



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Wednesday, May 8, 2013**

*(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 May 8, 2013, was called to order at 7:00 p.m. by Chair Phil Blank.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Narum.

### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Larissa Seto, Assistant City Attorney; Steve Otto, Senior Planner; Marion Pavan, Associate Planner; Rosalind Rondash, Associate Planner; Natalie Amos, Associate Planner; Shweta Bonn, Associate Planner; Mike Tassano, City Traffic Engineer; Kaushik Bhatt, Associate Civil Engineer; Quantise Bradley, Police Department; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Phil Blank, Kathy Narum, Greg O'Connor, Jennifer Pearce, and Mark Posson

Commissioners Absent: Commissioner Arne Olson.

Chair Blank congratulated Commissioner Narum on her Council election victory.

**2. APPROVAL OF MINUTES**

**a. April 24, 2013**

Commissioner Posson requested that the word “energies” in the second sentence of the third paragraph under Item 7.a., Renewable Energy and Water Supply Conservation for New Development, be changed to “energy.”

**Commissioner Narum moved to approve the Minutes of April 24, 2013 as amended.**

**Commissioner O’Connor seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, Narum, O’Connor, and Posson.**

**NOES: None.**

**ABSTAIN: Commissioner Pearce.**

**RECUSED: None.**

**ABSENT: Commissioner Olson.**

The Minutes of the April 24, 2013 meeting were approved as amended.

**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.

Referring to the email he sent to the Commissioners earlier in the evening, Brian Dolan affirmed that the microphones in the Council Chamber went out last night in the middle of the Council meeting and began making noises. He noted that while they could not be fixed in time for the Commission meeting, they are working right now but may have to be turned off if the same problems recur.

**5. CONSENT CALENDAR**

- a. **P12-1820, Stoneridge Properties, LLC (Simon Property Group)**  
Application to amend the Development Agreement for an additional five years regarding an approximately 362,790-square-foot expansion to the Stoneridge Shopping Center located at 1-1700 Stoneridge Mall Road. Zoning for the property is the CR(M) – (Regional Commercial – Mall) and PUD-MU (Planned Unit Density – Mixed Use) Districts.

Commissioner Narum moved to approve the Consent Calendar.  
Commissioner Pearce seconded the motion.

**ROLL CALL VOTE:**

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

Resolution No. PC-2013-21 recommending approval of Case P12-1820 was entered and adopted as motioned.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

- a. **PUD-81-30-87D, St. Anton Partners, Inc. – Anton Hacienda Apartments**  
Application for Planned Unit Development (PUD) Development Plan approval to construct 168 apartment units and related site improvements at 5729 West Las Positas Boulevard. Zoning for the property is Planned Unit Development – High Density Residential (PUD-HDR) District.

Commissioner Narum recused herself and left the dais.

Rosalind Rondash presented the staff report and described the background, scope, and key elements of the proposal. She then noted that staff has given the Commission a memo which includes updates on the Housing Commission's recommendation regarding affordable housing, as well as some additional conditions of approval that are potentially going to be incorporated into the project and for which staff would like the Commission to provide its input.

Chair Blank requested Ms. Rondash to summarize the memo for the public, who have not had a chance to read it.

Ms. Rondash stated that at its May 2, 2013 meeting, the Housing Commission discussed the affordable housing elements that could be incorporated into the project and outlined its recommendation of a total of 35 rent-restricted, affordable units at

50 percent Area Median Income (AMI) limits for a three-person household, which is approximately \$40,000, to be provided at this level of affordability. She added that the Housing Commission also recommended a total of 16 affordable units that may be used towards the inclusionary unit credits to facilitate other developments trying to meet their affordable housing. She noted that assuming the developers are successful in security the partnership for the 16 units, the project would have a total of 42 affordable units: 35 units at 50-percent AMI and seven units at 100-percent AMI.

Ms. Rondash continued that in that same memo, staff has also incorporated additional conditions regarding an access issue that came up with the adjacent ValleyCare Health System (VCHS) site. She added that VCHS representatives are still in communication with the applicant and the City and that staff would like the Commission's input on those are potential conditions. She noted that the memo also notes the addition of a few words that were left out at the end of Condition No. 12.

Mr. Dolan stated that he would like to add to Ms. Rondash discussion regarding the two additional potential conditions in the staff memo. He indicated that with the construction of this project, the access to ValleyCare is different and they do not really have access off of West Las Positas Boulevard, which is the street on which it is addressed and their front entrance faces. He noted that a number of different solutions were discussed, and staff thought that the issue was resolved, but evidently it was not. He added that until very recently, since the staff report was published, all the parties kind of agreed that the solution would be to add another driveway; staff had some concerns about its distance from the corner, but ultimately worked through those concerns and was satisfied that an additional driveway will work. He indicated that what it really came down to was, if everyone agrees to having a driveway there, who is going to pay for the driveway, and this question was not resolved in advance of this meeting. He noted, however, that he is happy to report that right before the meeting, both parties had indicated to him that they had come to some kind of financial agreement and that he will have to ask them to expand on it. He indicated that he still believes that the condition, as written, will work because it does not really address the financial aspect but just talks about the responsibility of the developer to do it. He stated that his understanding of the agreement is that the developers have actually stepped forward and said they will do it, and a portion of the cost would be reimbursed by ValleyCare. He added that he is hoping to get some confirmation from both parties tonight that they have resolved this issue.

Mr. Dolan stated that the second point, and the reason why ValleyCare really has any standing to request this, is there are mutual access easements across each of these properties. He indicated that there is some arrangement for parking which has been worked out previously, but both parties have rights to access through the other's property; however, when this project is built, the access changes for ValleyCare. He added that ValleyCare believes some of the project traffic will go out behind its building onto Stoneridge Drive, and there is an area there where ValleyCare has some sort of recycling and other functions and it will have to adjust that to make sure they are not interfering with St. Anton traffic going out that aisle. He indicated that ValleyCare is

requesting that staff add a condition suggesting that St. Anton work with ValleyCare to make that back driveway work. He noted that it is a cooperative kind of condition which is not onerous on either party and all subject to staff's approval.

Commissioner Pearce inquired if there is a representative from ValleyCare in the audience.

Mr. Dolan replied that there are two representatives present.

Chair Blank stated that Condition No. 12 seems pretty onerous and inquired if this is something the applicant has agreed to or just something staff is proposing.

Ms. Rondash replied that this is a standard condition for residential type of developments.

Commissioner Posson asked staff to point out on the site map where the new driveway would be located.

Ms. Rondash displayed the site map on the screen and pointed out that it would be located where there is currently a bus stop, which would need to be relocated.

Commissioner Posson inquired if it would be on the Stoneridge Drive side of the bus stop.

Ms. Rondash said yes.

Commissioner Posson noted that he was not at the November Work Session and asked for some background information regarding the issue of the bars on the windows.

Mr. Dolan stated that he thinks the Commission thought that bars on the windows leaves an impression that this is not a safe place, and Pleasanton does not really have bars on windows. He explained that in this case, the applicant believes and staff agrees that this is an architectural detail that is consistent with the style and actually adds to the design. He added that driving down West Las Positas Boulevard does not typically make one think of being in an unsafe neighborhood, and staff believes that is really not going to occur to anybody.

Commissioner Posson inquired if the bars will be only on certain windows and not on all of them.

Mr. Dolan said yes.

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

Ardie Zahedani, Vice President of St. Anton Partners, stated that he appreciated the opportunity to be before the Commission to present this project. He indicated that

present in the audience to answer questions are Keith Labis, Project Architect, from KTG Y Group, Inc; Linda Gates from Gates and Associates; and Mike Serpa, Project Advocate and Consultant.

Mr. Zahedani then presented a brief background on St. Anton Partners, stating that it is a privately-owned company founded in 1995 by two gentlemen who are involved in every detail of its projects. He noted that one of the founders, Peter Jeremy, was in the audience. He continued that the company develops, builds, owns, and manages 6,500 units throughout California, 2,000 of which are in the Bay Area. He added that the company, which has about 300 employees, never outsources its projects, such that it fixes any problems its projects may have.

Mr. Zahedani then gave a little bit of project history, noting that one of the reasons the company pursued and purchased the project site from Nearon was because on June 1, 2011, this site was ranked among one of the highest with 20 points for site amenities including its proximity to transit, parks, and schools. He indicated that they submitted an application to develop in September 2012 and had a very productive Planning Commission Work Session in November 2012. He commended Pleasanton as one of the few cities that provides its applicants with upfront feedback, both from a planned development review committee and at a Planning Commission workshop, such that the developer is not out spending hundreds, if not millions, of dollars before it gets its first feedback. He thanked the Commission and staff for such a fruitful process.

Mr. Zahedani stated that the application was deemed complete in January 2013, and one of its proudest achievements was getting unanimous approval from the Housing Commission last week, with the Chair commending staff and the applicant as well. He noted that the project has a 20-percent AMI at 50 percent, which is the most seen anywhere in the region. He further noted that the project is truly a mixed-income community with units dispersed throughout the entire project.

Mr. Zahedani displayed some slides, including one of the Verona Townhouses across the street, which is what the applicants wanted its project to look like so it could fit in and be compatible with the surrounding area. He then presented project elevations fronting West Las Positas Boulevard, showing the pitched roof and classic components, as well as the bars on the windows, which he believes looks better and which staff likes, but on which the owners had indicated they would defer to the Planning Commission's wishes.

Mr. Zahedani then presented what he deemed to be the heart of the project. He stated that although the project is defined as a 5.68-acre site, it really is only 4.9 acres net developable, with two major easements, on which they were able to have 168 units with three-story buildings, two "U"-shaped buildings in the front, four stories in the back, and one story for the clubhouse and amenities. He noted that this is key because going into the project, one drives by the trees that were saved in the front easement area so that one barely sees the three-story building with its 38-foot tall elevation and with most of the massing in the back in the large "L"-shaped building. He added that the project was

able to meet the standards for parking, open space, and circulation, which is very difficult to accomplish in a triangular-shaped site. He noted that it took three architects and is a true achievement for their entire team and City staff. He added that they ensured there is an arrival zone that provides a sense of being as one enters the community through the main town center where residents can have a barbecue and throw a football around, and which includes the child center with the tot lot, a full pool area, a large-scale indoor gym for the tenants and their guests, and a yoga room.

Mr. Zahedani stated that they worked very diligently to create a second park on the west side of the project which includes a dog run as requested by the neighbors at the Planning Commission Work Session, noting that these apartments will have long-term tenants who will need a place their pets can use. He added that there is a gathering area with seating, a vegetable garden, bike racks both in the private garages and around the community space area, and two gates that connect to the trail north of the site. He pointed out that private garages have been included, which would provide ease in pulling into the units with kids and groceries, particular when it is raining.

Mr. Zahedani stated that another big accomplishment for the project is the addition of new individual entries into 12 more units, bringing the total ground-floor units with entries to 28 of the 30, with direct access from both the back and front side of the units.

Mr. Zahedani then touched on the issue of the access with ValleyCare, noting that in the spirit of being good neighbors, both parties came together at about 5:30 this evening, and they have an agreement in place. He indicated that the agreement has not yet been signed, but the mechanism necessary to build the driveway has been created, and the funding has been worked out. He noted that the driveway will be concurrent with the application process so that the access is provided before the project is built. He added that the details will be worked out in the coming week, and they are confident it will be done before the City Council hearing.

Mr. Zahedani closed by stating that it was a pleasure working with the City. He noted that they have come a long way, adding that the affordable housing plan was a big hurdle for them, but staff found a way to get them through two Commission hearings in a very expedited manner.

Commissioner Posson commended the applicant for working with staff to incorporate elements of the Climate Action Plan as noted in Condition No. 10 and for coming up with 143 GreenPoints. He asked Mr. Zahedani if they have considered using photovoltaic tiles in the development.

Mr. Zahedani replied that they did achieve 143 points, which is the most they have done anywhere and which he believes is the most of any project anywhere in the City. He indicated that they picked the line items that they thought would have the greatest return for the City, the tenants, and the developer, and they will continue to work with staff on the Climate Action Plan elements. He added that they are about 19 points above Title 24, which is quite an achievement when coupled that with the BuildItGreen points.

He noted that they outlined costs versus benefit in the process, and they did not see the cost-benefit of incorporating photovoltaics into this project.

Commissioner Posson inquired if the cost-benefit analysis has been shared with staff, noting that it would be very helpful.

Mr. Zahedani said no but that they would be happy to do so.

Commissioner Posson stated that he did not see anything about charging stations for electric vehicles and inquired if they have thought about how that would be incorporated to serve the tenants.

Mr. Zahedani replied that they have explored those at length and could incorporate them; however, the neighbors across the street had expressed concern about parking, and incorporating reserved spots for electric- or solar-charging units would use up two or three more parking spaces. He indicated that it would create a problem for the development if there is not sufficient parking available.

Chair Blank stated that he can understand the dedicated parking space and inquired if, for example, a tenant wanted to have the garage or carport plumbed with a 220-volt line for an electric vehicle, if that is something that could be accommodated and how that would work.

Mr. Zahedani replied that it is a good idea and would not be a problem.

Chair Blank noted that it would probably be done at the tenant's expense and asked Mr. Zahedani if they would be agreeable to work with staff on this.

Mr. Zahedani replied that they could explore that before the project goes to Council.

Commissioner Posson commented that the demand is not there right now, but with additional younger tenants coming in, there may be a demand, and he wanted to make sure that was considered in the design.

Mr. Zahedani commented that this is the wave of the future. He added that he uses a natural gas car that gets him 100 miles to a gallon, the use of the carpool lane, and no tolls.

Commissioner Pearce thanked Mr. Zahedani for adding more street entries at the last minute, noting that it was important to her. She asked Mr. Zahedani if they were comfortable with the additional conditions with regard to ValleyCare or if they wanted the financing mechanism memorialized within those conditions.

Mr. Zahedani said yes. He stated that the request came in on Thursday, they worked on it over the weekend, costed it out this afternoon on the back of a napkin, made a cellular phone call on the way over, and came up with a framework. He indicated that

they do not know the exact details, but their preference would be to work out the details this week and go to the Council with the conditions.

Commissioner O'Connor stated that he was very impressed with what the applicant has brought back to the Commission. He indicated that he believes they have answered all of the Commission's concerns from the Work Session and that he does not have any additional questions.

Chair Blank thanked Mr. Zahedani for his comments about the Work Session. He stated that he has heard some developers question why they need to have a Work Session, and so he appreciates knowing that at least in this one particular case, it was effective.

Becky Dennis, Citizens for a Caring Community (CCC), stated that Pat Belding and she are present this evening to offer their enthusiastic support for this project. She indicated that it is really impressive to see an applicant come forward with 20-percent very-low-income units on a small site which could not really be shared with a non-profit. She noted that this is an excellent example and is really glad to see it, and questioned why other developers are not doing it.

Ms. Dennis stated that one of the things she wanted to speak philosophically about is that she is really excited that these affordable projects are coming forward now and that the City has an opportunity for this. She added that she hopes the Planning Commission thinks of these opportunities for the City to invest and bring these projects into the community as a way to help the local economy. She stated that she can imagine that one of the stops for prospective companies that might want to locate here should not only be the golf course or the vineyards but also housing for employees. She further stated that about 40 percent of people who work in Pleasanton earn below the County's median income. She added that there are a lot of folks who could be living here but currently cannot afford to, and basically, the less they earn, the farther they have to commute. She added that from the Climate Action Plan standpoint, it would be good to bring those people closer here, and projects like this one are a real showcase.

Ms. Dennis stated that for other projects that bring similar affordability, CCC supports the City's contributions to bring those on-line and make them really beautiful projects through the use of the lower-income housing fund to backfill some of the requirements, should there be design issues that the Commission thinks are really important and which CCC, as affordable housing advocates, also thinks are important. She added that CCC does not think these particular developments should be any less than any other multi-family developments in the City. She indicated that they are looking at the Lower-Income Housing Fund through the Housing Commission, and they are doing a nexus study for which they would really like to have the Commission's input as to the types of things it thinks are important to backfill and to assist non-profit developers and developers like St. Anton Partners.

Pat Belding, Citizens for a Caring Community (CCC), stated that she would like to speak positively for this proposal. She noted that CCC frequently speaks in opposition to projects in terms of their affordability, and it is a pleasure to be here tonight to give a “yes” vote to this particular project. She commended the developer for taking on an ambitious goal of 20-percent affordable with the focus on the very-low income, which is not easy to do. She added that CCC recognizes that there may have to be credit sales and encouraged the Commission and the Council to consider using the Low-Income Housing Fund, if necessary, to make these projects go. She indicated that CCC will be happy to answer any questions about how this might work when the time comes.

Marty Inderbitzen stated that he is present tonight in his capacity as Chairman of the Board of the ValleyCare Health System (VCHS). He started by saying that VCHS is in support of this project and that he thinks they have done a really good job on the project that will do good things for the community. He noted that the only concern VCHS ever had has to do with what it means to the continued access and ability for its patients to get in and out of the site for both their doctor visits and visits to the cancer resource center and to the women’s services center that are currently there and potentially other future programs that VCHS might want to develop on this site. He indicated that this was not a last-minute matter, noting that when he found out about this, he spent some time with Mr. Dolan and Mike Tassano, City Traffic Engineer, to figure out what the alternatives might be to the existing access once this site gets built, one of which was to try and encourage the ability to have full access off of Stoneridge Drive, which does not really exist now in the main entrance to VCHS. He expressed appreciation for Mr. Tassano’s spending some time to try and figure out if there was the ability to extend some deceleration lanes and make that work, but it was not possible. He continued that he then approached St. Anton about constructing another driveway off of West Las Positas Boulevard which would allow VCHS to continue using that access; it would be a right-in/right-out only but would do great things in terms of separating uses and making the access work. He noted that the primary goal at VCHS was to get this approved as part of this project so it would get built and be coordinated with the construction of the project to minimize conflicts both during construction and after construction. He further noted that the only issue left was how the cost would be allocated, and both parties have reached an agreement this afternoon in this regard. He added that it needs to be memorialized in an agreement. He expressed gratitude that the developer stepped up and said they would undertake the responsibility as part of their project if VCHS helps to pay for it, to which VCHS agreed.

Commissioner Pearce asked Mr. Inderbitzen the same question she asked St. Anton, if VCHS is comfortable with the conditions as they currently read.

Mr. Inderbitzen said yes. He expressed confidence that both parties will be able to work out a final agreement before the project comes before the City Council, which would be VCHS’s preference as well.

James Paxson, General Manager of Hacienda Business Park, stated that he feels somewhat like he is sounding like a broken record, but that he has the pleasure of

coming before the Commission again and say something similar that he has been able to say with all of the recent projects, how exceptionally pleased he is to have a really fine project coming into the Park. He noted that, as has been mentioned by several people and saw in the staff report, this is a tricky site, and to be able to simultaneously bring all of these elements together to come up with such a great project takes a lot of work. He expressed appreciation for the cooperation St. Anton Partners showed with the Park's Design Review Committee in terms of meeting things that the Committee had asked them to look at. He indicated that the developer has brought in an exceptional design team with both KGTy and Gates to work on this site, that type of high caliber representative of the other types of high quality projects that the Commission has seen from Hacienda recently and hopes to continue to see in the future.

Mr. Paxson stated that the Park is supportive of the solution that came up with regard to the access. He indicated that the Park's three concerns on that particular component of the project was that it meet the requirements of the Park guidelines: a setback of 150 feet from the corner and 42 feet between driveways, both of which were met; and the preservation of the bus turnout and bus shelter, which the developer has assured will be the case. He added that he is totally fine with that particular amendment to the project and that the Park will work with the developer to review and get that approved prior to the City Council meeting.

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

Commissioner Pearce stated that she would like to preface her motion by saying that she is thrilled with the project and finds it exciting. She noted that she is delighted at the level of affordability and the number of units, and appreciates the developer's work on that. She added that, as she has previously mentioned, the project's walkability is great, its proximity to the hospital, and the variety and increased number of entries. She noted that it is nice and refreshing to hear nothing but positive speakers on a project.

Chair Blank stated that before Commissioner Pearce makes her motion, he would like to know if the Commission might entertain a condition indicating that staff will work with the applicant to craft a condition that will allow the installation of electric outlets for electric vehicles in the garages and carports.

Commissioner Pearce stated that she had that.

**Commissioner Pearce moved to find that the conditions described in the California Environmental Quality Act (CEQA) Guidelines Section 15162 have not occurred as described in the Addendum to the Supplemental Environmental Impact Report (SEIR) and that the previously prepared SEIR, including the adopted CEQA Findings and Statement of Overriding Considerations and the Addendum to the SEIR are adequate to serve as the environmental documentation for this project and satisfy all CEQA requirements; that the proposed PUD Development Plan is consistent with the General Plan; and that the exceptions to the Housing Site Development Standards and Design**

**Guidelines as listed in the staff report are appropriate; to make the PUD findings for the proposed Development Plan as listed in the staff report; and to recommend approval to the City Council of Case PUD-81-30-87D, subject to the Conditions of Approval listed in Exhibit A of the staff report, including the amendments listed in the staff memo, dated May 8, 2013, and with the addition of a condition that the applicant work with staff to craft a condition to allow installation of electric outlets in the garages and carports for electric vehicles. Commissioner Posson seconded the motion.**

Chair Blank commented that the Commission had a very productive Work Session for this project and really that he really appreciates the work the applicant has done, as well as and the developer and hospital getting together and working out the issues.

**ROLL CALL VOTE:**

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

Resolution No. PC-2013-22 recommending approval of Case PUD- 81-30-87D was entered and adopted as motioned.

Mr. Dolan informed the Commission that this would be the last project Ms. Rondash would be presenting as she is leaving the employ of the City to stay home with her young children. He thanked her publicly for her years of service with the City of Pleasanton.

The Commissioners thanked Ms. Rondash and wished her well.

Commissioner Narum returned to the dais.

- b. PUD-84-04-07M, Tranquil Massage Center  
Application for a Major Modification to the approved Planned Unit Development (PUD-84-04) governing the Meadow Plaza Shopping Center located at 3112-3128 Santa Rita Road to allow massage establishments where three or fewer massage technicians provide massage services at any one time as a permitted use and massage establishments where four or more massage technicians provide massage services at any one time as a conditionally permitted use. Zoning for the property is PUD-C-O (Planned Unit Development – Commercial & Offices) District.**

Natalie Amos presented the staff report and described the background, scope, and key elements of the application.

Chair Blank inquired how long the applicant had been working in her previous location.

Ms. Amos replied that she believes it was for about five or six years. She noted that the applicant was present and could respond to that question as well as provide any details the Commission may want to know about Tranquil Massage Center.

Chair Blank inquired if there had been any complaints or issues about the business that had been reported to the Police Department.

Ms. Stern replied that a representative from the Police Department is present and can address that issue. She reminded the Commission that this modification would allow this use and any massage establishments to operate at this specific location, just as they could in other locations within the City.

Quantise Bradley, Community Service Officer, stated that she handles the processing of massage applications and manages the massage files in the Police Department. She indicated that there are no complaints on file for Tranquil Massage Center, and the only problem encountered at this establishment was during a compliance check in November 2012, when one of the massage therapists was issued an administrative citation for a violation of the Pleasanton Municipal Code. She noted that a hearing was held, and the subject is no longer working at the business.

Chair Blank inquired if that was a misdemeanor.

Ms. Bradley referred the question to Larissa Seto.

Ms. Seto replied that it is a violation of the Pleasanton Municipal Code, which is an administrative citation, so the massage technician is no longer allowed to provide massages in the community. She indicated that the license previously issued by the Police Department for that technician was effectively revoked, but the establishment continues to remain in business.

Chair Blank inquired if each technician has his/her own license.

Ms. Seto replied that was correct and added that the business itself also has a license. She explained that the massage establishment has a business license, and each technician has a business license as well.

Chair Blank inquired if any violation in the Pleasanton Municipal Code results in automatic forfeiture of the license or if it is dependent upon what the violation was and the conditions.

Ms. Seto replied that a citation is issued if there is a violation, but there is no automatic revocation as everyone has due process and is given a chance to appeal.

**THE PUBLIC HEARING WAS OPENED.**

Kevin F. Hogan, Hank Company, the landlord at the present location of the business, stated that the applicant has been at this location since October of 2010. He noted that she has been a good tenant and recommended that she have another spot so she can continue operating in Pleasanton.

**THE PUBLIC HEARING WAS CLOSED.**

**Commissioner Narum moved to recommend approval to the City Council of Case PUD-84-04-07M, a PUD Major Modification to the approved PUD governing the Meadow Plaza Shopping Center to allow massage establishments where three or fewer massage technicians provide massage services at any one time as a permitted use and massage establishments where four or more massage technicians provide massage services at any one time as a conditionally permitted use.**

**Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

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

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: Commissioner Olson.**

Resolution No. PC-2013-23 recommending approval of Case PUD-84-04-07M was entered and adopted as motioned.

**c. Appeal of P12-1771, Pacific Neon Company on behalf of Blackhawk Network**

**Appeal of the Zoning Administrator's denial of an application for Sign Design Review to install two wall-mounted signs at 6220 Stoneridge Mall Road. Zoning for the property is PUD-C-O (Planned Unit Development – Commercial-Office) District.**

Commissioner Narum recused herself and left the dais.

Shweta Bonn presented the staff report and described the background, scope, and key elements of the appeal.

Chair Blank inquired if the applicants talked to staff about why they wanted the sign internally illuminated versus the halo illumination.

Ms. Bonn replied that they wanted more visibility at nighttime. She stated that the applicants could speak more lengthily to that.

Chair Blank inquired what the City's position is with respect to the stacked logo, given that the applicant's logo is stacked, if they were to meet all the other requirements.

Ms. Bonn replied that the logo, as proposed, is acceptable and that staff is willing to go up to 44 inches in height on the logo.

Commissioner Posson requested staff to present a little background on the genesis of the approved Sign Program, inquiring if that is part of the approval for the development or something the development, as a whole, comes up with to ensure consistency within the development.

Ms. Bonn replied that procedurally, the Sign Program can be processed with a PUD Development Plan or after the fact. She explained that it is usually established for buildings or a set of buildings that will have more than one tenant to establish some form of uniformity and consistency where there are different tenants occupying multiple tenant spaces.

Commissioner Posson inquired what the process is to request a modification to the Sign Program and the subsequent approval of that modification.

Ms. Bonn replied that the process would be through a Sign Design Review application, which was submitted for in this instance, which is done at the staff level unless it is appealed, as has happened in this case.

Chair Blank requested clarification that the applicant is not asking to modify the Sign Program but is appealing specific exceptions around this sign.

Ms. Bonn clarified that was correct.

Commissioner Pearce inquired why this particular Sign Program or any other Sign Program requires halo illumination as opposed to internal illumination.

Ms. Bonn replied that this standard was established as taller office buildings were established in the City, and because this is an office use, the building is not occupied during off hours or dark hours. She continued that halo illumination is usually encouraged in office buildings as opposed to internally-illuminated channel letters typically seen in commercial buildings.

Commissioner Pearce inquired if the thought is that they are too bright at night.

Ms. Bonn replied that was correct.

Commissioner Pearce inquired if one of the signs proposed is on the freeway.

Ms. Bonn said yes; it would be facing I-680.

Commissioner Pearce stated that she knows part of the concern with the Sign Program is that the signs are incompatible with other signs. She inquired if there are any other signs on the freeway side of the building or within that area that would be incompatible with their proposal.

Ms. Bonn replied that there are no other signs on the subject building; the building to the south is occupied by Work Day, which has a sign that faces I-680.

Chair Blank inquired if that sign is not illuminated internally.

Ms. Bonn replied that was correct; the sign is halo illuminated.

Commissioner O'Connor inquired if the Work Day sign meets all of the other criteria of the Sign Program.

Ms. Bonn replied that Work Day also went through a Sign Design Review application to deviate from the Sign Program; the location of that sign is different from what the Sign Program requires.

Chair Blank inquired if it is compliant in terms of size and illumination.

Ms. Bonn replied that it is compliant in terms of illumination but that the size is also deviant.

Commissioner Pearce inquired if, with respect to the other proposed elevation, there are signs within the proximity that deviate from the Sign Program or that this sign would clash with.

Ms. Bonn replied that there are no other signs on the north façade and that the applicant actually has a sign on the north façade that will be removed and replaced with this proposal.

Commissioner Pearce inquired if the proposal is internal-illumination for both signs.

Ms. Bonn said yes.

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

Howard Herlitz, Applicant, stated that part of the reason he is applying for this deviation from the Sign Program criteria is because he believes the Sign Program was written 20 or 30 years ago. He noted that the property management group and owner actually signed off on this application, and he thinks they do not have any problem with the change. He stated that at that time, the reverse pan channel halo illuminated letters were the thing, and what he is proposing is an internally illuminated sign, but with black/white features.

He explained that it is not a pigmented sign; during the daytime the sign looks black, but at night, it lights up as a muted white.

Mr. Herlitz stated that the reason for the appeal is because Blackhawk Network has actually changed its branding and has just recently gone public; hence, its identity and branding are very important to the company. He indicated that when the signs were done in 2004, the horizontal branding was fine, but now, everything has a stacked look to it. He explained that the logo is actually much bigger than what is being proposed, but he is trying to keep within the new branding standards. He continued that part of the reason five-inch tall internally-illuminated letters are the standard is because five inches is necessary to get proper illumination. He added that the sign is also being changed from neon-illuminated letters to LED, which is far more efficient.

Mr. Herlitz then plugged in and displayed two samples of illuminated signs: a typical reverse pan channel letter, three inches deep, halo illumination; and the black/white, which is white but not a bright-in-your-face pigmented-type plastic. He pointed out the difference between the two and noted that what is being proposed has a very nice look and will give better visibility from the freeway.

Mr. Herlitz stated that one of the primary issues that came up was that he requested to keep the signage within the reveal lines of 34 inches, which can be done with this type of copy but will lose sign in the signage and will be less visible. He noted that the Work Day sign is a stacked form as well, possibly 44 inches or more in height with letters that have to be close to 36 inches. He added that the Work Day sign basically spans the whole entire fascia, whereas the proposed sign has a much more balanced look.

Craig Crist stated that the landlord had indicated that the sign on the building is limited to the time of operation, running from daylight and shutting off at 11:00 p.m. He indicated that during that period of time, they would like to represent the company as best they can with illumination on the face side of the freeway, if possible. He noted that their intent is to produce or promote Blackhawk Network as an employer of this town, and this is just an opportunity for them to broadcast and promote their company.

Commissioner Pearce inquired if both signs would be turned off at 11:00 p.m.

Mr. Herlitz said yes. He added that they are turned off at 11:00 p.m. now.

Commissioner Posson noted that the applicant demonstrated the illumination of the lettering and inquired about the illumination of the logo.

Mr. Herlitz replied that one of the logo signs is black and would be black/white as well, and the other two signs are clearer with vinyl. He added that a diffuser film or something similar can be put on the back of the logo to diffuse the illumination.

Commissioner Pearce stated that she understands their concern about visibility and asked the applicant, strictly speaking about illumination and not the other issues, how he

would feel about having the five-inch internal illumination on the side of the building that faces the freeway but adhere to the Sign Program with the halo-illumination on the north side of the building.

Mr. Crist replied that they would like to research that. He expressed concern, however, about consistency and how the signs are going to look quite different.

Commissioner O'Connor stated that both signs would be visible traveling south on I-680 but only one traveling north.

Mr. Herlitz replied that is right.

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

Chair Blank stated that he and Commissioner Pearce will note that the Commission has been through sign wars, everything from hanging signs to illumination signs. He indicated that his initial reaction was to say deny the appeal and send a message because he thinks it is unfair to Work Day and the other tenants who are complying with the Sign Program, and it is just not going to look consistent. He stated that the City has a Sign Program, and when Blackhawk Network moved to Pleasanton, it was aware of that Sign Program.

Chair Blank stated that Commissioner Pearce's idea of doing halo illumination on one side and internal illumination on the other was a compromise that he would be personally willing to live with, but he is just very uncomfortable with sign exceptions for internal illumination because it is really going to stand out. He noted that if Blackhawk Network has internal illumination, he can already see Work Day and some other tenants coming in and wanting internally-illuminated signs as well, and they may not be as muted, and pretty soon it will look like a strip mall down that side of I-680.

Commissioner Pearce agreed with Chair Blank. She stated that she initially came in saying this is a Sign Program, but she understands the concerns. She noted that some exceptions were made for Work Day with regard to the size, the stacking, and other things of that nature, and she is inclined to do that for Blackhawk Network as well. With respect to the illumination, however, she stated that she hears what the applicants are saying about having all the signs be the same, and her inclination, therefore, is to keep them all halo. She added that she understands it is not quite as bright and the letters are smaller, but she is hopeful that she has made a bit of a compromise with allowing the logo height to be greater and the stacked look.

Commissioner O'Connor asked about the location of the signs.

Chair Blank stated that he was fine with the location exception.

Commissioner Pearce indicated that she was comfortable with all the exceptions except the illumination.

Commissioner Posson stated that since there have been two exceptions made to this Sign Program and in light of the fact that it was adopted in 2004, he thinks that it may be time to update the Sign Program because we have made two exceptions. He noted that technology has changed, and a number of different approaches to logos have changed. He added that there may be a mechanism to get consistency within the development rather than see exceptions come before the Commission.

Chair Blank stated that there would absolutely be no problem if a development wants to come forward and propose a change to the Sign Program; however, the exceptions that have been made since 2004 in this area have only been size and location, and there has not been an exception on internal lighting.

Commissioner O'Connor stated that he personally does not have a problem with the brightness of the diffused black/white that was demonstrated, as opposed to the brighter one, but he agrees that there is a Sign Program and there must be consistency. He added that he would not have a problem with updating the Sign Program as well, but with what the Sign Program is today, he thinks that the signs should stay with halo illumination.

Commissioner Posson requested staff, for his edification, the reasons why they objected to each of these exceptions requested: the illumination, the size, and the stacking.

Ms. Bonn replied that it generally is to encourage consistency between the signs in the office complex. She explained that staff is willing to be flexible in terms of the size height, the logo height to be 44 inches where the Sign Program limits it to 30 inches, the letter depth, which is more contingent on the illumination type. She noted that the halo illumination versus the internal illumination and the location were the top two issues. She added that the staff report includes a comprehensive list on how this sign deviates from the Sign Program.

Chair Blank noted that there are two choices presented to the Commission: either uphold the appeal or deny the appeal. He inquired if it is possible to deny the appeal in such a way that would indicate the Commission would support halo lighting at staff's discretion so there is some flexibility, as opposed to just denying the appeal and then have to start the whole thing over again.

Ms. Stern stated that what she is hearing from the Commission is that it would support the exceptions other than the direct illumination.

Chair Blank confirmed that was correct.

Mr. Dolan stated that it can be worded either way: a denial with an amendment or an approval with an amendment.

Chair Blank suggested that staff can just do an over-the-counter approval for everything but the halo illumination.

Ms. Stern indicated that the staff report includes an exhibit with conditions which allow for an alternative as well, so staff can approve it.

Mr. Dolan stated it would be best if the Commission articulates the outcome it wants. He noted that his understanding of it right now with the consensus seems to be that the applicant can have all the exceptions they have requested except for the illumination.

Commissioner O'Connor inquired if the location of the sign on the façade is still an issue for staff.

Mr. Dolan replied that it is an issue, but as big of an issue when compared to the illumination. He noted that the other sign is very clean and just fits nicely architecturally.

Commissioner Pearce inquired if it would matter procedurally if the Commission denies or upholds the appeal should the applicants say they really want internal illumination.

Ms. Seto said no. She explained that applicants can always appeal the Commission's decision, even if that decision is an approval, if, for example, there are conditions of approval they do not agree with.

**Chair Blank moved to uphold the appeal of Case P12-1771, with the sole condition that internal lighting not be permitted and all other exceptions waivable at the discretion of staff.**

**Commissioner O'Connor seconded the motion.**

**ROLL CALL VOTE:**

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

Resolution No. PC-2013-24 upholding the appeal of Case P12-1771 was entered and adopted as motioned.

Commissioner Narum returned to the dais.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

Designation of a Commissioner to Historic Preservation Task Force

Chair Blank advised that his term on the Planning Commission is technically up but the Mayor has asked if he would stay on to the end of June, which he has agreed to. He indicated, however, that he has asked Mr. Dolan to agendize the designation of a Commissioner to the Historic Preservation Task Force so there can be time for a transition. He stated that depending upon what the City Council decides in June regarding the Historic Preservation Task Force, he assumes it will continue in some form or another, and the Commission would want to have continuity there.

#### Safeway Service Station at Pleasanton Gateway

Commissioner Pearce stated that she remembers the Commission having a lengthy conversation about gas station attendants at the new Safeway gas station. She asked Mr. Dolan if he recalls if the Commission required an attendant to be out there at all times or simply during peak gas-filling hours.

Commissioner O'Connor asked Commissioner Pearce is she is talking about traffic control.

Commissioner Pearce said yes. She stated that she has been there lately, including this morning, and there were no attendants at the gas station.

Mr. Dolan replied that it was expressly required that they be there at all times.

Chair Blank stated that he has been there at least three times when there has been no attendant there.

Commissioner Pearce stated that she watched people do crazy things today in the gas station in terms of driving.

Chair Blank stated that one time, he actually went into the Safeway store and asked somebody, and he was told that they do not always have people there unless they are really, really busy.

Commissioner O'Connor stated that he actually had someone whip around, come in the wrong way, and almost hit him while she was on her cell phone. He indicated that he actually walked inside the store to ask that they make her move, and when he walked inside, he was surprised to find not only the person at the register but two people in orange vests having coffee and chatting with one another. He added that he assumed the people in orange vests were supposed to be outside directing traffic, and after he did a bit of pushing, they did ask the lady to move.

Chair Blank recalled that the Commission talked about breaks and about normally having two people there so one person could go on break.

Mr. Dolan stated that the requirement is very clearly there, and the applicants very clearly promised to meet the requirement. He indicated that what he thinks what

happened in the beginning was that they did have two people there and there would be just one customer pumping gas, and at a certain point, they stopped complying because it did not make a lot of sense.

Chair Blank stated that they did not need to have two people out at all times, but they had to have at least one person out there. He added that the commitment was that they would have two people so one could go on break, so they did not have to have two people present, but they certainly implied that they would.

Commissioner Pearce stated that if the applicants want to come back and talk about modifying that condition for peak hours, she would be happy to do that. She indicated that not to have anybody out there at all because they just do not feel like complying anymore is a little annoying.

Mr. Dolan agreed that they have gotten very sloppy about it as time has gone on. He indicated that he would get Code Enforcement to do something about it, and he will talk to them about coming back and talking to the Commission about something different than what is there now. He noted that he thinks there are times when they are slow and it is not absolutely necessary, but there are also times where they are not fulfilling their obligation.

Chair Blank stated that one option might be to have better signage to prevent the situation that happened to Commission O'Connor, and that might be a nice *quid pro quo* to trade off for busy peak hours.

Commissioner Pearce added that if they want to come back and talk about only having this during peak hours, she would like to have some data such as counting cars or something similar, or talk about the backup and what they have witnessed, and why they think they need attendants when, only because now three Commissioners have seen things that are borderline dangerous and certainly not compliant.

Chair Blank noted that it sounds like the Director of Community Development may have observed some of these things.

Mr. Dolan replied that he has observed them not in total compliance, but he has not seen any lines there or observed any crazy activity, probably because he does not buy gas at the busy time.

Commissioner Pearce stated that she went to Starbuck's at about 9:30 a.m. today and was waiting for her friend, and she thought she would watch for a little while. She indicated that people were looking at her, wondering why she was watching the gas station.

Commissioner O'Connor stated that with his incident, it was not that busy, and the reason this lady came around was because all the gas pumps that would have worked for her to gas up her car were taken, so she came around the wrong way where only

half of the gas pumps were filled. He noted that it seems like 80 percent of the gas stations have the gas fill-up on the driver's side, and he always has to wait in line, whereas the gas fill-up on the other side are all empty. He added that what he was getting to is that at 50 percent, there can be a problem; it does not have to be a jam-packed day.

### Commissioner Narum's Resignation

Commissioner Narum stated that at the end of this meeting, she is resigning from the Planning Commission, indicating that she wanted to come tonight and express her appreciation to everybody. She noted that it has really been a good time and very rewarding. She added that she thinks the Commission has had had some very productive, thoughtful discussions where the Commissioners did not really necessarily agree but flushed out things. She noted that there are a lot of things she can think of over the years that the Commission can point to, that as a body the Commission has done some really good things that it did not get credit for, per se, although she acknowledged the Commissioners do not sit there to get credit. She then thanked everyone and stated that she is obviously not going away and will be around.

Commissioner Narum then requested staff to agendize the designation of her replacement on the East Side Planning Task Force as she is also resigning from that. She added that she is also the Chair of the Heritage Tree Board of Appeals.

Chair Blank indicated that he is on the Heritage Tree Board of Appeals as well and will need a replacement for that when he is no longer part of the Planning Commission.

Commissioner O'Connor noted that Commissioner Narum's seat should probably be replaced quickly so the new member can attend with Chair Blank before he vacates his seat on the Board.

Chair Blank inquired if this could be scheduled for the next meeting.

Mr. Dolan said yes.

Commissioner O'Connor inquired how often the Board meets.

Chair Blank said about once a year.

Commissioner Narum stated that there have been three meetings since she has been on the Board.

Chair Blank noted that he has attended two or three times before then.

Commissioner O'Connor noted that there may not be another meeting for the end of June.

Commissioner Narum commented that it is not a regularly scheduled meeting. She then thanked the Commissioners again and stated that she hopes to be able to acknowledge the good work the Commission is doing as things come to the Council.

On behalf of the other Commissioners, Chair Blank wished Commissioner Narum the best of luck and added that the Commissioners will come see her the first time she votes against the Commission's recommendation.

Commissioner Pearce seconded Chair Blank's comment.

Commissioner O'Connor asked Commissioner Narum to promise to read the Planning Commission Minutes very clearly.

Commissioner Narum stated that she thinks the good thing is that now there will be two former Planning Commissioners on the City Council, so there will be some understanding of the amount of detail.

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

### **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.

### **d. Matters for Commission's Information**

#### **Historic Preservation Task Force**

Commissioner Pearce stated that the Historic Preservation Task Force met recently and discussed the draft staff report for City Council check in. She noted that the members had a good conversation and that she thinks it is coming along. She added that the City Council check is scheduled for sometime in June.

## **9. ADJOURNMENT**

Chair Blank adjourned the Planning Commission meeting 8:45 p.m.

Respectfully,

JANICE STERN  
Secretary