



PLANNING COMMISSION MEETING MINUTES

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

DRAFT

Wednesday, July 25, 2018

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The Planning Commission Meeting of July 25, 2018, was called to order at 7:01 p.m. by Chair Nagler.

The Pledge of Allegiance was led by Commissioner O'Connor.

Staff Members Present: Gerry Beaudin, Director of Community Development; Steve Otto, Senior Planner; Julie Harryman, Assistant City Attorney; Jennifer Hagen, Associate Planner; Eric Luchini, Associate Planner; Amy Statham, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Greg O'Connor, Herb Ritter, Chair David Nagler, and Jack Balch

Commissioners Absent: Commissioner Justin Brown

2. APPROVAL OF MINUTES

a. June 27, 2018

Commissioner Allen moved to approve the Minutes of the June 27, 2018 meeting, as submitted.

Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Nagler, O'Connor, Ritter

NOES: None

RECUSED: Balch

ABSENT: Brown

The Minutes of the June 27, 2018 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 Commission.

4. AGENDA AMENDMENTS

There were no amendments to the agenda.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

a. P18-0156, SideTrack Bar & Grill

Application for Conditional Use Permit approval to serve alcohol past 11 p.m. at a new restaurant, SideTrack Bar and Grill, located at 30 W. Angela Street. Zoning for the property is C-C (Central Commercial) District.

Associate Planner Jennifer Hagen gave the staff report and an overview of the request for a Conditional Use Permit (CUP) to serve alcohol past 11 p.m. and until 1:00 a.m. on Thursday, Friday and Saturday nights at SideTrack Bar and Grill, an existing bar/restaurant. The application is supported by the Police Department and staff recommends approval of the CUP.

Commissioner Allen asked if there were other businesses that have similar CUPs approved. Ms. Hagen replied there are twelve restaurants/bars in the downtown area with CUP approvals to serve past 11 p.m., but not all are operating at these hours.

Commissioner Allen asked and confirmed that this application and standards are consistent with the Downtown Hospitality Task Force Work and includes all specific guideline conditions of approval.

Chair Nagler commented that the establishment next door already has a permit to be open until midnight.

THE PUBLIC HEARING WAS OPENED.

Steve Kramer, 4614 2nd Street, said he is two blocks away from the property, voiced concerns with serving alcohol until 1 a.m. and asked if it would also be served outside, stating he was concerned about potential noise.

Ms. Hagen said as proposed alcohol would be inside and outside on the patio.

Commissioner Ritter asked if there have been many noise or other complaints from nearby restaurants after midnight.

Mr. Beaudin stated no; it is a discretionary approval and if there are complaints or issues, the Commission and the public can have the item reheard and change operating hours and other provisions of the CUP. The Police Department reviewed the application and they are comfortable with the recommendation of support.

Chair Nagler noted that the request is also for three days and two additional hours each of those days, and there is no request for amplified music.

Ms. Hagen noted that approval also includes 10 days a year where the establishment might hold holiday events if they do not fall on a Thursday, Friday or Saturday.

Commissioner O'Connor asked and confirmed that any operation for additional days would require the applicant to return to the Commission.

**Commissioner Ritter moved to approve Cases P18-0156.
Commissioner O'Connor seconded the motion.**

ROLL CALL VOTE:

AYES: Commissioners, Allen, O'Connor, Nagler, Balch, Ritter
NOES: None
ABSENT: Brown

Resolution PC-2018-14 recommending approval of Case P18-0156 was entered and adopted, as motioned.

6. PUBLIC HEARING AND OTHER MATTERS

a. P18-0101, Shadie Azizi

Appeal of the Zoning Administrator's approval of an Administrative Design Review (ADR) application to construct an exterior staircase with an exterior door on the second floor of the northern side elevation of the existing residence located at 6721 Corte Del Vista. Zoning for the property is PUD-MDR (Planned Unit Development-Medium Density Residential).

Associate Planner Eric Luchini gave the staff report and overview of the appeal of the Zoning Administrator's approval to construct an exterior staircase with an exterior door on the existing residence. He provided an historical background on the project and subsequent filing of the appeal and stated the project conforms to all site development standards and conditions have been included to address the appellant's privacy and noise concerns and recommends that the Commission deny the appeal.

Commissioner Ritter questioned if the City has had many requests for exterior staircases. He cited the prevalence of them given density and affordability issues.

Mr. Luchini replied these types of staircases would typically be affixed to outdoor balconies; it is rare that they are stand-alone as in this case. However, he has processed at least two or three applications requesting exterior stairs.

Commissioner Allen asked and confirmed there were no other staircase examples within this neighborhood.

THE PUBLIC HEARING WAS OPENED.

John Vinci, Appellant, 6730 Paseo Catalina, stated his view is the primary reason for his appeal, said there are no other similar stairwells in the Ponderosa Homes development and the applicant's trees have overgrown into his yard by 8 feet which, if trimmed, would improve his view. He described his home and said most all rooms face views of the mountains. He did not understand why the stairwell is proposed and believed that his neighbors would also have concerns with their views, but they were not present.

Shadi Azizi, applicant, 6721 Corte Del Vista, said she had moved to her home about 20 years ago as a single mother and raised two children in it. She spoke to being good neighbor and said she did not want to disrupt any neighbors as they get along. Regarding objections with blockage of views, she did not believe he had any views of the mountains because the trees cover it. She consulted with Mr. Luchini when he took photographs, and he also did not believe views were a valid concern, and said she will comply with whatever the Commission decides.

Marlene Baca, 6726 Paseo Catalina, said she is the neighbor on the other side of the applicant and her master bedroom faces Ms. Azizi's house. She contacted staff, spoke with Ms. Azizi and confirmed this would be a rental and asked who would be renting the room and have access to the bathroom and bedroom and not access to the rest of the house. She voiced concerns with noise and Ms. Azizi indicated there would be none and if there was, to call her.

She asked if the staircase which will be dedicated to that room would then become a duplex. Regarding views, she does not have any views; however, when her sliding glass door is open, sounds travel and she can hear her conversations; however, she has had no problems with Ms. Azizi.

Mr. Beaudin stated the City is not approving a kitchen or any other interior aspects that would create a separate living unit and it would be a room for rent.

Commissioner Balch asked if this was allowed per the Municipal Code, and Mr. Beaudin concurred.

Commissioner O'Connor asked and confirmed there were no view easements and that if someone wanted to plant a tree in their backyard they could do so without permits.

Chair Nagler asked if any of the trees qualify as a heritage tree.

Mr. Luchini assumed at least two or three would, based upon their height, which has to do with height over 35 feet and its circumference and any trimming would be restricted given they are heritage trees.

Commissioner Balch asked if there was a picture from appellant's view back towards the home.

Mr. Luchini said no; staff and the appellant had not been able to find a time to meet, but he noted the appellant does have photographs this evening.

Commissioner Allen stated she was struggling with how to vote on the matter due to the fact this meets zoning requirements; however, zoning itself is not sufficient and the project must be compatible and harmonious to the neighborhood. She had the following tests she asks herself:

1. Would she want to live in a neighborhood like this and have many exterior stairwells?
2. This could be setting a precedent and she asked if this would appear harmonious and compatible if many of the neighbors did the same thing.
3. If this neighborhood was not built out and a PUD was coming to the Commission which had a similar proposal and had exterior stairwells, she questioned if the Commission would support this or that they be removed or perhaps enclosed.

Her answer would be that she would have trouble with all three tests if this neighborhood today turned into one with many external stairs, can find it is not harmonious and was surprised more people were not present at the hearing tonight.

The merits of the appellant's arguments also do not compel her because she sees no view issue, but the noise issue is a potential problem. Her biggest concern is the precedent. If this is allowed, the Commission would open it up to more people in this medium density neighborhood and she did not think external stairwells were appropriate. She supported the need and desire of the applicant for the stairwell but said she would like it built inside of the house or be enclosed on the exterior.

Commissioner O'Connor commented that this is an older neighborhood and was not originally designed with exterior stairs. However, there are many developments in the area that have exterior stairs and balconies going up to a casita over a garage, especially in those neighborhoods with detached garages. He also did not think people would make noise on what would be a 3x3 foot landing. Additionally, the City is looking for low cost housing, ADUs and similar arrangements and these are occurring in the community.

Commissioner Balch said he lived in this neighborhood for four and a half years and also lives next to a house that has an exterior stairwell. The seniors in that home are renting out a room for supplemental income and because they want to age in place. He purchased his home after this was already in place and his only dislike of his neighbors is that it has a 10x12 foot balcony with noise issues.

He also believes the view argument is false because the slope of the appellant's view is approximately 25 feet from the property line to the back of the applicant's house. The

proposed stairwell with its 3x6 foot railing would be 13 feet, which is a very small slope for where the ridgeline is.

He also thinks this application is non-impactful. It has a 4x4 foot landing and the neighbor adjacent to Ms. Azizi is not here or did not provide written comments, and the trees are mature. Therefore, given his goal for housing, finding a way for seniors to age in place, and the underlining housing issues he supported denial of the appeal.

Commissioner Ritter agreed and stated the City does need more affordable housing. His concern is protecting the visual rights of their home, additional cars and noise, but he voiced support of denial of the appeal. He thinks the Commission will see more of these as they are needed in the community.

Chair Nagler agrees with comments made by Commissioners O'Connor, Ritter and Balch. He did not believe the precedent is a concern and said the trees are protected. What is compelling, is that the City has a housing issue and the staircase can address this.

The mature trees exist and referred to Commissioner Balch's opinion that the obstruction of views would be minor and also did not believe this argument had substance.

Commissioner Allen thanked Commissioners for helping her to think through this.

Commissioner Balch moved to deny the appeal of Cases P18-0101 per staff's recommendation.

Chair Ritter seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Nagler, O'Connor, Balch and Ritter
NOES: None
ABSENT: Brown
RECUSED: None

Resolution PC-2018-15 approving Cases P18-0101 and was entered and adopted, as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Commissioner Balch referred to current construction on the Bernal on-ramp to southbound I-680 and the no right turn on Foothill at Castlewood, it creates a traffic snafu on the west side of town.

Mr. Beaudin stated he knew of the problem and the no right turn on Foothill has been brought up by the County, Caltrans and staff is working through issues, and it is scheduled to go through September or October and staff suggested alternative options.

Commissioner Balch said he did not realize the significance of the volume on northbound Foothill and drivers are now turning right to go eastbound Bernal, which has construction as well, so there is a lot of confusion.

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

a. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)

Commissioner Ritter reported that the Bicycle Pedestrian Advisory Committee meeting was canceled, and the Downtown Task Force is on hold through the summer.

b. Future Planning Calendar

Mr. Beaudin discussed the future planning calendar, as follows:

- The August 8th agenda will likely be canceled;
- The August 22nd will include the Spotorno EIR project and will hold a community conversation about the EIR and another work session about the project. The applicant has made some changes but has not addressed all concerns and questions by the Planning Commission, so there will be two parts to the meeting; comments on the EIR and an additional workshop on the project;
- Commissioner Ritter announced that he will be unable to attend the August 22nd meeting, and he noted Commissioners Balch and O'Connor are recused for the Spotorno project; and
- Mr. Beaudin said staff was going to bring back the Sheng Meng child care facility which was previously pulled, but staff will ensure there is a quorum for the August 22nd meeting.

c. Actions of the City Council

Mr. Beaudin stated the urgency ordinance was put into place at the last meeting for massage uses in the Downtown.

d. Actions of the Zoning Administrator

Mr. Beaudin reported actions as a loading door on Hopyard and new signs for Coldwell Banker on Main Street.

Commissioner Ritter questioned if the sign ordinance has been completed. Mr. Beaudin stated they have a second phase to the zoning update that will include another review of the sign code, but the City is in compliance with State law.

Commissioner Allen questioned the Chabad appeal and Mr. Beaudin confirmed it would be heard at the August 21st City Council meeting, noting both sides have appealed.

9. ADJOURNMENT

Chair Nagler adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Amy Statham
Recording Secretary