



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, January 23, 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 January 23, 2008, was called to order at 7:00 p.m. by Chair Blank.

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

Staff Members Present: Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Rosalind Rondash, Associate Planner; and Cory Emberson, Recording Secretary.

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

Commissioners Absent: Commissioner Arne Olson.

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

##### **a. January 9, 2008**

Commissioner Narum requested that the last sentence of the second paragraph on page 7 be modified to read as follows: "He added that he did not know what requirements were placed on that building."

Commissioner Narum requested that the first sentence of the last paragraph on page 15 be modified to read as follows: "Mr. Townsend indicated that they are integrating as ~~much~~ many Green points as possible into the project...."

Commissioner Pearce noted that the motion page 26 should be modified to read as follows: “Commissioner Pearce ~~move~~ moved to agendize the discussion of the new law going to into effect in July....”

Commissioner Pearce noted that it was Chair Blank, not Commissioner Fox, who adjourned the meeting and requested that the correction be made.

Commissioner Fox requested that the sentence on the fourth full paragraph on page 15 be modified to read as follows: “~~All the Commissioners each~~ Each Commissioner disclosed that ~~they~~ he or she met with the applicants and their architects.” She noted that there was only one architect.

With respect to the first paragraph under Matters for Commission’s Review/Action, Commissioner Fox noted that it was after she had met with Mr. Aminian following his request to meet with her that she discovered that staff had scheduled his item for a future hearing date. She noted that her request was more reflective of receiving an up-to-date notice of an item that had been postponed or delayed rather than having the dates of when items were to go before the Planning Commission.

Chair Blank noted that the third sentence of the last paragraph on page 13 should be modified to read as follows: “He noted that ~~while~~ \$25,000 to \$35,000 is not an insignificant amount ~~for~~ on a \$1 million building; ~~however~~, and if the owner builds....” He requested that staff check the audio record to ensure that his statement would be reflected accurately.

Chair Blank noted that the fifth and sixth sentences of the fourth full paragraph on page 16 which describe Mr. Adams’ family medical history and his age are personal details that should be removed from the official Minutes.

Chair Blank noted the second sentence of the seventh paragraph on page 21 should be modified to read as follows: “He did not want to get tied down by a strict interpretation of the rules....”

Chair Blank noted that sentence in the sixth paragraph on page 23 should be modified to read as follows: “Chair Blank indicated that he was fine with that and that he was not lobbying for or indicating that he desired a second workshop.”

**Commissioner Narum moved to approve the Minutes as amended.  
Commissioner Fox seconded the motion.**

**ROLL CALL VOTE:**

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

The motion passed, and the Minutes of January 9, 2008, 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**

Ms. Decker noted that Item 6.a., PUD-05-02M, James Happ, Northstar Realty Services, Inc./Kenneth and Pamela Chrisman, had been continued to the February 27, 2008 meeting and that Item 6.b., PUD-57, Hendrick Automotive Group, had been continued to a future meeting. Staff will advise the Commission when a date has been scheduled.

Ms. Decker further noted that the applicant for Item 5.a., PCUP-207, Sylvan Learning Center, has requested that the item be moved from Consent Calendar and be considered under Public Hearing.

**5. CONSENT CALENDAR**

**b. PTR-7940, Mike Carey and Steve Maestas**

Application for a tentative subdivision map approval to subdivide an approximately 0.24-acre site into five lots ranging in size from 1,156 square feet to 3,186.5 square feet located at 225 West Angela Street. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.

**Commissioner Pearce moved to find that there are no new or changed circumstances which require additional California Environmental Quality Act (CEQA) review of the project, to make the tentative map findings listed in the staff report, and to approve Tentative Tract Map 7940, subject to conditions of approval listed in Exhibit B of the staff report.**

**Commissioner Fox seconded the motion.**

**ROLL CALL VOTE:**

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

**Resolution No. PC-2008-02 approving PTR-7940 was entered and adopted as motioned.**

**6. PUBLIC HEARINGS AND OTHER MATTERS**

**5.a. PCUP-207, Sylvan Learning Center**

Application for a conditional use permit to operate a tutoring center for more than 20 students at an existing building located at 6654 Koll Center Parkway, Suite 185. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/ Commercial-Office) District.

Ms. Rondash summarized the staff report, and described the background, scope, and layout of the proposed project. She noted that the applicant had raised some concerns about the conditions of approval.

In response to an inquiry by Commissioner Narum regarding how the proposed conditions of approval compared to the conditions of approval at the existing Hopyard location, Ms. Rondash replied that she was not familiar with the conditions of approval for the Hopyard location.

Ms. Decker noted that staff generally analyzed the proposed site and recommended conditions that reflected the narrative submitted to staff. She added that it was likely the approval for the existing facility was based on the narrative at that time and were reflected the conditions of approval for operations, hours, etc. She noted that the applicant was concerned about several items that were standard conditions of approval that have been required within the last eight to ten months, specifically, ensuring that adults actually escort children in and out of facilities and signing the children into and out of the facilities. She noted that with respect to Condition No. 10, there have been discussions at Planning Commission hearings regarding the appropriate ages for tutoring facilities with respect to signing in and out. The Planning Commission had typically accepted that children older than 12 years do not need to have a parent sign them in due to their ability to go to the facility by themselves. Staff would support a modification to Condition No. 10 with respect to the age issue consistent with previous approvals.

In response to an inquiry by Commissioner Narum regarding whether there were any concerns or complaints at the current location, Ms. Decker replied that there were none that staff was aware of.

In response to an inquiry by Commissioner O'Connor regarding the reason that the applicant was leaving its current facility, Ms. Rondash replied that the facility's enrollment was expanding and that the current facility would be unable to accommodate them.

Ms. Rondash noted that Condition No. 3 should be clarified to indicate that the hours in the June-August summer months should read "9:30 *a.m.* ~~p.m.~~ to 8:30 p.m."

Commissioner Pearce inquired how long Conditions Nos. 3 and 4 had been standard conditions of approval for this type of facility. Ms. Decker replied that they had been standard conditions of approval for longer than her tenure of three years and were based on the narrative. She noted that minor changes in hours were generally considered by the Planning Director.

In response to an inquiry by Commissioner Fox regarding whether the interior walls were required to have a one-hour fire wall, Ms. Rondash replied that it would be determined through the plan check process, based on the adjacent uses.

In response to an inquiry by Chair Blank regarding whether the applicant had moved into their current facility in 1994, Ms. Rondash replied that was the date of its original business license.

In response to an inquiry by Commissioner O'Connor regarding the responsibility of constructing an additional one-hour fire wall if the adjacent use were to change, Ms. Rondash replied that the new adjacent tenant would be required to provide those improvements.

Chair Blank agreed that a 16-year-old youth would not want to be signed in by a parent. He inquired whether there was any consistency with respect to ages for signing in and out. Ms. Decker replied that there had been two similar occasions, and the Commission agreed that after age 12, a parent would not be required to sign them in.

Chair Blank requested clarification that children who had passed their twelfth birthday would not need to be signed in. Ms. Decker replied that was correct.

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

Paula Rhodes, representing the applicant, noted that she was the Director of the Sylvan Learning Center in San Bruno. She noted that she had spoken with a colleague at Sylvan's corporate office regarding Conditions Nos. 3 and 4 and was told that Sylvan would be willing to work with the City, provided it stayed at the staff level. With respect to Condition No. 10 and signing the children in, she stated that Sylvan staff monitored the children, and the children were not allowed to leave the lobby. Sylvan staff also ensured that the children get to their vehicle safely. She noted that many of the parents have more than one child and do not want to leave the vehicle; they typically drop the children off in front of the door, and staff takes attendance before every session. After class, the child

would be escorted to the vehicle. The company was not willing to commit to changing that policy for one center. She emphasized that each center takes the safety of the children very seriously.

Commissioner Fox pointed out that there was a red curb in front of the Center, indicating a fire lane; she noted that no vehicles would be able to drop the children off in front of the red curb. Ms. Rhodes replied that she did not realize that the Pleasanton Center had a red curb, and that there was a drop-off point in front of the San Bruno Center. She noted that in that case, the parents would walk the children in and added that the smaller children are never dropped off at the curb. She noted that the parents typically dropped off school-age children.

In response to an inquiry by Commissioner Fox regarding the sign-in procedure, Ms. Rhodes replied that the staff took attendance.

**THE PUBLIC HEARING WAS CLOSED.**

**Commissioner Fox moved to make the required conditional use permit findings as listed in the staff report and to approve Case PCUP-207, subject to the conditions listed in Exhibit B, with the modifications to Condition No. 3 to correct the starting time of the Monday through Friday summer instruction hours to 9:30 a.m.; and to Condition No. 10 to indicate that parents, guardians, or supervising adults will be required to pick-up and drop-off as well as sign-in and sign-out all children 12 years of age and younger.**

**Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

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

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: Commissioner Olson.**

**Resolution No. PC-2008-03 approving PCUP-207 was entered and adopted as motioned.**

**6.a. PUD-05-02M, James Happ, Northstar Realty Services, Inc./Kenneth and Pamela Chrisman**

Application for a major modification to an approved PUD development plan to replace the approved production home designs with design guidelines for the property located at 1944 Vineyard Avenue, in the Vineyard Avenue Corridor Specific Plan Area. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

This item was continued to the February 27, 2008 meeting.

**6.b. PUD-57, Hendrick Automotive Group**

Work session to review and receive comment on an application for PUD rezoning and development plan approval for an auto mall with six dealership buildings and related site improvements, on an approximately 37-acre parcel, a portion of the total 124-acre Staples Ranch site located at the southwest intersection of the I-580 Freeway and El Charro Road (Staples Ranch). The property is located in unincorporated Alameda County and is currently zoned Agriculture by the County.

This item was continued to a future meeting.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

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

The Commission concurred that this item should be deferred until Commissioner Olson was present.

Announcements of Commissioners' Absence

Chair Blank understood that the City was close to having the Planning Commission meeting audio placed on the City website, and that they were already posted on the FTP site. He requested the Commissioners to refrain from specifically stating when they planned to be out of town for personal security reasons.

Motorhomes

Commissioner O'Connor noted that he had listened to several older City Council meetings within the last two months and noted that Nelson Fialho, City Manager, had made mention at a City Council meeting of the ordinance regarding motorhomes. Mr. Fialho stated that he had passed that issue to the Planning Commission, and Commissioner O'Connor inquired whether Mr. Fialho meant that it had been assigned to the Planning Department.

Ms. Decker noted that Mr. Fialho had referred that issue to the Planning Department and that staff was internally working on the ordinance amendment. Staff was in the process of examining the data gathered by the Code Enforcement team and looking at photographs that had been presented. She noted that Code Amendments often took a long time and that investigation of the issue was required as it is a citywide issue.

Chair Blank requested that this issue be listed on the Future Planning Calendar. He requested that a number be given to the topic so it could be tracked more easily. Ms. Decker noted that staff would be able to do that.

In response to an inquiry by Commissioner O'Connor regarding the procedure for developing and implementing Code Amendments and whether Codes from other cities were examined, Ms. Decker replied that staff generally scrutinized the City's own Code to discover any gaps in terms of interpretation and definition. Following that process, staff would assess the community's needs and how to modify the Code to best suit the overall Citywide needs. Additionally, staff does research other communities and reviews those Codes to determine if such language could be applicable to the City of Pleasanton.

#### Bank in Kolln Hardware Building

Commissioner Fox noted that a letter had been received from Robert Byrd regarding the possibility of a commercial bank leasing the space in the Kolln Hardware building. She inquired whether that was a permitted or conditional use in the Downtown and whether it would come before the Planning Commission. Ms. Decker replied that a bank was a permitted use. She added that this was a signature project and that it retained and expanded the original building to become a viable structure for additional uses. The owner had initially indicated that he would want a mixed-use project with offices on the second floor and retail on the ground floor. She noted that mixed-uses added to the vibrancy of Downtown Pleasanton. She believed the intent was there, together with market pressures and the cost of the building. She believed that when the opportunity for bank was presented to the owner, it became a viable alternative in order to lease out the building. She noted that a bank was an allowed use.

In response to an inquiry by Commissioner Fox regarding whether the Planning Commission had required an intended use in a previous hearing, Ms. Decker replied that the project was for a design review approval rather than a use permit.

Chair Blank suggested examining the public record to see what was said and suggested that at a future date, the Commission consider a Code amendment that would narrow some permitted uses so that another Downtown signature building would not house a less desirable use.

Ms. Decker noted that Mr. Iserson and the Economic Development Director should be part of these conversations.

Commissioner Fox requested that staff check whether the Commission has any recourse based on the prior design review conditions and the Downtown Specific Plan.

Ms. Decker suggested allowing staff to follow up and provide the Commission with the staff report whereby the project was approved as well as several sections of the Specific Plan. She noted that Bank of America, Washington Mutual, and Guaranty Bank fronted Main Street, in addition to several title companies.

Commissioner Fox noted that many of the Downtown banks had large parking lots behind them and did not believe that Kolln Hardware had sufficient parking. She believed the parking requirement for a bank was greater than for a restaurant. She requested that Mr. Byrd be copied on staff's response.



### Waterslide Construction

Chair Blank inquired about the progress on the partial construction of the waterslides. Ms. Decker replied that all of the permits for that project had expired. She noted that Code Enforcement and the Building Department would address the disposition of the partially built structures.

Commissioner Fox inquired whether the conditional use permit could be revoked so that a large park such as Six Flags is not able to move into the site.

Chair Blank noted that the conditional use permit was very specific regarding the allowed use.

In response to an inquiry by Commissioner O'Connor regarding whether the conditional use permit would die if the building permits had all expired, Ms. Decker replied that would not necessarily occur.

Chair Blank noted that Mr. Iserson had stated that the Planning Commission could place an expiration date on conditional use permits.

Commissioner Fox requested that the item be agendized.

Chair Blank would like to hear staff's report with further information first.

### Planners' Conference

Chair Blank noted that the City requested that the Commissioners advise whether they would attend the Planners' Conference.

### Eagle Scouts

Commissioner Narum requested that the Eagle Scout candidates in the audience be given some time to ask questions.

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

### **a. Future Planning Calendar**

Ms. Decker noted that several dates were available for special meetings due to the heavy agendas that would occur. Staff was not certain when the Staples Ranch item would return, but it may be agendized on a regular meeting schedule. In that eventuality, other regular projects may need to be agendized for a special meeting. She noted that several dates were available: Thursday, April 24; Wednesday, April 30; Thursday, May 1; Tuesday, May 13; and Wednesday, May 22. She noted that several other special meetings had been scheduled for the General Plan.

**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 another meeting of the Bicycle and Pedestrian Master Plan Committee had been held and that they had narrowed the field to two consultants. In addition, a Chair had not yet been chosen. The next meeting would be held the first week in February.

Chair Blank re-opened the “Meeting open for any member of the audience to address the Planning Commission on any item which is not already on the Agenda.”

Chair Blank disclosed that his son is an Eagle Scout.

Commissioner Pearce disclosed that her son is a Cub Scout.

A member of the audience inquired how the Planning Commissioners were chosen. Chair Blank replied that the Planning Commission was appointed by the Mayor and ratified by the City Council. He added that the City had a Youth Commission as well.

Commissioner Narum noted that she had formerly served on the Park and Recreation Commission and that a student of middle school or high school age could apply to be a Youth Commissioner.

Commissioner Fox noted that the City Clerk’s office posted the Commission vacancies twice a year.

Ms. Decker noted that the vacancies were advertised in April and again in September.

Another member of the audience inquired whether there were any updates on the Sharks possibly building a practice arena in Pleasanton. Ms. Decker replied that a public workshop and project review would be held soon at the Planning Commission meeting.

## **12. ADJOURNMENT**

Chair Blank adjourned the Planning Commission meeting at 7:55 p.m.

Respectfully,

DONNA DECKER  
Secretary