



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, October 28, 2009

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

CALL TO ORDER

The Planning Commission Regular Meeting of October 28, 2009, was called to order at 7:00 p.m. by Chair Pearce.

1. ROLL CALL

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

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

There were no Minutes to consider.

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

No comments were received.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Mr. Dolan advised that Item 5.a., PPOL-1, City of Pleasanton, has been continued to the November 18, 2009 meeting.

Chair Pearce stated that she received an email indicating that Item 5.c, PCUP-259, Kenneth Walton, New Beginnings Church was withdrawn from the Agenda and requested confirmation.

Mr. Dolan replied that it is on the Agenda.

Several Commissioners indicated that they were not prepared to discuss the application as they were under the impression that it was withdrawn.

Chair Pearce inquired if it could be continued.

Mr. Dolan stated that staff could present an oral report, and the Commission can then decide whether to consider or continue the matter.

Commissioner Narum suggested taking a ten-minute break to read through the report, hear the staff report, and then discuss it.

Commissioner Blank suggested it be considered after Item 6.b., PUD-75/PGPA-14/ PSPA-3, Don Babbitt/Heartwood Communities.

The Commissioners agreed.

5. CONSENT CALENDAR

- a. PPOL-1, City of Pleasanton
Review and consideration of a Planning Policy regarding the definition and licensing of child care uses.**

This item has been continued to the November 18, 2009 meeting.

- b. PCUP-258, Goold Electric Inc.
Application for a Conditional Use Permit to operate an electrical contracting company at 1040 Serpentine Lane, Suite 207 and 1032 Serpentine Lane, Suite 109. Zoning for the properties is PUD-I (Planned Unit Development – Industrial) District.**

Commissioner Blank moved to make the conditional use findings as described in the staff report and to approve Case PCUP-258, subject to the conditions listed in Exhibit A.

Commissioner Olson seconded the motion.

Commissioner Pentin noted that the staff report states that the business vehicles included four standard pick-up trucks which would be driven home daily and one two-ton truck to be parked in the storage unit, and that should future parking problems occur, a condition is in place to have the Planning Commission re-evaluate the use permit. He added that given the 142 spaces, there would be appear to be more than ample parking if they chose not to drive the four trucks home.

Mr. Dolan clarified that this is a standard condition staff applies on a routine basis. He agreed that it would most likely not pose a problem.

ROLL CALL VOTE:

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

Resolution No. PC-2009-36 approving PCUP-258 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. PRZ-36, City of Pleasanton

Work session to review and comment on an amendment to the Pleasanton Municipal Code adding a chapter regulating sport courts.

This item has been continued to a future meeting.

b. PUD-75/PGPA-14/PSPA-3, Don Babbitt/Heartwood Communities

Application to amend the General Plan and the Happy Valley Specific Plan; and for Planned Unit Development rezoning and development plan approval for additional lots over the allotted number for the 6.13-acre parcel located at 1157 Happy Valley Road. Zoning for the property is PUD-SRDR (Planned Unit Development – Semi-Rural Density Residential) District.

Ms. Amos presented the staff report and described the background, layout, and key elements of the project. She noted that in one of the visuals, a tree was omitted in error and will remain in place.

THE PUBLIC HEARING WAS OPENED.

Don Babbitt, applicant, apologized for the mistake in the visual regarding the tree that was removed and indicated that the consultant would put it back. He stated that back in April, some of the Commissioners had requested a photomontage of the development as viewed from the golf course. He indicated that they had met with staff and the

Commissioners at the project site and walked the golf course. He noted that in the three-, five-, and six-lot plans, with the tree in place, the development is not quite visible from the golf course. He stated that the development standards for this project exceed those of the Mariposa Ranch and Serenity Terrace projects. He added that they are proposing wrought iron fencing and a deep well on the property that could be used for emergency purposes for the golf course. He indicated that he would be happy to answer any questions regarding the photomontages and the green points.

Commissioner Blank asked Mr. Babbitt if he was still proposing the six lots.

Mr. Babbitt replied that at this point, they were open to the five-lot plan.

Commissioner Narum asked Mr. Babbitt if he was considering setting aside a piece of land for open space as part of the five-lot plan.

Mr. Babbitt replied that he had a discussion with staff regarding this matter and that he believes the development would look better with houses and some larger separation, possibly a conservation easement along the creek. He stated that he was trying to avoid an empty lot that would require maintenance by a homeowners association.

Commissioner Narum inquired if there was an open space in the Serenity Terrace development.

Mr. Babbitt said yes, adding that the open space was deeded to the City with the trail system and the mitigation and construction of the 15th fairway. He noted that they applied for a minor modification and will now put in place a maintenance agreement rather than a homeowners association as there is no common land owned by the property owners.

Commissioner Blank inquired if the conservation easement would be in Lot 1.

Mr. Dolan said yes.

Commissioner O'Connor noted that the photomontage includes some landscaping that is not in the natural setting, which most likely was added in by the consultant. He noted that he did not see anything in the guidelines that mandates landscaping with hedges or fences with vines and trees.

Mr. Babbitt confirmed that this was included by the consultant as general landscaping to show the separation between the lots.

Commissioner O'Connor referred to the farthest home and inquired what the blue and black colors in the middle were that look like a walkway.

Mr. Babbitt replied that the colors represent a court, which was a private street.

Ms. Amos indicated that it leads to the bulb of the court.

Kellen Aura stated his opposition to the project. He expressed concern regarding making special exceptions and amending the Happy Valley Specific Plan for one lot, which he believed would have long-term ramifications on development in the area. He indicated that traffic studies were done when the Specific Plan was put in place ten years ago. He noted that Happy Valley Road is a dangerous road as it is very narrow and winding with no shoulders or street lights. He added that there would be more traffic down Happy Valley Road once speed bumps are installed on Alisal Street. He indicated that the Specific Plan designation of one house per two acres is appropriate for Happy Valley Road, whether with or without the Bypass Road. He stated that safety is the main issue and that an increase in density is not appropriate as it would significantly increase the traffic in the area. He voiced concern that this will set a precedent and noted that it was not right to allow a property to go in disrepair and then allow special considerations to make it look better.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank inquired if staff had any perspective on a conservation easement versus dedication of the City, versus the pros and cons of mechanisms.

Mr. Dolan replied that , typically, staff would not want a piece of property this small to be dedicated to the City as it becomes a management and maintenance issue, particularly when there are drainage ways involved. He noted that staff would be satisfied with a conservation easement.

Referring to the photomontages with the tree in place, Commissioner O'Connor noted that on the six-lot visual, the homes appear to be closer to the fence line, and the house at the end of the bridge becomes very prominent. He added that in the five-lot plan, the house is moved but the asphalt becomes very prominent because the court has been moved to the middle of the property with a large turnaround. He stated that in the three-lot plan, the street is smaller and stays high against the back of the property and away from the golf course. He indicated that he prefers the three-lot visual, particularly if any of the added landscaping is removed.

Commissioner O'Connor added that he agrees with the Mr. Aura and with those who wrote in opposition to the project. He noted that this is not just a change, but an amendment to the Specific Plan and the General Plan. He indicated that he was not in favor of changing those Plans without some overriding consideration. He added that he did not believe increased density for two or three extra homes was justifiable. He stated that he would support the three-lot plan.

Commissioner Narum stated that she would support the five-lot visual plan. She indicated that she recognized there is a maximum density of houses allowed in the Happy Valley Specific Plan but that adding two more homes would still be under the overall number. She stated that there would be benefits here, such as the City getting

access to a well and the visual from the golf course becoming much improved. She added that she would want to see a pretty sizable conservation easement along the north side of the property with the stream, which would mean that no building would be allowed within the easement. She agreed with Commissioner O'Connor regarding the road and visuals for five lots, adding that she would like the road and the turn-around to be tweaked, which would necessitate moving the lot lines on the west end to make the road less visible and farther toward the hill.

Commissioner Olson stated that he was leaning toward the five-lot solution at the prior work sessions; however, the photomontages did not get him to that point. He added that he was impressed with the emails the Commission had received regarding the traffic situation. He indicated that he favored a three-lot solution and that he would support staff's recommendation not to revise the Happy Valley Specific Plan.

Commissioner Blank stated that he wished this had come back as a workshop which he believed was what the Commission requested. Like Commissioner Olson, he indicated that he was leaning toward the five-lot plan, which is consistent with the Minutes; however, the visuals show that the five-lot plan will have a significant impact. He added that he was not sure if some landscaping could be added to mitigate some of the visual impact and hide or mask the lot so the house is not visible from the bridge. He stated that it was unfortunate that there is no benefit from this because this is not a workshop where such input can be provided. He indicated that he can support the three-lot plan.

Commissioner Blank stated that he was not sure whether a compromise could be reached with four lots. He added that maybe with enough tweaks, he could support five lots but that he is hesitant based upon the visuals he sees, this would be quite a stretch. He noted that the five lots would still be within the one-lot-per-acre standard, which he realizes is not what the Plan calls for but is still a very low density.

Commissioner Pentin stated that this is his first opportunity to comment on the project. He noted that the three-lot plan is attractive because this is what was planned for in the Specific Plan. He indicated that he does not have a problem with the five lots, but does have a problem with the six lots. He added that the visuals do not bother him as much because he believes that there would be more landscaping between the houses as the owners will also want some coverage from this particular golf hole.

Chair Pearce stated that she appreciates the visuals and thinks they are helpful. She added that the visuals reinforce her support for the three-lot plan which continues to emphasize the rural nature of the area as delineated in the Specific Plan. She indicated that she tends to treat requests to amend Specific and General Plans in the same manner as requests for variances, voting for them if there are extenuating circumstances, hardships, or things of that nature. She noted that she does not see any unusual formation on this property or any extenuating circumstances that would compel her to support an amendment of the Specific Plan. She indicated that she truly thinks the three-lot solution is in keeping with the area. She noted that she was aware there was concern about what this property would look like from the golf course, but as she

had mentioned previously, this area was there before the golf course and that it was designed to be a rural area.

Commissioner Blank moved to find that the proposed PUD Development Plan outlined in Exhibit B is not consistent with the General Plan, the Happy Valley Specific Plan and the purposes of the PUD Ordinance and is incompatible with the previously developed property in the vicinity and the natural, topographic features of the site; and to deny PUD-75/PGPA-14/PSPA-3.

Commissioner Olson seconded the motion.

Commissioner Blank inquired what would occur if the applicant returned with a four-lot subdivision plan.

Commissioner Pearce indicated that she could not support a four-lot subdivision unless there are extenuating circumstances and does not alter the rural nature, which she feels cannot be done.

Chair Blank stated that it might be enough if, in the future, the applicant were to do a huge conservation easement and other things.

Chair Pearce stated that in any case, she believes the subdivision will go to the City Council.

Commissioner O'Connor stated that he felt this is just one small parcel out in Happy Valley and that adding one to three lots does not sound like a lot. He added that, however, even if the Commission looks at every one of these projects as one lot off, it always comes back to the Commission as precedent-setting. He noted that if every one of the two- and five-acre lot owners came back and wanted their piece, the density of Happy Valley could be doubled, with a dramatic change in what it would look like. He recalled that this issue came up in workshops, including those on the Bypass Road realignment, when Greenbriar Homes wanted to put 68 or 69 homes on a parcel that was zoned for 16.

Commissioner Blank stated for the record that staff has indicated numerous times in the past that each application is unique and is considered on a case-by case basis. He added that someone's statement that the Commission is setting a precedent does not, in reality, impact what the Commission decides to do.

ROLL CALL VOTE:

AYES: Commissioners Blank, Olson, Pearce, and Pentin.

NOES: Commissioner Narum.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

Resolution No. PC-2009-37 denying PUD-75/PGPA-14/PSPA-3 was entered and adopted as motioned.

Chair Pearce questioned and confirmed the Planning Commission wished to take a break to read the report for PCUP-259, which had been removed from the Consent Calendar.

Chair Pearce called for a ten-minute break at 7:40 p.m. to give the Commissioners time to read the staff report for PCUP-259, Kenneth Walton, New Beginnings Church. The meeting was reconvened at 7:48 p.m.

**c. PCUP-259, Kenneth Walton, New Beginnings Church
Application for a Conditional Use Permit to establish a new church
within an existing building located at 4455 Stoneridge Drive. Zoning for
the property is PUD-I (Planned Unit Development – Industrial) District.**

Chair Pearce indicated staff presentation was not necessary.

Commissioner Blank noted that no day care program or children's specific program other than Sunday School would be held at this location. He requested confirmation that signing in and out would not be required for Sunday School as the parents would remain on site.

Ms. Soo confirmed that no signing in and out would be required.

Commissioner Narum inquired if the applicant would have to return to the Commission for a permit modification should he desire to add a pre-school or child care during the week.

Ms. Soo said yes.

Commissioner Narum recalled that during the Commission consideration of the St. Elizabeth Seton Church addition, there was discussion about the overflow parking going into this Santa Rita office complex on Sunday mornings. She inquired if parking and circulation had been taken into account for this project, considering that there would be three different religious facilities meeting around the same time on Sunday mornings.

Mr. Dolan replied that staff has not been made aware of this issue. He noted that the office center's association had voted to support this application, and staff is unaware of any issues with the project.

Commissioner Narum requested confirmation that there is a standard condition that should parking or traffic issues arise in the future, the PUD could be brought back to the Commission and modified.

Ms. Soo said yes.

Commissioner Pentin stated that he frequents St. Elizabeth Seton Church and has had to park on the street numerous times. He noted that the staff report indicated that the church does not expect to grow. He stated that he was unfamiliar with churches that do not expect to grow or change and asked the applicant why this church was set this way.

Pastor Kenneth Walton, applicant, stated that every church wants to grow and that his church presently has 75-80 members. He indicated that the congregation has been in the Pleasanton area at two separate hotels for six years. He added that he would like the church to grow and expect and look forward to doing so, but that its growth is slow.

Commissioner Pentin noted that with two churches on the property, it would appear that with growth and in time, there would be a shortage of parking spaces for the facility itself, not given any on-street parking.

Commissioner Blank noted that Sunday mornings, when the Church congregations meet, would not be a heavy businesses time.

Commissioner Pentin expressed concern about a potential parking concern with Fountain Community Church's attendance of 200 and New Beginnings' of 80.

Chair Pearce noted that Condition No. 4 addresses potential parking and circulation problems and asked Commissioner Pentin if he was comfortable with that condition.

Commissioner Pentin said yes.

Commissioner O'Connor noted that the City is very conservative with its carpooling and how much parking is needed even with 280 people arriving at the same time. He stated that his experience is that very few people drive alone to church and he acknowledged that the application could return to the Commission should there be a parking problem in the future.

THE PUBLIC HEARING WAS OPENED.

There was no public comment.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to make the required conditional use findings as listed in the staff report and to approve PCUP-259, subject to the conditions of approval in Exhibit A.

Commissioner Narum 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-2009-38 approving PCUP-259 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

Mr. Dolan advised that a Planning Commission Special Meeting was scheduled for November 5, 2009 for the Staples Ranch PUDs. He noted that the Commission had requested that reports be provided early. He indicated that staff is running into a problem with that, and he did not see a scenario where the staff reports could be delivered to the Commissioners before Friday.

Commissioner Blank inquired how thick the report was.

Mr. Dolan replied that said they are several inches thick. He indicated that there is an outside chance that staff would not make the Friday deadline, at which time staff would need to consider whether the meeting will actually be held.

Chair Pearce inquired if the Commissioners would be getting the Supplemental Environmental Impact Report.

Mr. Dolan replied that the Commission would be receiving that shortly, but it may not be germane to the review of the PUD applications.

Commissioner Blank suggested they be transmitted to the Commissioners electronically.

Mr. Dolan noted that the issue was more one of content than delivery.

Commissioner O'Connor agreed that the documents were not ones that could be easily speed-read.

Commissioner Pentin inquired when the decision would be made.

Mr. Dolan replied that the decision would most likely be made on Friday.

Commissioner Olson inquired when the next regular meeting would be.

Mr. Dolan replied that it would be on November 18th. He indicated that the November 11th meeting was canceled due to the holiday.

Commissioner Olson advised that he would not be present at the November 18, 2009.

Commissioner Blank inquired if there would be a meeting the week of Christmas.

Mr. Dolan said no; there would be only one meeting in December, on December 9, 2009.

b. Actions of the City Council

Commissioner Blank stated that this was a different version of what the Commission discussed at the last meeting regarding the challenges staff faces of having to present an opinion contrary to what staff supports. He indicated that at the last City Council meeting, PRZ-48, the application to rezone three sites in Hacienda, was presented by staff. He noted that the Commission voted 5-0 to support two or the three lots to be rezoned and that there was a great deal of discussion as to whether it met the legal requirement and provided some relief to the concerned public. He stated that he has not seen the meeting video, but based on the staff report he read, he noted that while the actions of the Planning Commission were adequately described, the reasons and rationale for those actions were not; staff made a recommendation to the City Council to approve all three lots without an explanation to the Council as to why the Planning Commission recommended the rezoning of only two of the three lots.

Commissioner Blank stated that he would again ask, especially in the case where the Planning Commission votes unanimously, that if staff is going to make a contrary recommendation, he believes it would be useful for the Planning Commission to get an email notification ahead of time, as there may be things the Commission may wish to expose to the City Council in the staff report so the Councilmembers might perhaps get a better view of the Commission's thinking.

Mr. Dolan replied that he understood the point; however, he does not have complete control as to what is included in the staff report at the Council level. He stated that he could raise the issue, but he indicated that the Commission should assume staff's recommendation will be the same to the City Council as that to the Planning Commission in almost all cases, unless new information is received which has not been considered. He noted that someone's opinion would not necessarily change that recommendation.

Commissioner Blank stated that his goal is to try to ensure that the perspective of the Commission gets “its day in court.” He voiced the need for more balance.

Commissioner Narum stated that she watched the video and that she was fine with what was presented and how it was presented. She indicated that she believed some of the concerns the Commission had were addressed in the staff presentation. She noted that staff specifically explained the amount of acreage per resident for the Park and the City’s standards. She stated that for her, the discussion that ensued was that there were legal issues that could not be discussed out in the open with regard to the lawsuit.

Commissioner Blank noted that the Planning Commission had asked staff at the meeting if rezoning two of the three lots would satisfy the requirements specified in the lawsuit, and staff had answered yes.

Mr. Dolan stated that outside counsel expanded on this. He noted that rezoning two parcels responds minimally to the legal requirement, but it is likely to appear more favorable to the court if the City went beyond because in the near future, there will be new requirements for additional housing units.

Mr. Dolan added that whenever staff talks about the Planning Commission’s recommendation, which he personally thinks is captured well, staff always makes a reference to and includes practically verbatim Minutes. He indicated that in his experience, he believes the Council reads those Minutes and knows exactly what Commissioners say, and they get the flavor of the conversation more so from the Minutes.

Commissioner Olson inquired whether the Minutes had been reviewed by the Planning Commission and approved by the Planning Commission prior to this City Council meeting.

Mr. Dolan replied that they typically are, but on rare occasions when they are not, staff marks them “Draft.”

Commissioner Olson indicated that every Council person he has spoken with tells him they read those Minutes. He added that the difficulty he would have is the case where the Commission has not seen or approved the Minutes and they go to the Council, which he feels is improper.

Commissioner Narum stated that she believed those Minutes were approved prior to going to the Council. She added that two of the Councilmembers referenced the Planning Commission Minutes in the discussion.

Commissioner Blank apologized that he did not see the video. He indicated that if possible, it would be helpful, when there is a difference in staff and Planning

Commission recommendations, that the Planning Commission recommendation be expanded in the staff report, which is what he pays attention to.

Mr. Dolan indicated that he would definitely take that into consideration.

Commissioner Pentin requested that when an action taken by the Council is different from that taken by the Planning Commission, staff identify what the differences are.

Referring to Actions Taken by the City Council of the Planning Commission packet, Commissioner Pentin requested that when an action taken by the Council is different from that taken by the Planning Commission, staff identify what those differences are.”

Mr. Dolan said yes.

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

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

12. ADJOURNMENT

Chair Pearce adjourned the Planning Commission meeting at 8:10 p.m.

Respectfully,

DONNA DECKER
Secretary