



## PLANNING COMMISSION MEETING MINUTES

---

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

**APPROVED**

**Wednesday, May 12, 2010**

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

### **CALL TO ORDER**

The Planning Commission Regular Meeting of March 10, 2010, was called to order at 7:02 p.m. by Chair Olson.

#### **1. ROLL CALL**

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

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

Commissioners Absent: None

#### **2. APPROVAL OF MINUTES**

##### **a. April 28, 2010**

Commissioner Blank requested that the word "Commissioner" be added before his name for "Abstain:" in the Roll Call Vote on page 2

Commissioner Blank noted a typographical error in the first sentence under Future Planning Calendar on page 14 and requested that "May 14, 2010" be changed to "May 12, 2010."

Commissioner Narum likewise noted a typographical error in the first sentence of the first paragraph on page 8 and requested that the word "in" be changed to "and" as

follows: “Commissioner Narum stated that she would go one step further in and incorporate in the design guidelines....”

Commissioner Pearce noted another typographical error in the sentence of the fourth paragraph on page 9 and requested that the word “that” be changed to “what” as follows: “Commissioner Pearce inquired that what the size of the houses were in the photo simulations.”

**Commissioner Narum moved to approve the Minutes of April 28, 2010, as amended.**

**Commissioner Pentin seconded the motion.**

**ROLL CALL VOTE:**

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

The Minutes of the April 28, 2009 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 speakers.

**4. REVISIONS AND OMISSIONS TO THE AGENDA**

There were no revisions or omissions to the Agenda.

**5. CONSENT CALENDAR**

There were no Consent Calendar Items.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

**a. PCUP-266, Robert Byrd**

**Application for a Conditional Use Permit to operate a bar/lounge and a restaurant with alcohol service after 10:00 p.m. on the second floor of the existing building located at 328 St. Mary Street. Zoning for the property is Central Commercial (C-C), Downtown Revitalization, Core Area Overlay District.**

This item was continued to a future meeting.

**b. PCUP-263, Brenda Dronkers**

**Application for a Conditional Use Permit to hold outdoor events and functions in the rear yard area of the existing building located at 520 Main Street. Zoning for the property is Central Commercial (C-C), Downtown Revitalization, Core Area Overlay District.**

This item was withdrawn by the applicant.

**c. PDAM-03, Pleasanton Gateway, L. L. C. (Scott Trobbe)**

**Application to extend the Development Agreement between the City and Pleasanton Gateway L.L.C., successor in interest to GHC Bernal Investors, L.L.C., for five years, with a right to extend the term for an additional five years, regarding an eight-building office development totaling 745,000 square feet located on the southwest corner of Bernal Avenue and Valley Avenue, between Valley Avenue and I-680, in the Bernal Property Specific Plan Area. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.**

Marion Pavan presented the staff report and described the scope and key elements of the application.

Commissioner Blank thanked staff for providing Exhibit C, which included the notated provisions of the Development Agreement as proposed to be amended. He inquired what would occur if the Agreement were not extended.

Mr. Pavan stated that the Development Agreement expires in September of this year. He explained that a development agreement is a means to vest in place entitlements primarily applied to long-term projects, in this case, to the Bernal Property project. He added that if a development agreement is not extended, the vesting aspects would cease to exist, and the City would then have the ability to make any changes it chooses to the previous approval.

Commissioner Blank indicated that one could argue to the extreme that it is in the City's best interest not to extend this Agreement if one were to believe a better agreement could be obtained.

Mr. Pavan noted that the decision regarding whether or not to extend the Development Agreement would be made by the City Council.

Commissioner Blank stated that he was aware of that and requested clarification that if extended, the Development Agreement would be effective until 2017, and whatever happens down the road with proposals for that corner would be a modification to this Agreement.

Mr. Pavan replied that was correct.

Commissioner Narum inquired if the current lawsuit on the housing cap would affect the extension, or if the extension would it be grandfathered in because it was done prior to the lawsuit.

Mr. Dolan replied that if the applicants were ready to go forward right now and submitted a building permit, it would be affected by the current restriction on the City's ability to issue building permits. He indicated, however, that the applicant is not anywhere close to applying for a building permit and that the most likely scenario is that the issue with the lawsuit would be resolved before the applicant is ready to proceed. Commissioner Narum inquired if this would still be the case even if an application has already been submitted.

Mr. Dolan replied that the restriction on the issuance of building permits does not have to do with planning entitlements.

Commissioner Narum inquired whether or not the Development Agreement would be affected should the judge, as part of the lawsuit, indicate that this particular site is good for high-density housing.

Mr. Dolan replied that the court order does not direct the City to look in any particular geographic area and that the only specific location it addresses is the Hacienda Business Park rezonings that the City claimed met certain housing obligations. He explained that the judge indicated that he thinks the rezoning does not meet the housing obligations and, therefore, the City needs to find other sites.

Commissioner Narum requested clarification that the lawsuit would not affect the Pleasanton Gateway site so long as the City finds other places that can be used for housing.

Mr. Dolan replied that once the City resolves the lawsuit on its last Regional Housing Needs Assessment (RHNA) numbers, the City will be confronted immediately or is already late on the next round of RHNA numbers. He noted that in that respect, the City will be going through an evaluation of multiple sites through the Housing Element process. He indicated that staff would not eliminate any land for consideration and is already looking at several properties, some of which already have entitlements.

Commissioner Narum said if the judge states that the location may make sense for high-density housing, she questioned if this would affect the development agreement.

Commissioner Blank stated that based on his own readings on the matter, it was his understanding that judges normally do not tell cities to build high density housing on a particular site, but rather that high-density housing be built by a certain year.

Chair Olson inquired what consideration the City received for granting this extension.

Ms. Harryman replied that the main consideration would be that the obligations the property owner is required to make will be made. She added that other factors could include the economic climate and the City's desire to have this plan and, therefore, to provide more time.

**THE PUBLIC HEARING WAS OPENED.**

Scott Trobbe, Applicant, Pleasanton Gateway, described the history of the proposal, stating when they first made changes to the property about six years ago. He stated that they have always tried to be good stewards and tried to do something other than let the property lay idle. He noted that they have looked at different options for the property and expressed those in various work sessions. He indicated that five years ago, he began discussing a potential extension because the property is a large parcel at 40 acres, and if it is developed in pieces, there would always be concerns from the main tenants regarding what would happen with the balance of the property. He added that from a financing perspective, it would be difficult to work with the banking community without entitlements.

Mr. Trobbe stated that he personally wanted a ten-year extension to give them sufficient time to work their way through the process, but that seven years is acceptable.

**THE PUBLIC HEARING WAS CLOSED.**

**Commissioner Blank moved to recommend to the City Council to find that the amendment to the Development Agreement between the City and Pleasanton Gateway is consistent with the General Plan and the Bernal Property Specific Plan.**

**Commissioner Pentin seconded the motion.**

**ROLL CALL VOTE:**

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

Resolution No. PC-2010-09 recommending the amendment to the Development Agreement was entered and adopted as motioned.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

**a. Staff information regarding permit-streamlining efforts.**

Mr. Dolan stated that at the last Planning Commission meeting, Commissioner Narum had requested that staff update the Commission on Planning's permit-streamlining

efforts. He indicated that he has also provided this brief update presentation to the Chamber of Commerce, the Pleasanton Downtown Association, and the Economic Vitality Committee.

Mr. Dolan stated that most of the Commissioners are familiar with the Customer Service Review Team (CSRT) project, a group of people involved in the development process who were invited by the City Manager to come together to conduct a comprehensive review of the development process the City had in place and to make recommendations on changes they felt were appropriate. He noted that a Technical Advisory Team (TAT) was also formed, comprising key staff people involved in development review process, whose task was to explore many issues and bring forward its recommendations to the CSRT. He continued that the CSRT then considered what staff had arrived at and made its own recommendations, which, in some cases, were the same as those of the TAT, and in some, were different.

Mr. Dolan noted that with the exception of the writing of the final report, much of the work occurred prior to his employment with the City. He indicated that the City Manager reviewed the final report and asked him to implement it.

Mr. Dolan stated that there were 41 official recommendations, many of which were administrative in nature and could be implemented by staff without Planning Commission or City Council review. He indicated that it was not appropriate to take these out to the public and that they were incorporated after internal discussion.

Mr. Dolan noted that the second phase of recommendations dealt with policy changes, which would require ordinance amendments or changes in the development processes, as well as public dialogue and ultimately City Council approval.

Mr. Dolan indicated that the City Manager directed staff to work initially on the implementation of the administrative items, most of which have been implemented by staff in the past 18 months. He noted that the City Manager, in consultation with the Department Heads, will make the determination on when to bring forward the policy items. He stated that it would depend on priorities at this time and that it has become less of an issue because development is low. He noted that up until the last two years, the City averaged about 250 residential building permits per year for the past five years; however, a total of 27 residential building permits were issued in 2009, and up until one week ago only 5 residential permits were issued for 2010.

Mr. Dolan stated that some of the administrative items involved multiple Divisions and others just a single Division. He then briefly summarized the different items involving the entire Community Development Department, including the reorganization of the Department, the hiring of a Permit Center Manager, the technological upgrade to KIVA System, the implementation of the tracking system and processing schedules, the remodel of the Permit Center, and Cross-Training.

Mr. Dolan stated that having the different Divisions under one Department has been very significant in that all the functions now have one common vision and one person to make decisions. He indicated that the new structure has also provided an overall approach to problems, such that natural disagreements due to differing perspectives and outlooks are resolved because of the need to come to an agreement and compromise rather than to prove that one is right.

With respect to the hiring of a Permit Center Manager, Mr. Dolan indicated that the interviews had been completed but that at this point, the level of activity does not justify the additional expense. He added, however, that this has not been forgotten and that the intention is to restart the recruitment when the level of activity warrants it. He added that the Permit Center Manager would work under him and would be an advocate, troubleshooter, and problem-solver for all the Divisions.

Mr. Dolan then explained that the Department's current system for tracking permits, the KIVA system, is not a state-of-the-art system and that although the Department got a good use for it, it is now outdated. He indicated that the City has selected the type of system and vendor it plans to utilize, and initially thought it would be functional by April of 2010. He noted that staff has been devoting time to get the implementation in place but that this is somewhat difficult with the remodel in progress. He added that the new tracking system would help in the permitting process and the ability to track projects, respond to date queries of interest to need, and produce reports.

Mr. Dolan stated that at present, project-tracking is done manually: staff from the different Departments get together for a technical review, and comments and suggested conditions of approval are then relayed manually to the planner, who is the keeper of information that would produce the conditions. He noted that the new tracking system would allow staff to be more efficient as staff can instantly get an update on projects in the pipeline and would not need to wait for paper to be pushed around.

Mr. Dolan stated that processing schedules would involve monitoring and establishing timelines for various projects. He noted that the amount of time it takes to complete a project is a complicated issue in that a submitted application may be incomplete if it lacks documents required by CEQA, which the applicant then needs time to obtain and then re-submit.

Commissioner Blank stated that tracking systems tend to identify bottlenecks but indicated that the ultimate output of any system is key performance indicators ( KPIs). He inquired if staff has thought about what type of KPIs might be considered to indicate the efficiency or output of the Department.

Mr. Dolan replied that staff has been doing this with existing systems in that turn-around times for each type of application are in place within each Division. He added that the goal is to attain a high percentage and that staff can identify what percentage of permits are meeting that target.

Mr. Dolan indicated that the remodel of the Permit Center is underway and that it is scheduled for completion on June 1, 2010. He indicated that it would provide a friendlier experience, particularly for infrequent customers. He then explained the procedure customers would undergo as they come in and file their applications.

With respect to cross-training, Mr. Dolan stated that staff has started cross-training in advance of the remodel with the transfer of the Utility Billing Division to the Operations Service Center in January. He noted that the greeter would be required to know all the functions of the different Divisions and would direct customers to a seat where the appropriate staff would come and assist them. He indicated that the Building Permit Technicians are likewise being trained in Planner-on-Duty responsibilities so that they can answer basic zoning questions.

Mr. Dolan then described the CSRT recommendations involving the Planning Division, including revising the Conditions of Approval, reducing Conditional Use Permits, and Streamlining the Peer Review Process.

Mr. Dolan stated that the conditions of approval have been re-organized in a way that would be more conducive and easier to understand in terms of the responsibilities of the applicant. He then briefly described the organization of the conditions into project-specific conditions, standard conditions, and information on sections of the Pleasanton Municipal Code that the applicant should look at.

With respect to the reduction of Conditional Use Permits, Mr. Dolan indicated that some changes were made before he assumed office, such as for childcare. He stated that staff did not disagree that commercial and industrial districts have not been comprehensively reviewed in a long time and referred to more modern land uses that have evolved over time. He noted that this was originally handled by Jerry Iserson, then taken over by Donna Decker, and now reassigned to another staff. He added that the intent is to reduce responsibilities from the Planning Commission to staff, to clean up some uses that have outdated language to provide a more current perspective.

Mr. Dolan stated that the CSRT expressed its dissatisfaction with the peer review process, which involves architectural, geotechnical, and visual simulation reviews. He indicated that a bigger list of reviewers is needed to provide variety and in order that projects can get on with the process more quickly. He noted that staff has already draft Request for Proposals to increase the number of consultants.

Mr. Dolan stated that the CSRT felt that peer reviewers sometimes overstepped their bounds and recommended to limit the scope of the process to providing input, with no new suggestions on design, in particular, and that the process have a beginning and an end.

Mr. Dolan then proceeded to describe those recommendations relating to the Building and Safety Division, including implementing comprehensive plan review, increasing



over-the-counter plan-checking, and transferring fire sprinkler inspections to Building and Safety.

In regard to implementing comprehensive plan review, Mr. Dolan stated that there are times when comments from different Divisions sometimes contradict one another. He noted that the Permit Center Manager would be responsible for tracking the project and that while it may not speed up the process, it would ensure consistency.

Mr. Dolan then indicated that the over-the-counter plan-checking has increased. He stated that an on-call consultant works at the counter twice a week, and people have the ability to come and have their plans checked right at the counter. He added there is a very high percentage of plans checked over the counter, including tenant improvements and straightforward additions. He noted that the more complicated structural plans are sent out as the City does not have a structural engineer.

Mr. Dolan stated that as of April 1, 2010, the Building and Safety Division has assumed the inspection of fire sprinklers in residential and small commercial buildings. He added that staff is adequately trained and can go in and do inspections quickly.

Mr. Dolan then described the recommendations relating to the Engineering and Traffic Engineering Divisions, which included accessibility of the traffic model and formalizing traffic study procedures, tract acceptance punch list, and partial release of bonds.

Mr. Dolan stated that dissatisfaction was expressed regarding accessibility of the traffic model. He noted that the existing model was complicated and can be operated by the consultant, which slowed down the process. He added that the City does not have written guidelines on when the traffic study was required. He indicated that the updated model, which is expected by September 2010, would be more accessible and would allow staff to run the model for simple project.

Mr. Dolan stated that the tract acceptance punch list, which has been completed and implemented, works well for providing a definitive list of what is outstanding. He noted that the City has not had many opportunities to implement the partial release of bonds but that staff has determined that retaining a smaller percentage of the bond rather than the 90 percent practice provides an equal incentive to complete the work. He added that this change in practice assists developer financially.

Commissioner Blank inquired if the City would be able to go back to the original policy when the economy picks up.

Mr. Dolan said yes.

Mr. Dolan then stated that there are two policy recommendations that he would like to bring up that would require public input and City Council approval: the PUD process and the appeal process.

With respect to the PUD process, Mr. Dolan stated that staff has relied on for any project of any substance and involves a minimum two-step process: the Planning Commission and the City Council.

With respect to the PUD process, Mr. Dolan indicated that the CSRT asked why each PUD application that is typically a Planning Commission issue is automatically brought up to the purview of the City Council, especially when a regular Planning Commission zoning process is adequate, such as for a conditional use or design review. Mr. Dolan indicated this was a fair question and that the Commission would be looking at this at matter at some time in the future.

In regard to the appeal process, Mr. Dolan stated that the City has a very liberal appeal process and that from the financial standpoint; the appeal fees are essentially non-existent so that there is no reason for anyone who is unhappy with the decision not to appeal. He indicated that the CSRT recommended that there be a stated cause for appeal and that projects originating at the Zoning Administrator staff level never go beyond the Planning Commission, who would have the final say on the project. Mr. Dolan noted that the CSRT would also like to limit the ability of the Planning Commission and the City Council to continue an item on their own by requiring a majority vote.

Chair Olson thanked Mr. Dolan for an outstanding report and indicated that putting together this team was a great idea, with a lot of value added for the City and the process.

Mr. Dolan indicated that if the Commission is interested, he can send out an email with the names of the CSRT members.

Commissioner O'Connor noted that this was presented to various groups and that one of the more vocal groups is the Economic Vitality Committee of the Pleasanton Downtown Association (PDA). He inquired if this presentation was made to that group or if its member here part of the other groups involved.

Mr. Dolan replied there is quite an overlap among the different groups in the City and that he had made an abbreviated presentation to the PDA. He indicated that he had been invited to talk about this but that he was not the only item on the agenda. He added that he was not certain when the presentation was made and what has been presented to the group because the Department has accomplished more with time.

Commissioner Narum referred to the matrix and asked which item Mr. Dolan viewed as the significant improvement for expediting things.

Mr. Dolan replied that the reorganization of the Department has allowed staff to think differently. He added that the upgrade from KIVA to a system everybody will be able to use has the potential to be significant, and the reporting on the timelines and staff being forced to take accountability is a good tool.

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

**a. Future Planning Calendar**

No discussion was held or action taken.

**b. Actions of the City Council**

Chair Olson noted that some Commissioners were re-appointed to serve another term on the Planning Commission.

**c. Actions of the Zoning Administrator**

No discussion was held or action taken.

**9. COMMUNICATIONS**

No discussion was held or action taken.

**10. REFERRALS**

No discussion was held or action taken.

**11. MATTERS FOR COMMISSION'S INFORMATION**

No discussion was held or action taken.

**12. ADJOURNMENT**

Chair Olson adjourned the Planning Commission meeting at 8:17 p.m.

Respectfully,

JANICE STERN  
Secretary