



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, February 22, 2012

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

CALL TO ORDER

The Planning Commission Meeting of February 22, 2012, was called to order at 7:00 p.m. by Chair Jerry Pentin.

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

1. ROLL CALL

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

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

Commissioners Absent: Commissioner Phil Blank

2. APPROVAL OF MINUTES

a. January 25, 2012

Commissioner O'Connor requested that the last paragraph on page 18 be modified to read as follows: "Commissioner O'Connor stated that ~~she~~ he attended the Pleasanton Downtown Association (PDA) meeting this morning and that the PDA was surprised that there was actually going to be a Historic Preservation Task Force. He stated that PDA members indicated that they met with Planning staff sometime late last year and were told that there was no intent to change any City codes. He added continued that they were asking who from the Council and the Commission were on the Task Force and that they were concerned they did not receive any notification ~~and should be~~

~~represented, considering that part of the Downtown is the historic area. He added that the PDA should be represented since the PDA is part of the Downtown, and the Downtown is part of the historic area.~~

Commissioner Narum moved to approve the Minutes of the January 25, 2012 meeting, as amended.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Narum, O'Connor, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: Chair Pentin, on Item 5.a., P11-0941, Tri-Valley Repertory Theater
ABSENT: Commissioner Blank

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

There were no revisions or omissions to the Agenda.

5. CONSENT CALENDAR

a. P11-0859/P11-0860, Little Flowers Montessori

Application for a Conditional Use Permit to operate a child care center at 3550 Bernal Avenue, Suites 115, 120, and 125, in the Vintage Hills Shopping Center and for Design Review approval to construct an outdoor play area and new parking spaces at the rear of the building. Zoning for the property is PUD-C-N (Planned Unit Development – Neighborhood-Commercial) District.

b. P11-0891, AC Logix

Application for a Conditional Use Permit to operate an air conditioning contractor business at 1241 Quarry Lane, Suite 130, in the Valley Business Park. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.

c. P11-0938, Little Ivy League (LIL)

Application for a Conditional Use Permit to operate a Heritage School for 300 Kindergarten through 8th Grade students at 4160 Hacienda Drive. Zoning for the property is PUD-I/C-O (Planned Unit Development-Industrial/Commercial & Offices) District.

Commissioner Narum moved to make the required conditional use findings for each of the three applications, as listed in their staff reports, and to approve Cases P11-0859/P11-0860, P11-0891, and P11-0938, subject to the Conditions of Approval listed in Exhibit A of the staff report of each of the three applications. Commissioner O'Connor seconded the motion.

Commissioner Narum commended Mike Tassano, City Traffic Engineer, for his excellent response to an email received from a resident regarding Item 5.a., P11-0859/P11-0860, Little Flowers Montessori.

Chair Pentin agreed.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2012-08 approving Case P11-0859/P11-0860, PC-2012-09 approving Case P11-0891, and PC-2012-10 approving Case P11-0938 were entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

- a. P12-0042, City of Pleasanton
Application to amend Chapter 18.44 (Commercial Districts) of the Pleasanton Municipal Code to designate financial institutions as conditionally permitted uses in the Central Commercial (C-C), Downtown Revitalization District.**

Commissioner Olson recused himself due to a conflict of interest.

Shweta Bonn presented the staff report and described the scope and key elements of the proposal.

Commissioner Narum inquired whether a bank would be permitted to open not on Main Street and not on a corner that intersected with Main Street, for example, on Division Street.

Ms. Bonn said yes.

Commissioner Narum indicated that she was trying to understand the language of the proposed changes in relation to giving the Planning Commission some discretion in terms of pedestrian interest and adding vitality to the Downtown. She inquired,

assuming the Commission adopted this amendment, if a bank that would like to build and operate where the Union Jack Pub used to be, which has been a vacant property for so long, be an example of bringing in vitality to the Downtown, and if this is what staff envisions as promoting and bringing in vitality.

Commissioner O'Connor stated that he thinks it would be up to the Commission to determine if this was bringing in vitality.

Chair Pentin stated that he is reading it differently, with the consideration being whether a proposed financial institution would not add to vitality and pedestrian interest.

Commissioner Narum continued that, turning Chair Pentin's statement around, in this particular case, which is obviously not a space where people would like to run a restaurant, a bank could be said that it would add to vitality in the Downtown.

Mr. Dolan stated that this is an interesting situation which staff did not really think of. He explained that staff put this together over a relatively short period of time in response to a specific concern. He indicated that, in terms of the change, staff was so definitive about never having a financial institution on a corner and never more than one a block, that staff thought there may be circumstances, and Commissioner Narum's example may be one of those, where the Commission may want the flexibility; therefore, staff put in place the criteria for consideration that would give the Commission plenty of reason to not approve financial institutions at specific locations, but would also give the Commission the opportunity to approve them if the circumstances were right.

Commissioner Narum inquired if staff had another example where they think discretion would come into play.

Mr. Dolan replied that he did not know if he can anticipate one example. He continued that it would leave the Commission's options open if, for instance, in the evolution of the bank business, a financial institution came in and would provide some service that does not now exist and is not known of, but for some reason was necessary.

Commissioner Narum noted that staff is looking at it differently than she is, and it is probably a good thing as it provides even more wiggle room. She added that at this point, she would be in favor of somebody coming in and filling that hole on Main Street, even if it were a bank or a financial institution, so the hole would go away.

Chair Pentin stated that what he sees most in the changes, if taken as Commissioner Narum has mentioned, is taking "*shall*" out and using "*discouraged*" instead. He presented another scenario, that of the shopping center where Vic's Restaurant is located, with buildings in the parking lot at the back, and inquired if those buildings would be precluded from a savings and loan or credit union. He pointed out that the strip mall is not on Main Street, but the property is.

Ms. Stern replied that it would not be precluded but may require a use permit because it does have frontage on Main Street. She added that the Commission would view this case accordingly because it is not something that is preventing activity on Main Street.

Chair Pentin indicated that he is then more comfortable with the revisions using “discourage” as it gives the Commission some opportunity to view cases such as these, rather than having the previous one which indicates that financial institutions cannot come in unless it will be replacing a pre-existing institution.

Commissioner Narum noted that there are a lot of permitted uses in the C-C District. She indicated while she understands the thinking behind the amendment and certainly supports and wants to do anything and everything to make the Downtown more alive and have more vitality, she has a bit of discomfort in singling out one of the uses. She inquired if there would be any consideration, as staff time allows, to look at all the uses. She noted that if the Commission adopts this tonight and she were a salon owner on Main Street, she would come in and ask why salons are not being regulated as there are already enough salons on Main Street. She added that she would not know what the answer to that would be because she tends not to believe in regulating uses, but rather, in letting the market drive them.

Mr. Dolan stated that he did have a conversation with the City Manager this morning about that issue. He noted that staff knew that when it comes forward with this, people will ask the question why staff is not looking at some of these other uses that have the reputation for not bringing the most vitality and foot traffic, one of which is definitely the salons. He stated that this is a more complicated issue and is something staff should look into at some point. He noted that it would take more time and that at this point, staff is trying to respond to a very real situation, and the bank use appears to be much more clear, particularly because they seem to be attracted to these really critical corners. He noted that Ms. Bonn identified that the vast majority of the banks are on these corners; no salons actually occupy a corner.

Mr. Dolan stated that staff actually did a quick survey today of salons in the Downtown area. He indicated that there are 18 salons on Main Street, although that number is slightly inflated because some of them are on the second floor, and some have a Main Street address but are located somewhere around the back of the lot as mentioned in an earlier discussion. He continued that the salons are further classified into hair only (11), hair and nails (2), nails only (5), skin care (3), spa (2), and tanning salon (1). He added that there are probably a few others.

Mr. Dolan stated that he felt this needs a more protracted discussion; it is something worth talking about but requires more time. He noted that staff is certainly open to considering this in the future when staff resources allow.

Commissioner Narum inquired if staff would you be open to the Commission including in the motion something that said that the Commission supports the Code amendment and

recommends or strongly encourages that as staff has time, staff go back and take a global view of all permitted uses on Main Street.

Mr. Dolan said yes. He added that the Commission could reinforce that recommendation when it is asked later in the year what it would like the Council to consider as part of the Council's priorities.

Commissioner Narum moved recommend approval to the City Council of Case P12-0042, as modified by the staff memo dated February 22, 2012, with the addition of language that the Planning Commission strongly encourages and supports having staff take a global look at the permitted uses on Main Street as time becomes available.

Commissioner Pearce seconded the motion.

The Commissioners agreed with including the additional language.

ROLL CALL VOTE:

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

NOES: None

ABSTAIN: None

RECUSED: Commissioner Olson

ABSENT: Commissioner Blank

Resolution No. PC-2012-11 recommending approval of Case P12-0042 was entered and adopted as motioned.

Chair Pentin noted that he did not open the public hearing and that he did not have any speaker cards for the item. He asked if there was anyone in the audience who wanted to speak on the item.

THE PUBLIC HEARING WAS OPENED.

There were no speakers from the public.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Olson returned to the dais.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Redcoats British Pub and Restaurant

Commissioner Olson thanked staff, particularly Steve Otto, for crafting a letter to Redcoats British Pub and Restaurant outlining the areas of concern, a copy of which was sent to all the Commissioners.

Chair Pentin concurred.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

No discussion was held or action taken.

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

Commissioner Pearce announced that the first Historic Preservation Task Force meeting is being held tomorrow at the Century House on Santa Rita Road.

12. ADJOURNMENT

Chair Pentin adjourned the Planning Commission meeting at 7:40 p.m.

Respectfully,

JANICE STERN
Secretary