive between the City's ordinance and the CC&R's takes precedence and that the City and the Police Department are supposed to help enforce the CC&R's. He indicated that he hoped nothing happens to children in the Business Park and reiterated that there are better locations for these businesses, such as the Vintage Hill Shopping Center, which includes a yogurt shop and Tawny Park across the street. He noted that people waiting for their children from the piano and gymnasium facilities smoke and that his car was broken into on a Saturday.

Commissioner Blank addressed Mr. Studzinski and told him to contact the tenants association.

Mr. Studzinski replied that he did contact them and that they wrote to the City.

Jack Balch commented that he does not believe Parks and Recreation would like Tawny Park to be used as a Judo class location. He stated that he is the owner of five buildings at Valley Business Park and that his family has owned them since the 1970's. He indicated that the current building in question does have rear access in the back and that it also allows access to the quarry buildings on the other side of the property. He added that he believes there is adequate parking available and that it is not an issue.

Mr. Balch noted that he partly supports comments about seeing industrial parks remain industrial and all uses being relative to their zoning; however, he also agrees that zoning laws and uses do not always necessarily work out well and that there were not that many spaces in town for such uses. He indicated that he thought it was good that the Park is changing a little and that no CC&R's could adequately predict the future needs of the business park. He noted that he talked to the current management association team and that they do not have an issue with the current use. He indicated that he strongly supports the applicant and that he has not allowed him to sign a lease until the matter is resolved.

Kevin Butler, applicant, stated that he has lived in town for 15 years and that he has looked all over town for a spot to locate his business. He indicated that he is a firefighter and that his schedule only allows him to be present on certain days. He

noted that retail space is three times the cost of the proposed location and that the nearest club is 45 minutes away. He added that he wants his children to be involved in Judo as this is where he learned his core values, and he wants the location to be convenient and reasonably priced for his family. He stated that he believes there is ample parking, that parents will be involved, and that he is strict about monitoring the grounds.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank inquired if staff had received a letter from the tenants association.

Ms. Bonn said no.

Commissioner Blank moved to make the required conditional use findings as described in the staff report and to approve Case PCUP-248 subject to the conditions listed in Exhibit A of the staff report. Commissioner Olson seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2009-30 approving PCUP-248 was entered and adopted as motioned.

**(5.d.) PCUP-253, Muslim Community Center of East Bay
Application to transfer an existing Conditional Use Permit (PCUP-97) for a religious community center from 1279 Quarry Lane to 1249 Quarry Lane, Suite 150, in the Valley Business Park. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.**

Rosalind Rondash presented the staff report and described the scope, layout, and key elements of the application. She noted that after the report was published, staff had been contacted by Mr. Denali of 1233 Quarry Lane who expressed concerns related to parking. She indicated that staff has reviewed the parking capacity as well as the parking study and has no additional or modified recommendations.

Commissioner O'Connor noted that page 3 of the staff report talks about a homework club for children from Monday through Sunday from 5:00 p.m. to 7:00 p.m., which means there would be a maximum of 14 hours that a child could be in the facility. He

inquired if there was a limit of ten hours per week, after which a child care license would be required.

Chair Pearce stated that this has been discussed but that it has not gone to the City Council yet.

Mr. Dolan noted this was the standard in the policy but that there is no law to that effect. He indicated that the limit is 15 to 16 hours a week.

Commissioner Blank noted that he recalls providing feedback to staff about the child care policy and that staff would bring it back to the Commission.

Mr. Dolan stated that the item is going to the City Council and that if the Council chooses the alternative preferred by the Commission, staff would bring the matter back to the Commission for further review.

Commissioner Blank requested that staff notify the Commission when the matter comes before the City Council. He added that with respect to the options, he wanted to make sure that the alternative preferred by the Commission is presented to the Council with the same force that the Commission had when it was earlier discussed by the Commission.

Mr. Dolan indicated that staff would notify the Commission and would forward the City Council report to the Commissioners.

THE PUBLIC HEARING WAS OPENED.

Zaheer Siddiqui, applicant, stated that he is a Pleasanton resident, a business owner, and a board member of the Muslim Community Center of the East Bay. He noted that the Center has been in Valley Business Park from September 2003 to February 2008 at 1279 Quarry Lane and that during that period, they had no complaints or issues relating to parking, traffic, or noise. He stated that the use proposed is almost exactly the same as the existing use.

Mr. Siddiqui stated that the children's homework club is not a primary activity and is not expected to attract many children. He added that the club will be conducted only during weekdays from Monday through Friday for approximately two hours. He then described the other uses during the week, stating that there are approximately 10-20 people in attendance.

Commissioner O'Connor inquired if the proposal is for the homework club to operate only during the week and not on weekends.

Mr. Siddiqui said yes. He added that children are not interested to come in on weekends to do homework.

Chris Studzinski reiterated his earlier comment that he believes the use is not industrial and that it is not listed in the CC&R's as a conditional use. He stated that he went into this Business Park 22 years ago and bought his building about ten years ago. He indicated that he has lived in Pleasanton for a long time and that the Park is changing in the wrong way and wiping out the industrial park. He stated that they are professionals in the Park, and they, including delivery people, are concerned about the safety of children in the area. He noted that many people have stated that driving vehicles in an industrial area is different from driving in a residential area.

Commissioner Blank asked Mr. Studzinski where his business is located.

Mr. Studzinsky replied that his address is 1236 Quarry Lane.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank inquired if this is a merging of two organizations.

Ms. Rondash replied that they merged about a year ago.

Commissioner Blank inquired what analysis staff did regarding the location of 1233 Quarry Lane, Suite 145, to determine is parking will not be an issue.

Ms. Rondash replied that staff reviewed both the parking survey provided by an outside consultant; included as Exhibit D, and visited and walked the site. She noted that staff found that there was ample parking not only in the immediate area but also all around the building. She added that staff reviewed the Code requirements for the number of spaces required, which would be 51 spaces, and that the applicant has signed an additional agreement with the landlord for a total of approximately 70 spaces.

Commissioner Blank inquired what kind of business Kier and Wright was.

Ms. Decker replied that it is a civil engineering company.

Commissioner O'Connor stated that he realizes the City does not enforce CC&R's and that things are evolving. He noted that the City has been allowing conditional uses in the Park for some time and that he would not want to specify these uses. He indicated that he finds this proposed use appropriate for the site.

Commissioner O'Connor then requested that Condition No. 2 be modified to include language that the homework club will operate only for two hours each day, Monday through Friday.

Commissioner O'Connor moved to make the required conditional use findings as described in the staff report and to approve Case PCUP-253, subject to the conditions listed in Exhibit A of the staff report, with the addition of language to Condition No. 2 that the homework club be limited to two hours per day, Monday

through Friday, and the addition of a condition that children 12 years and under are signed into and out of the facility by an adult.
Commissioner Blank seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2009-31 recommending approval of PCUP-253 was entered and adopted as motioned.

Commissioner Pentin returned to the dais to participate in the remainder of the Commission meeting.

a. PRZ-46, City of Pleasanton

Review and consideration of amendments to Chapter 18.104 and various related sections of the Pleasanton Municipal Code regarding Home Occupations.

Donna Decker presented the staff report and described the current process for home occupation applications and the proposed amendments to Chapter 18.104, which would clean up and clarify the language in the Code.

Commissioner Olson noted that Item I of Exhibit A on page 1 [*Section 18.104.020*] lists things typically found in a home office and inquired if personal computers could be added to the list. He added that on page 2 [*Section 18.104.030*] the same list is repeated and inquired if this is the same set of conditions.

Ms. Decker clarified that Section 18.104.020 is considered the definitions of what are considered exempt home occupations, and Section 18.104.030, although almost identical to the previous section, lists conditions that are consistent with the regulations of an exempt home occupation. She added that any home occupations that do not fall under either section are considered non-exempt, and staff provides a process regarding to how they are processed.

Ms. Decker continued that Section 18.104.050 sets up the procedures for an exempt and non-exempt home occupation permits, which lists the requirements for a home occupation permit application, and whatever is not considered exempt would be non-exempt. She pointed out that Section 18.104.040 lists a couple of prohibited home occupations. She noted that in the past three years, there has been some discussion about dogs, kennels, and breeding in terms of what is done in neighborhoods. She indicated that Chapter 7 also identifies the limitations in the R District with respect to how many animals or pets one can have, which is up to four; however, there is no distinction regarding the number of puppies. She added that the Planning Commission

may wish to consider breeding, sales, and transfer of animals as a prohibited home occupation.

Recalling the chicken issue which occurred four or five years ago, Commissioner Blank stated that there may be instances where dogs have a litter of 15 pups, and he inquired if this is something that should be considered. He indicated that he felt some research might need to be done as opposed to simply banning certain uses. He asked staff whether or not there have been other issues in the past other than the hawk and chicken issues.

Ms. Decker replied that staff has received complaints on the existing kennel out in the Vineyard Avenue Corridor Specific Plan area, which was a pre-existing use, prior to the Council adoption of the Specific Plan. She indicated that staff does not run into these types of problems often, but should it become a topic to consider, staff can add it in the future and also review language in the R district of Chapter 7 in terms of what is actually allowed as far as animals are concerned.

Chair Pearce inquired whether, by its nature, such a breeding operation should be prohibited and if there were a situation where it might be non-exempt.

Ms. Decker replied that in some communities, people are allowed to breed dogs and sell the puppies from their homes. She indicated, however, that she was not aware if this happens in Pleasanton. She noted that there were so many variables and was not sure how to craft language. She added that if this is an area of concern for the Commission, staff could bring information back.

Commissioner Blank suggested that staff bring back additional data about how often this has come up, as he prefers not to have to solve a problem that does not exist.

Commissioner Olson noted a typographical error in the first sentence of the first full paragraph on page 3 and requested that the work "within" be deleted.

Commissioner Blank inquired what "tole painting" was.

Commissioner O'Connor explained that this is doing craft painting on objects such as a water can.

Commissioner Pentin agreed with adding language that includes a personal computer and inquired whether web designers or graphic artists would be exempt or not.

Ms. Decker replied that these would be exempt because the intent for exempt home occupations is similar to office uses where employees are not coming to and going from the house. She added that if a business that had an office and a web designer requests to have two designers and two computers with people coming and going, this would be considered non-exempt.

Commissioner Pentin stated that he has a web designer in town, he has never been to her home but she does great work, and he would hate to see her affected by this.

Ms. Decker replied that staff was concentrating on non-exempt and that it might be important to update the information, such as removing the word "typewriter" and adding in more state-of-the-art office equipment.

Commissioner Blank suggested language such as "a business that never receives customers on-site and/or that has no on-site inventory is categorized as exempt." He added that this would thereby include writers, web designers, programmers, independent contractors, and all those who do all of their work on-line and on-site.

Chair Pearce stated that if the Commission is considering significant changes, she would like to see the item return to the Commission before it goes to the City Council.

Commissioners Blank and O'Connor both agreed.

Commissioner O'Connor requested that the work "audibly" be added to "visually" in Item L under Section 18.104.030 on page 2.

Chair Pearce recalled that the Commission had a discussion on a wedding dress home occupation, and there were concerns about the use of one room as opposed to multiple rooms in the house.

Ms. Decker stated that she spent time reviewing this particular example, and staff considered this a non-exempt home occupation permit. She added that the area staff was considering over one-room size was actually more like a living room/dining room area, and the Planning Commission thought it was simply four walls defining that space. She noted that some of the other concerns were the shipping and receiving of dresses, storage of dresses in more than one room, in the garage, as well as customers coming to the house. She indicated that staff has not received any complaints to date about this home occupation.

Chair Pearce stated that houses tend to become a little less structured and inquired if "one room" or "x-number of square feet" should be used in terms of the house.

Ms. Decker replied that Item B under Section 18.104.030 actually states "...one room of a dwelling or more than 50 square feet of an accessory building or garage."

Commissioner Pearce stated that she thinks if it is ancillary to the house, such as a big room rather than half a house taken over the business, then it would no longer be ancillary but non-exempt.

Commissioner O'Connor stated that he felt it was appropriate to say "no more than one room" as there are not that many people who have 50-square-foot rooms in their homes.

Chair Pearce requested staff to update this Code amendment and bring it back to the Planning Commission.

Ms. Decker replied that staff would try to bring it back on October 14, 2009.

Commissioner Pentin inquired if the Commission could approve the changes proposed tonight and then look at the additional changes later on.

Chair Pearce replied that she would prefer to see the whole document rather than vote on it piecemeal.

The Commissioners concurred.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Hacienda TOD Subcommittee

Commissioner Olson stated that an item was distributed about a week ago regarding Hacienda Transit-Oriented Development (TOD) which referred to a joint meeting with the City Council that was held over a year ago. He recalled that at that meeting, it was decided that a subcommittee or task force would be established to look at a plan on how this would happen within Hacienda. He expressed disappointment to learn that it is just now, one year later, that it is getting to a point to hold subcommittee meetings. He inquired how long the process would take.

Mr. Dolan stated that some issues had to be resolved before the process could move forward and added that it is staff's intention to have the process take less time than the period of the time it has taken to establish a subcommittee. He indicated that the formation of the subcommittee will be agendaized for the next one or two upcoming meetings.

Commissioner Olson stated that this is an important issue and requested that it not be delayed further.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

Child Care Policy

Commissioner Blank stated that at a previous meeting, the Commission provided input on the City's proposed child care policy. He noted that staff disagreed with it and will not support the Planning Commission's recommendation to the City Council. He asked that staff provide notice of the meeting and the staff report to each member of the Commission in sufficient amount of time so the Commissioners can attend the meeting and explain the logic that went into the matter.

Chair Pearce stated that she recalled the matter would return to the Planning Commission.

Mr. Dolan noted that he was surprised when he heard that this was the Commission's expectation, because staff did not intend to return the matter to the Planning Commission and learned of the expectation only after the hearing. He stated that it did not seem productive to spend a great deal of the Commission's time if the Council was going to choose the other option; however, he indicated that if the Council agreed with the Commission's preferred option, the matter would be brought back to the Commission.

Commissioner Blank stated that since it has not returned to the Planning Commission, the option the Commission chose does not have the benefit of fine-tuning like staff's option does. He indicated that he felt it was unfair that staff was inadvertently presenting an inferior Planning Commission work product against what could be a very superior staff product.

Mr. Dolan noted that staff must not have communicated clearly enough that the Planning Commission's product was the final product. He indicated that the item was scheduled for the City Council meeting on October 1, 2009 but was continued. He added that he understood Commissioner Blank's comments but that staff has viewed it as two very clear paths at a policy level, and one policy direction or the other would be taken by the Council; the "polishing" task will be dependent upon which one is supported.

Commissioner Blank expressed concern with the Council receiving staff's recommendation and the ease with which it could be approved as opposed to the Planning Commission's recommendation which would involve more re-work and re-view by the Council, which is not value added or a good situation. He requested that future matters be communicated more effectively.

Mr. Dolan agreed the input was valuable and would be considered.

c. Actions of the Zoning Administrator

PADR-2006, David Williams, Clear Channel

Commissioner Blank requested a copy of the documents for PADR-2006, stating that he was not sure if he wanted to appeal it. He stated that when he saw the propane tank and emergency back-up generator, he recalled a situation where specific bollards were needed and it was a much larger issue than anticipated.

PUD-14-05M, Kevin Reedy

Chair Pearce referred to PUD-14-05M, Kevin Reedy and noted that it looks as though they are reducing a private storm drain easement from 12 feet wide to 30 inches wide. She requested clarification from staff.

Ms. Decker stated that said the area being reduced is essentially about a 3:1 soft slope and has a swale. She added that there is landscaping within that area, and Mr. Reedy wants to remove it and put vineyards in with an access road around it. She indicated that the concern was proper access and whether or not drainage could handle the drainage area it provides; the Engineering Division has reviewed it and confirmed that 30 inches does provide proper drainage.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

- a. Brief report on conferences, seminars, and meetings attended by Commission Members

There were no reports.

12. ADJOURNMENT

Chair Pearce adjourned the Planning Commission meeting at 8:28 p.m.

Respectfully,

DONNA DECKER
Secretary