



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, May 16, 2007

*(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 May 16, 2007 was called to order at 7:00 p.m. by Chairperson Fox.

1. ROLL CALL

Staff Members Present: Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Wes Jost, Development Services Manager; Steve Otto, Associate Planner; Jenny Soo, 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

There were no Minutes to consider at this meeting.

Chairperson Fox requested that Revisions and Omissions to the Agenda be heard before Meeting Open to the Public. The Commission concurred.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Chairperson Fox noted that Item 5.b., PCUP-191, Derek and Linda Barragan, would be continued to May 23, 2007. She added that she had received a request from Bonnie Krichbaum and Art Dunkley to continue Item 6.b., PCUP-185, Steve Black, Generations HealthCare of Pleasanton, LLC, and requested that that item be continued to a future meeting.

Chairperson Fox requested staff comment with respect to continuing Item 6.a., PUD-05-02M, James Happ, Northstar Realty Services, Inc./Kenneth and Pamela Chrisman.

In response to an inquiry by Commissioner Blank regarding whether a continued item would be placed at the beginning of the next agenda, Ms. Harryman referred to page 43 of the Commissioner's Handbook: "Any Commissioner may continue an item not subject to a legally or City-imposed deadline to the next Commission meeting, or to another date agreeable to a majority of the Commission."

Chairperson Fox requested that members of the audience be able to speak about continued items during Meeting Open to the Public.

Commissioner Blank noted that while that would be a good idea, he added that other members of the public who did not attend because the item had been continued should be able to speak as well.

Ms. Decker advised that staff did not request the continuation of Item 6.b., PCUP-185, Steve Black, Generations HealthCare of Pleasanton, LLC. She noted that an email had been received from Chairperson Fox to continue the item and that staff had written a memo clarifying the points in terms of the times staff received information and had forwarded that memo to the Commissioners. She clarified that Chairperson Fox had requested that both Item 6.a. and Item 6.b. be continued.

Ms. Decker stated that she had also sent an email to all of the Commissioners listing several items that had been brought forth by Steve Brozosky with respect to Item 6.a. and recommended to the Commission that the item be continued. She noted that staff frequently makes that recommendation and that the Commission would decide whether or not that was a reasonable request. She noted that while the Commission frequently concurred with staff's recommendations to continue an item, it would be unknown until the hearing actually occurred. She noted that Mr. Brozosky was unsure whether he would be able to attend and added that copies of the memos were available to the public. She reiterated that the Chair had requested that both items be continued.

Chairperson Fox noted that she did indeed request that Item 6.a. and Item 6.b. be continued and noted that the point of clarification was whether she requested that Item 6.a. be continued after staff had already requested that it be continued.

Commissioner Pearce understood that some of the neighbors had indicated a desire to continue both Item 6.a. and Item 6.b. She believed the correct procedure in this instance would have been to have a discussion of the entire Planning Commission and a vote. Given the neighbors' requests, she believed that a unilateral decision by one Commissioner to continue these items violates the spirit under which the special meetings were decided to be held.

Commissioner Narum concurred with Commissioner Pearce's statement.

Chairperson Fox appreciated the point made by Commissioner Pearce and noted that both Mr. Brozosky and Mr. Dunkley were not able to attend the meeting for their respective items. She believed that if the hearing had been held, they would not have been able to represent their interests in these proposals. She noted that the Commissioner's Handbook cited the ability for a single Commissioner to continue an item one time and indicated that she made that request for this one time. She noted that if the Planning Commission would like to recommend to the City Council that that capability be removed from any one Commissioner, she would be happy to discuss it under Matters Initiated by Commission Members.

Commissioner Blank believed that there were always two sides to the issue and that he had received an email regarding PUD-05-02M stating that one of the participants had flown in for this hearing. While he was sensitive to the fact that not all the parties could be together, he was disappointed that the Commission scheduled a special meeting, and it appeared that the only item that would be addressed would be a Consent Calendar item. He understood that the Oak Grove item for the next meeting had been postponed and hoped that would enable the items continued from this meeting to be heard then.

Ms. Decker noted that if the Planning Commission were to open the public hearing and take testimony, that item could be continued to the next date. If the public hearing were not opened, it would have to be renoted with a ten-day noticing period and moved to May 30, 2007 instead of May 23, 2007.

Commissioner Narum would like to hear the public testimony and noted that the Commissioners had agreed to commit to a series of special meetings to reduce the backlog.

Commissioner Pearce would like to open the public hearing and continue the balance of the item to the next meeting.

In response to an inquiry by Chairperson Fox regarding whether a report by staff would be required, Ms. Decker replied that it was not required.

A discussion of the procedural details of testimony, noticing, and courtesy mailing ensued.

Commissioner Blank expressed concern about the precedent of the scheduling and noted while it was desirable that both the applicant and appellant be present, there may be a time when either the applicant or appellant may not be present. He was concerned that trying to have both parties present may delay a project unnecessarily.

Ms. Decker noted that she would defer to the Assistant City Attorney and noted that it has not generally been City policy to hold a public hearing without the applicant present.

Ms. Harryman noted that participants in a hearing were generally anxious to attend their own hearings. She noted that there had been situations wherein appellants had submitted a letter, did not attend the hearing, and the Commission acted in their absence.

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.

5. **CONSENT CALENDAR**

a. **PCUP-194, Saake Fine Furnishings**

Application for conditional use permits to allow the operation of a custom furniture-making business located at 1233 Quarry Lane, Suite 120, within the Valley Business Park. Zoning for the properties is PUD-I (Planned Unit Development – Industrial) District.

Commissioner Blank moved to make the required conditional use permit findings as listed in the staff report and to approve Case PCUP-194, subject to the conditions listed in Exhibit B, as recommended by staff.

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-2007-24 approving PCUP-194 was entered and adopted as motioned.

b. PCUP-191, Derek and Linda Barragan

Application for a conditional use permit to park an approximately 12-foot high, 32-foot long fifth wheel in the side yard setback area of the existing residence located at 1971 Brooktree Way. Zoning for the property is R-1-6,500 (Single-Family Residential) District.

This item was continued to the May 23, 2007 meeting.

6. PUBLIC HEARINGS AND OTHER MATTERS

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.

Chairperson Fox noted that no staff report would be heard at this time.

THE PUBLIC HEARING WAS OPENED.

James Happ, applicant, noted that the disagreement between the Chrismans and Mr. Brozosky had continued for some time and noted that Mr. Brozosky had frequently requested continuances on similar items. He noted that he had traveled from Phoenix, Arizona the previous week because of a miscommunication with staff. He noted that his 25th wedding anniversary was the previous Sunday and that he had canceled his planned anniversary trip to Mexico and lost the money for the trip, because he was required to be in Pleasanton for this item. He was disappointed that the item had been postponed again. In response to an inquiry by Chairperson Fox regarding whether he preferred the item to be heard on May 23 or May 30, Mr. Happ replied that he would prefer May 23rd. He added that Mr. Brozosky had been aware of the scheduling issues from the beginning, and his letter had stated that he had been out of town and could not attend the meeting because he needed a few days to catch up.

The public hearing remained open, and no action was taken.

This item was continued to the May 23, 2007 meeting.

b. PCUP-185, Steve Black, Generations Health Care of Pleasanton, LLC

Applications for: (1) a modification to a previously approved conditional use permit (UP-71-13, Pleasanton Convalescent Hospital) to increase the number of beds from 129 to 139 at the existing convalescent hospital; and (2) a variance from the Pleasanton Municipal Code to reduce the required parking from 125 spaces to the existing 99 spaces. The property is located at 300 Neal Street and is zoned P (Public & Institutional) District.

Chairperson Fox noted that no staff report would be heard at this time.

THE PUBLIC HEARING WAS OPENED.

Bonnie Krichbaum, 303 Neal Street, thanked the Commission for the continuance and believed that the housing of 139 patients instead of the permitted 129 patients was a serious violation of the law. She was very concerned about this and other infractions, such as having three beds in a room meant for one or two beds. She noted that there was an outpatient rehab clinic on the premises with three outdoor signs, with parking spaces reserved for the patients. She noted that the fencing on the west side was in disrepair, and she was alarmed and disappointed that the City and the facility were not more concerned that the patients were living in a facility that has not been properly licensed and not in compliance with its conditional use permit.

Ms. Decker suggested that the Commission allow staff to investigate the appropriate timing for rescheduling this item.

Chester Maluch, 986 Lisbon Avenue, noted that he had searched throughout the Tri-Valley area for a facility for his sister-in-law and selected this facility. He noted that her health had improved since living at the facility and noted that the only time she had problems with parking was during Christmas or other special events.

Gerard Rawson, 77 Castlewood Drive, noted that he owned property at 4410 Second Street, which abuts the subject site. He had spoken previously about a convalescence hospital adjacent to St. Augustine's. He expressed concern about noise generated by early morning truck deliveries and garbage pickup as well as traffic and noise caused by staff arriving in the early morning. He had worked with City staff in an attempt to mitigate the noise issues and noted that there were no regulations addressing deliveries. He requested that a sound wall be built on the western perimeter of the property. He believed all the staff ratios should be complied with as well as the other regulations.

Mike Otvos, 2614 Calle Morelia, noted that his mother had resided at this facility until the time that she passed away. He noted that they drove to visit his mother frequently, and he never found a problem with the parking at any time of the day or evening. He had a positive impression of the facility and was comfortable having his mother live there. He believed the 139 rooms were needed and that the facility was very well run.

Marjory F. Tilley, 4115 Alvarado Street, noted that her mother had been a resident of Pleasanton Nursing and Rehabilitation since January 2006. She noted that the State was heavily involved in routine visits and believed it was aware of the number of rooms being occupied. She believed that the number of rooms in the facility was needed to accommodate the patients. She noted that she had visited many facilities in the Bay Area and had seen some truly awful conditions. She did not have any objection to the care given by this facility and believed that more beds were needed. She had visited the facility at all hours, sometimes with other drivers, and had never had a problem parking.

She could not disagree that noise was created but believed that some compromise could be reached with respect to noise. She could not believe that the number of beds could have increased without the State's approval.

The public hearing remained open, and no action was taken.

This item was continued, and no meeting date was set.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Tape and Barricades – Stanley Boulevard

Chairperson Fox noted that a set of ramps had been built recently down to Stanley Boulevard and that orange barricades and yellow tape had been placed there. She inquired whether they would be removed soon.

Ms. Decker replied that was part of a Public Works project and that staff would report back to the Commission regarding their removal.

Staff Reports for Continued Items

Commissioner Blank would like to receive new staff reports if an item has been delayed for more than a month.

Ms. Decker noted that staff would be happy to provide new staff reports if requested.

Chairperson Fox noted that she also would like a copy of the appeal and the minutes for PAP-53, Mr. Berlogar's appeal of the Planning Commission's denial of Tentative Subdivision Map 7399.

Home Depot Project

Commissioner Narum noted that she had watched the City Council meeting on the Home Depot, which was her first opportunity to see the drawings of the center. She complimented the Planning Commission on the drawings and noted that they reflected the character of Pleasanton very well.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

Ms. Decker noted that the follow items had been noticed for the May 23, 2007 meeting: PAUP-4, Jennifer A. Hosterman; PCUP-191, Derek and Linda Barragan; PTR-7813, Charles Austin and Scott Austin; and PDR-599, Chun Kim. There is also the intent to have Item 6.a., PUD-05-02M, Northstar/Chrisman, from this evening.

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

No discussion was held or action taken.

12. ADJOURNMENT

Chairperson Fox adjourned the Planning Commission meeting at 7:58 p.m.

Respectfully,

DONNA DECKER
Secretary