



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, June 25, 2008**

*(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 June 25, 2008, was called to order at 7:00 p.m. by Chair Blank.

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

Staff Members Present: Brian Dolan, Director of Planning and Community Development; Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Steve Otto, Associate Planner; and Cory Emberson, Recording Secretary.

Commissioners Present: Commissioners Phil Blank, Anne Fox, Kathy Narum, Greg O'Connor, Arne Olson, and Jennifer Pearce.

Commissioners Absent: None.

Commissioner O'Connor was absent from roll call, and arrived after the Pledge of Allegiance.

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

a. March 19, 2008

Ms. Decker noted that the audio recording equipment malfunctioned at this meeting and that staff reconstructed the minutes from their notes. She advised that staff had received comments from Pamela Hardy with respect to the minutes of the Ponderosa item and added that staff would appreciate any further recollections of this meeting from the Commissioners.

Commissioner Olson noted that on Pamela Hardy's comments, the fourth sentence of the third paragraph on page 1 should be modified to read as follows: "...towards the Citywide *housing population-cap.*"

**Commissioner Olsen moved to approve the minutes of March 19, 2008, as presented, incorporating the amendment comments submitted by Pamela Hardy. Chair Blank seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, O'Connor, and Olsen.**

**NOES: None.**

**ABSTAIN: Commissioners Fox, Narum, and Pearce.**

**RECUSED: None.**

**ABSENT: None.**

**The motion passed.**

b. June 11, 2008.

Ms. Decker noted that additional corrections to the minutes had been submitted by Sunrise. Staff will revisit those particular corrections by referring to the audio recording of that meeting.

Commissioner Narum noted that the fourth paragraph on page 5 states that Mr. Dolan described the process to find significant conformity, and the next two paragraphs discuss Chair Blank's and Commissioner's Fox's comments on mediation. Commissioner Narum noted that there is no mention of how the concept of mediation came forward and added that Mr. Dolan's proposal on mediation should be included in the minutes.

Commissioner Narum noted that the first sentence of the third full paragraph on page 11 should be modified to read as follows: "Mr. Gray replied that it was definitely not a skilled nursing facility and that it would *not* look like an institution physically."

Commissioner Olson requested that the last sentence of the first paragraph on page 19 be modified to read as follows: "He noted that *it seemed possible that if the building were ultimately to become a three-story design could be put on the property such that the third story would be, a step design should be used so that part of the third story could be put up against Foothill Road and away from the other road. cars could be run under part of the facility Entry to and exit from the property could occur from Foothill Road and actually go under part of the building to get into the main part of the property.*"

Commissioner Fox requested that the following sentence be added before the first full sentence of the first paragraph on page 8 as follows: "*She expressed concern that in accordance with CEQA, only two to three stories, and not a four-story building was approved.*"

Commissioner Fox noted that the last sentence of the first full paragraph on page 8 has Ms. Harryman stating that Commissioner Fox had made an argument that someone should have challenged the proposal in 1985. She stated that she did not recall making that statement and requested that it be confirmed on the audio recording.

Commissioner Fox requested that the following language be added to the end of the first paragraph on page 9, as follows: “She inquired how the public could have had access to see these plans if the City did not distribute them to anyone other than the Commission and the City Council, *and if they were not distributed and the public did not have access, she questioned how they could have appealed the decision or challenged it in 1985.*”

Commissioner Olson noted that the first sentence of the fifth full paragraph on page 11 should be modified to read as follows: “In response to an inquiry by Commissioner Fox regarding whether the company was a licensed residential care provider *for seniors*, Mr. Gray replied that was the type of license they have in the State of California.”

Commissioner Fox noted that the word “She” in the last sentence of the third paragraph should be changed to “Ms. Giffin” to reflect that this was Ms. Giffin’s statement and not Commissioner Fox’s.

Commissioner Fox noted that she believed there was discussion regarding whether mediation was confidential or not and that facilitation was not confidential following Ms. Harryman’s statement that “the term mediator was very specific” in the second full paragraph on page 21. She would like that discussion to be added to that paragraph. She further requested staff to double-check the audio recording as she believed a statement was made that if facilitation rather than mediation was used, minutes could be created from the facilitation process.

Chair Blank stated that he believed the Commission had agreed that the decision to have minutes or not was to be left to the discretion of the Director of Planning and Community Development and the City Attorney. He noted that this was reflected in the tenth paragraph on page 20.

Commissioner Olson recalled that was the case as well.

Commissioner O’Connor also recalled that was the case.

Commissioner Fox stated that she believed Commissioner Olson rather than Commissioner Narum had seconded the motion on page 20.

Commissioner Olson noted that several amendments were made after the first motion and that he did not recall who seconded the initial motion.

Commissioner O’Connor requested that the first sentence of the last paragraph on page 9 be modified to read as follows: “Commissioner O’Connor noted that the Commission

generally saw plans stamped Exhibit A, ~~but~~ and that the plans the Commissioners had were not stamped as Exhibit A. He added that the general public....”

Commissioner O’Connor requested that the first paragraph on page 10 be modified to read as follows: “Ms. Giffin noted that *based on the information available* ~~was a standard condition in 1985, and that it should have been included. Based on the information available, she noted that~~ Condition No. 17 in the project-specific conditions of approval referenced and incorporated the standard conditions of approval, and ~~then should have excluded some, including Item Condition No. 14, which should have been dropped.~~ She noted that this was not a design review approval but a PUD approval.”

Chair Blank requested that the first sentence of the third paragraph on page 7 be modified to read as follows: “Chair Blank noted that *it was impossible* ~~when he tried~~ to determine the state of the neighborhood in 1985 based on the minutes from the 1985 Planning Commission and City Council meetings.”

Chair Blank noted that with respect to the first and second full paragraphs on page 13, he recalled an exchange where the attorney was not referenced but had indicated that staff had suggested four stories versus three stories. He requested staff to check the audio recording to confirm his recollection.

Commissioner O’Connor noted that he recalled that discussion as well.

Commissioner Olson noted that he also had that recollection.

**Commissioner Narum moved to approve the minutes of June 11, 2008, as amended. Commissioner Olson seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, Fox, O’Connor, and Olsen.  
**NOES:** None.  
**ABSTAIN:** Commissioner Pearce.  
**RECUSED:** None.  
**ABSENT:** None.

**The motion passed.**

- 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 none.

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

Ms. Decker noted that very late in the day, staff received two emails regarding Item 6.a., PUD-74, Ponderosa Homes, requesting that the item be continued to a future date. She stated that due to short notice, staff was unable to convey this request to the applicant prior to the hearing. She noted that one email was from Ms. Nancy Allen and the other was from Ms. Jereen Gilbert. Ms. Decker added that the Commissioner's Handbook stated that a vote of a majority of the Commission would be required to consider the request.

Chair Blank noted that although a majority is required to continue a request by a member of the community, the Planning Commission has had a tradition of granting a request of continuance by a member of the public. He noted that while this has been the Commission's practice, it was not required that the request be granted. He requested comments from the Commissioners as to their pleasure.

Commissioner Fox noted that she believed some of the neighborhood had not been noticed. She added that she had been contacted by a resident of the Ironwood development with questions about the development. She noted that she had tried to obtain information from the Ponderosa sales office, only to discover that it was closed for the weekend.

**Commissioner Fox moved to continue Item 6.a. to the next available date and that the neighbors along Santa Rita and Valley Avenue be notified of the hearing. Chair Blank seconded the motion in order to enter discussion.**

Commissioner Narum noted that she would support the motion as long as this item would be continued to the July 16, 2008 Planning Commission meeting. She stated that she did not believe it was fair to the applicant and that the applicant had followed the process and gone through a workshop so the item could be heard.

In response to an inquiry by Chair Blank regarding whether there was any issue affecting the hearing on July 16, Ms. Decker replied that the Planning Commission meeting dates were July 9 and July 23, 2008.

Commissioner Narum stated that she would like the item heard on July 9, 2008.

**Commissioner Narum amended the motion to state that the continued item be heard on July 9, 2008.**

**The amendment was acceptable to Commissioner Fox and Chair Blank.**

Commissioner Pearce noted that according to the emails, one of the people in question could not attend the meeting on the second week of July. She noted that if this item were to be continued based on these concerns, it would be an empty continuance because it did not mollify the concerns.

Chair Blank requested input from staff regarding the noticing.

Commissioner Olson noted that was his question as well and inquired what the area of notification was.

Ms. Decker replied that the City typically notices all property owners and residents within a 1,000-foot radius of the subject site. She added that in this instance, noticing was expanded to include all property owners and residents within 1,000 feet of the entire Busch Property PUD boundary, which is much greater than what is legally required.

In response to an inquiry by Chair Blank regarding why some residents were not noticed, Commissioner Fox noted that with respect to the traffic along Valley Avenue, 1,000 feet from the Busch Property did not include the residences that back up from Danbury Park and on the other side of Valley Avenue. She noted that on the workshop level, the noticing area was 1,000 feet from the property boundary, which then included the Operations Service Center and the Pleasanton Garbage Service. She added that most of the noticing area for the first workshop was the Quarry area where there were no residents.

Commissioner O'Connor inquired whether Ms. Decker referred to the noticing area as being all of the Ironwood development. Ms. Decker replied that staff had a noticing map, and added that Commissioner Fox was correct in that the noticing area for the workshop that had been held was 1,000 feet from the actual subject site. She noted that as the project moved forward, staff believed that a larger area should be noticed and that it was reasonable to notice 1,000 feet from the entire PUD specifically because it was a change in the option from a school site to senior housing and could impact the entire development. She noted that Mr. Otto had a map displaying the limits for the actual hearing item.

In response to Commissioner Narum's inquiry whether any neighbors were present to speak on this project, two neighbors raised their hands.

At Chair Blank's request, Mr. Otto displayed the noticing map and identified the noticing boundaries.

In response to an inquiry by Chair Blank regarding where the concerns were coming from, Ms. Decker replied that she did not have the correspondents' addresses. Chair Blank noted that homes from Valley Avenue had requested notification.

Commissioner O'Connor noted that both the workshop and this meeting were advertised in the newspaper as well.

Commissioner Fox noted that Valley Business Park on Quarry Lane had been notified but that the residents in the cul-de-sacs on the south side of Valley Avenue were not notified.

Commissioner O'Connor noted that Ms. Gilbert's email indicated that she had prepared to attend this meeting.

Ms. Decker noted that she had briefly spoken before the meeting with Ms. Gilbert, who indicated that she would not be able to stay.

Chair Blank read the following excerpts from pages 43 and 44 of the Commissioner's Handbook: "Continuance by Commissioner: Any Commissioner may continue an item... to the next Commission meeting or to another date agreeable to a majority of the Commission. An agenda item may only be continued once using this procedure. Other Continuances: The applicant or other member of the public may request a continuance of an item, and a Commission majority may grant one continuance, provided, however, that a request for further continuance may be granted by a four-fifths vote of the Commission and only if it finds that the need for continuance is beyond the control of the person requesting it, and the need for a continuance arose after the date of notice of public hearing was published, if the item was a public hearing date, or the date the Commission agenda was posted for an item in which a public hearing is not required."

In response to an inquiry by Chair Blank regarding the four-fifths vote, Ms. Harryman replied that in the first section that he read, any Commissioner may continue an item, and that an agenda item may be continued only once using this procedure. She added that an applicant or other member of the public may request a continuance and that the Commission shall vote on it. She noted that a majority vote was not needed to grant one continuance, but if a further continuance was requested, the four-fifths majority and other findings must be made in order to continue it again. She noted that at this point, a majority vote of the Commission would be required.

Commissioner Olson stated that in his view, this item was widely noticed and believed the noticing was sufficient. He noted that this was the second occasion for the Planning Commission to look at this project and that relative to other projects that the Commission has considered, he did not see a groundswell of public opinion against this project. He noted that he was not in favor of continuing this item.

Chair Blank requested clarification on whether the public could speak on this issue.

Ms. Harryman replied that would be possible at the Chair's discretion.

Commissioner Pearce noted that she would like to hear from the public.

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

Pamela Hardy, applicant, Ponderosa Homes, noted that she understood there was a motion for a continuance that had been seconded. She requested that the Commission consider the applicant's request that the public hearing be opened at this time, in consideration of the fact that staff had verified that they had gone beyond the noticing requirement as required by the Code. She added that they would have no objection

should the Commission ask staff to augment the noticing area. She requested that in view of the fact that the item had been agendaized and that the applicant and members of the public were in attendance, the Commission allow the public hearing to be opened so that they could make their presentation and the Commission could ask questions to enable the applicant to provide additional information. She noted that the project site was approved in August 2002 and that there were many neighborhood and community meetings that set the land use plan. She noted that the traffic analysis was done at that time for a site that included a thousand middle school students, which generated significantly greater traffic than the proposal before the Commission this evening.

**THE PUBLIC HEARING WAS CLOSED.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Fox and Narum.  
**NOES:** Commissioners Blank, Olsen, and Pearce.  
**ABSTAIN:** None.  
**RECUSED:** None.  
**ABSENT:** None.

**The motion failed.**

Commissioner Fox requested as an individual Commissioner that this item be continued.

Chair Blank noted that as provided in the Commissioner's Handbook under Item G.1., Continuance by a Commissioner, this item was being continued to the next Commission meeting or to a date agreeable by a majority of the Commission.

Commissioner Narum requested that in the interest of expeditiousness, the item be continued to July 9, 2008.

Commissioner Pearce requested that the public hearing be opened to the neighbors so that they would not have to return to the hearing.

Ms. Harryman indicated that would not be possible if one of the Commissioners unilaterally continued the item.

Chair Blank inquired whether July 9, 2008 would be acceptable to the Commission.

Commissioner Narum strongly supported continuing this item to July 9, 2008.

Commissioner Fox would like staff to talk with the neighbors and the applicant to see what date would be acceptable.

Ms. Harryman stated that the Commissioner's Handbook stated, "Any Commissioner may continue an item not subject to a legal or City-imposed deadline to the next

Commission meeting, or to another date agreeable to a majority of the Commission.” She noted that there were no legal or City-imposed deadlines and that the next Commission meeting would be July 9, 2008.

Commissioner Fox requested that the project incorporate the noticing for the Home Depot site which included the Valley Avenue corridor.

**Commissioner Narum moved to continue Item 6.a. to the July 9, 2008 agenda as the first public hearing item.**

**Commissioner Olson seconded the motion.**

**AYES: Commissioners Blank, Fox, Narum, Olsen, and Pearce.**  
**NOES: None.**  
**ABSTAIN: None.**  
**RECUSED: None.**  
**ABSENT: None.**

**The motion passed.**

**5. CONSENT CALENDAR**

**a. PDR-693, Brad and Ann Walker**

Application for design review approval to construct an approximately 3,520-square-foot two-story custom home with an attached 850-square-foot, two-car garage on an approximately 18m285-square-foot site located at 6-67 Sycamore Terrace. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

**b. PCUP-226, Jim Roberts Company**

Application for conditional use permit to operate a landscape contracting company in the existing building located at 3942 Valley Avenue, Building C, Suite D, in the Valley Business Park. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.

**Commissioner Pearce moved to approve PDR-693, subject to the Conditions of Approval as listed in Exhibit B of the staff report, and to make the required conditional use permit findings for PCUP-226, as listed in the staff report, and to approve the project, subject to the Conditions of Approval as listed in Exhibit B, of the staff report.**

**Commissioner Narum seconded the motion.**

**ROLL CALL VOTE:**

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

**Resolutions Nos. PC-2008-28 approving PDR-693 and PC-2008-29 approving PCUP-226 were entered and adopted as motioned.**

**6. PUBLIC HEARINGS AND OTHER MATTERS**

**a. PUD-74, Ponderosa Homes**

Application for Planned Unit Development (PUD) development plan to construct 110 detached single-family homes for residents aged 55 years and older at the public school option/Medium Density Residential-senior housing site located at 1 Reimers Drive in the Ironwood Development. Zoning for the property is PUD-LDR/MDR/HDR/P&I & Mixed P&I/MDR (Planned Unit Development – Low Density Residential/Medium Density Residential/High Density Residential/Public & Institutional and Mixed Public & Institutional/Medium Density Residential) District.

This item was continued to the July 9, 2008 meeting.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

a. Discussion of the types of projects to be placed on the Consent Calendar.

No discussion was held or action taken.

Baker's Square Cleanup

Commissioner Fox noted that she had driven several times through this closed site in the Trader's Joe shopping center and that there were overflowing garbage bins in the area. She inquired whether the shopping center owner could be asked to clean up that area. She also noted that she had seen people doing car repair in the parking lot.

Ms. Decker noted that staff would follow up on that item.

Ms. Decker noted that Mary Greene had handed her a speaker card for Item 5.a., PDR-693, Brad and Ann Walker, and that Ms. Greene did not understand that the item had been approved at the time of the voted on the Consent Calendar and had wished to speak.

Chair Blank inquired whether Commission was amenable to opening the public hearing.

Commissioner Fox inquired whether Ms. Greene had any opposition to the project.

Ms. Greene noted that she had a question.

The Commissioners agreed to reopen the public hearing after Item 7 was completed. Staples Ranch Hearing Dates

Commissioner Narum inquired whether any dates had been set for the Staples Ranch hearings.

Ms. Decker replied that there was no updated schedule at this time.

#### House on Peters Avenue and Angela Street

Commissioner Narum inquired whether there was any way to ensure that the house on the corner of Peters Avenue and Angela Street would be painted before the rainy season.

Commissioner Pearce noted that it had not been painted in approximately three years.

Commissioner Narum added that it was a heritage house which has remained unpainted for too long.

Ms. Decker provided a status report of the project and noted that it was in the plan check process and close to being approved. She added that the final map must return to the City Council to be recorded; at that time, the building permits will be issued for the property. She noted that she was in communication with Mr. Carey in terms of painting the house and that she was certain that it would be painted before the winter season. She noted that the rear 10 feet of the unit would be removed for the entire project development area. She believed that they are waiting for all the permits to be complete.

Commissioner Narum wanted to be sure it could be painted before the rainy season.

Commissioner Fox inquired whether it could be painted sooner and whether the building permit was needed to paint it.

Ms. Decker noted that it remained unpainted because the owners had scraped it to identify which parts of the siding could be salvaged. She noted that the owners would replace the parts that did not match and added that staff would follow up on this issue.

### Main Street Property

Commissioner Pearce inquired about the status on the former Union Jack property on Main Street.

Ms. Decker replied that the project was approved for design review approval a year ago and that a demolition permit was subsequently granted. She stated that the building was demolished, and the design review was due to expire on June 15, 2008. Staff had extended the approval for another year, and the new expiration date was June 2009. She stated that she believed the project was in the plan check process and that staff would follow up.

Commissioner Narum inquired whether the design review extension could be appealed by the Planning Commission. Ms. Decker noted that the extension was a staff level approval, which she signed as the Principal Planner, acting as Zoning Administrator. She noted that action could be appealed. She noted that it was extended on June 13, 2008, as the expiration would have occurred on a Sunday.

### California Splash Buildings

Commissioner Fox inquired about the buildings that had been put up for California Splash and that she thought would be dismantled.

Mr. Dolan noted that the East Bay Regional Park District was considering an alternative use for the buildings other than their original intent. He noted that the District had been somewhat slow to act and that there had been some dialogue within City Hall to encourage it to make a decision; if nothing is to be done with the buildings, they should come down. He noted that the City did not wish to encourage another public agency to waste its funds. He believed the District was leaning towards using them for another purpose.

In response to an inquiry by Commissioner Fox regarding whether the District would have to come to the City for a conditional use permit or whether it would be grandfathered in, Mr. Dolan replied that it depended upon the intended use.

### Sprinkler Ordinance

Chair Blank inquired whether staff could provide a target date for the completion of the Sprinkler Ordinance, which was referenced at the last meeting as being very close.

Ms. Decker replied that staff would continue to follow up on this issue and would provide additional information at the July 9, 2008 meeting.

**5. CONSENT CALENDAR**

**a. PDR-693, Brad and Ann Walker**

Application for design review approval to construct an approximately 3,520-square-foot two-story custom home with an attached 850-square-foot, two-car garage on an approximately 18m285-square-foot site located at 6-67 Sycamore Terrace. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

**THE PUBLIC HEARING WAS OPENED.**

Ms. Mary Green noted that she lived on Sycamore Road and that the applicant had bought the house next to her home. She believed they would be very good neighbors. She noted that she would like the black walnut tree referenced on page 8 of the staff report to remain. She noted that she did not have any problems with any of the Walkers' plans and added that they had been very accommodating regarding her concerns about her privacy.

Chair Blank invited the applicant to speak.

Mr. Brad Walker, applicant, noted that they wished to keep the walnut tree but that upon investigation, it was determined that the tree was towards the end of its lifespan. He stated that when they bought the lot, they decided to work around the walnut tree, but the designers stated that it would probably die. He noted that they had plans to plant two live oak trees in the front to replace the walnut tree.

Ms. Decker noted that Mr. Walker's comments were noted on page 9 of the staff report in reference to the discussion on the decline of the walnut tree.

In response to an inquiry by Commissioner Fox regarding whether Mike Fulford, City Landscape Architect, reviewed that walnut tree, Ms. Decker confirmed that he had, per Exhibit F. She added that other projects demonstrated that the black walnut trees did not have a good survival rate when development occurred. She noted that staff encouraged replanting of other species but that Mr. Fulford encouraged the planting of other trees.

Chair Blank noted that black walnut trees did not have a good survival rate even when development did not occur.

**THE PUBLIC HEARING WAS CLOSED.**

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

**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**

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

Commissioner Pearce noted that a public workshop for the Trails and Bike Committee had been held at the Senior Center and added that it went well.

**12. ADJOURNMENT**

Chair Blank adjourned the Planning Commission meeting at 7:46 p.m.

Respectfully,

DONNA DECKER  
Secretary