



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, December 13, 2006

CALL TO ORDER

The Planning Commission meeting of December 13, 2006 was called to order at 7:06 p.m. by Acting Chairperson Fox.

1. ROLL CALL

Staff Members Present: Donna Decker, Principal Planner; Steve Bocian, Assistant City Manager; Julie Harryman, Assistant City Attorney; Wes Jost, Development Services Manager; Marion Pavan, Associate Planner; Mike Fulford, City Landscape Architect; Mike Tassano, City Traffic Engineer; and Cory Emberson, Recording Secretary.

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

Commissioners Absent: None.

On behalf of the Planning Commission, Acting Chairperson Fox presented former Chairperson Brian Arkin with a commendation and acknowledged his six and a half years of service in the Commission. Mr. Arkin thanked the Commission for the commendation and expressed his appreciation to his family for allowing him to serve on the Commission.

Acting Chairperson Fox acknowledged former Commissioners Trish Maas and Mary Roberts, who were present for the commendation, and thanked them as well for their years of service on the Planning Commission.

2. APPROVAL OF MINUTES

Ms. Decker advised that the minutes of November 29, 2006 would be considered at the December 27, 2006, meeting.

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

Mary Roberts, 1666 Frog Hill Lane, discussed her negative experience with construction hours in her residential area. She noted that many dump trucks had driven up and down the adjacent road early on a Saturday and was concerned that the condition for only weekday construction in residential areas had not been included in recent applications. She understood that would not usually apply in an industrial area unless it was interior work.

In response to an inquiry by Commissioner Blank whether such violations would be subject to Code Enforcement, Ms. Decker confirmed that would be the case. She added that residential homeowners were often allowed to do work on Saturday for projects that were small in nature such as additions. She noted that new home construction adjacent to existing residential areas were often limited to Mondays through Fridays; further limits to those hours were at the Planning Commission's discretion.

Ms. Roberts noted that sometimes homeowners using nail guns could be as loud as contractors. She added that the project in question had already been identified and the matter handled.

Commissioner Blank noted that the Code Enforcement Officers worked on weekdays and inquired whom neighbors should contact for weekend violations. Ms. Decker replied that Code Enforcement could be reached Monday through Friday, but that she would have to look into the staff contact regarding weekend complaints. She added that several complaints had been received regarding construction crews that start staging their equipment at 7:30 a.m. in order to start work at 8:00 a.m. and that staff was examining the possibility of shifting the hours due to those incidents.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Acting Chairperson Fox noted that staff had received a request from Ponderosa Homes to continue Item 6.b., Vesting Tentative Map 7721, Ponderosa Homes to the meeting of December 27, 2006. She indicated that staff worked with the other department staff on the conditions of approval and would like additional time and staff resources to develop more definitive language for some of the conditions. She advised that because this item had been noticed and included in the agenda, the public hearing for that item would be opened for any speakers and would remain open until the hearing on December 27.

Ms. Decker advised that staff requested that the Planning Commission allow Item 6.b. to be heard before Item 6.a. for the purposes of opening the public hearing and then continuing the project.

Acting Chairperson Fox noted that a request had been received to consider Item 8.e., Appointment of Two Commissioners to the Heritage Tree Board of Appeals for 2007, before the Public Hearing items.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

e. Appointment of Two Commissioners to the Heritage Tree Board of Appeals for 2007.

Mike Fulford noted that he had submitted a lengthy memo explaining this item and noted that the Heritage Tree Ordinance was a section of the Municipal Code that was adopted by the City in 1971. It had been continuously enforced by City staff, and the City Council had reviewed and strengthened it several times since the ordinance was first adopted. The ordinance requires property owners to secure a permit for removal of a heritage tree, defined as any species above a certain size. If staff denies permission to remove of a heritage tree, the applicant has a right to appeal the decision to the Heritage Tree Board of Appeals.

Acting Chairperson Fox moved to nominate Commissioner Blank to the Heritage Tree Board of Appeals for 2007.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Fox, O'Connor, Olson, and Pearce.

NOES: None.

ABSTAIN: Commissioner Blank.

RECUSED: None.

ABSENT: None.

The motion passed.

Commissioner Blank moved to nominate Commissioner Olson to the Heritage Tree Board of Appeals for 2007.

Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

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

NOES: None.

ABSTAIN: Commissioner Olson.

RECUSED: None.

ABSENT: None.

The motion passed.

Commissioners Blank and Olson were appointed to the Heritage Tree Board of Appeals for 2007.

5. CONSENT CALENDAR

There were no items.

6. PUBLIC HEARINGS AND OTHER MATTERS

b. Vesting Tentative Subdivision Map 7721, Ponderosa Homes, Mel & Carol Lehman, and William & Kathryn Selway

Application for a vesting tentative subdivision map to subdivide a 19.83-acre property into 27 lots for 25 new and two existing single-family homes, seven parcels to be transferred to adjoining properties, and miscellaneous public infrastructure improvements including the reconstruction of a portion of Cameron Avenue. The property is located at 3157 Trenergy Drive and 2313 Martin Avenue and is zoned PUD-LDR (Planned Unit Development – Low Density Residential) District.

THE PUBLIC HEARING WAS OPENED.

Pam Hardy, Ponderosa Homes, noted that she had requested that this item be continued to December 27, 2006 to allow additional time to work with staff to develop language on the conditions.

THE PUBLIC HEARING WAS CLOSED.

This item was continued to December 27, 2006.

a. PCUP-165/PDR-529/PUD-81-25-7M, Regency Centers (Don MacKenzie and Pete Knoedler)/Home Depot

Application for a PUD major modification, conditional use permit, and design review approval to allow the construction of 193,481 square feet of commercial area, including a Home Depot building supply store and garden center, a Long's Drugs pharmacy with drive-through, and miscellaneous neighborhood retail stores including one drive-through, on an approximately 16-acre parcel located at the Valley Avenue/Bernal Avenue/Stanley Boulevard intersection, in the Stanley Business Park. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.

Also consider the Negative Declaration prepared for the project.

Ms. Decker noted that staff recommended that the Planning Commission review the project, consider the merits of the project, make the conditional use permit findings, and recommend approval to the City Council.

In response to an inquiry by Acting Chairperson Fox whether this was a legislative act. She also asked if the project could then be referreded. Ms. Decker replied that it was.

Ms. Harryman noted that the PUD modification was considered a rezone, and, therefore, a legislative act, and that it could be referreded.

Marion Pavan presented the staff report and described the background, layout, and scope of this proposed project.

Commissioner Blank complimented staff on the graphic representation of the notification for this item.

Mr. Pavan noted that the project had been peer reviewed by Larry Cannon. He noted that a large number of conditions had been added to this project to deal with the issues of traffic, as well as compatibility with surrounding uses. The hours of operation would be 6:00 a.m. to 10:00 p.m., and staff understood that specific neighbors would prefer further limitations on the hours. Staff recommended approval of this project, following the methodology described in the Staff Recommendations section of the staff report, subject to the conditions of approval.

In response to an inquiry by Commissioner Olson regarding the circumstances under which a liquor store could be permitted on this site, Mr. Pavan replied that it would have to be reviewed by the Planning Commission under an application for a conditional use permit with additional conditions of approval. He believed the CN district did allow liquor stores as a conditional use. If the Planning Commission did not believe that was an appropriate use for this site, then it may recommend that use be stricken from the recommended list of uses.

In response to an inquiry by Commissioner Olson regarding whether the building would not have any orange freight doors, Mr. Pavan confirmed it had been made clear to the applicant that no orange doors be included in the design. Ms. Decker noted that specific language prohibiting orange freight doors could be included in the conditions.

Commissioner Blank noted that he did not see any mention in this report of a potential traffic light at Nevada Street; Ms. Decker noted that when the Bernal Retail Center had come forward, a determination was made that a traffic signal would not be necessary at that location. When the proposed project came in, staff evaluated whether the signal should be placed at Nevada Street but had concerns about the number of signal lights. The Home Depot project was adding a signal at the entry at Utah Street, which was very close to the Nevada Street intersection. Staff would determine the best way to address the exiting for the Fire Department, which was the primary concern.

Commissioner Blank noted that he was surprised at the delivery hours because the Planning Commission had commented at the workshop that the hours should be restricted during Friday night and Saturday morning services at the synagogue. He inquired whether the delivery hours could be restricted during those time periods.

Ms. Decker replied that the project could be further conditioned.

In response to an inquiry by Commissioner O'Connor regarding the usage of traffic mitigation fees, Mike Tassano replied that assessed fees went into a traffic mitigation fee account. Staff would identify traffic signals that have reached their peak and fund them out of that source.

In response to an inquiry by Commissioner O'Connor regarding whether the City had any discretion in how the fees were applied, Mr. Tassano replied that the City had specific projects that were identified in the traffic fees. The fee was assessed based on the number of trips generated from a project, and the total cost was dependent on the project.

In response to an inquiry by Commissioner O'Connor regarding whether the Bernal Bridge would be open by the time Home Depot opened, Mr. Tassano replied that they did not anticipate that. Commissioner O'Connor wanted to ensure that it would not be delayed. Mr. Tassano noted that staff considered it a high-priority project.

Commissioner Blank expressed concern about the light at Nevada Street. Mr. Tassano noted that intersection was approaching a peak-hour delay. Commissioner Blank noted that there was a blind spot that made it very difficult to see and found it astonishing that anyone could safely make a left-hand turn at that light.

Commissioner Pearce believed that weekends during the summertime would be a major peak use for Home Depot, which coincided with the waterslide. Mr. Tassano noted that the traffic studies examined the worst-case scenarios for lowest and highest uses. While the waterslide produced more trips on the weekend, the overall volume of service on the city streets would still be lower.

A discussion of the derivation of trip rates, internal capture, and pass-by percentages ensued.

In response to an inquiry by Commissioner Fox regarding the percentage of traffic that would be newly attracted to the facility versus passersby, the applicant indicated that the rate was 48 percent.

In response to an inquiry by Commissioner Fox regarding whether an ordinance could be created to make Valley Avenue between Santa Rita Road and First Street closed to truck traffic, Mr. Tassano noted that the Municipal Code was not set up to define any given truck route. However, trucks were allowed on these streets if they were headed for a commercial destination. He noted that an enforcement effort was ongoing.

Ms. Harryman believed the Commissioners were asking whether an ordinance could be adopted prohibiting trucks on certain streets. She noted that the Vehicle Code in State law provides that the State controlled the streets unless they gave the City the specific authority in certain areas. She added that she would research that issue further. She believed the City could decide where trucks would be allowed. As far as conditioning this specific project, it would be done as an ordinance rather than in the conditions of approval.

Commissioner O'Connor believed the last meeting included specific discussion of the Home Depot trucks traveling from I-580 to Isabel Avenue rather than through Stanley Boulevard; he did not see that mentioned in the conditions of approval.

Ms. Harryman did not recall that specific discussion but noted that the City has encouraged particular routes in past projects.

Commissioner O'Connor believed the Commission addressed Home Depot trucks in particular.

Ms. Decker noted that it would be very difficult to enforce such a condition in that manner unless there was signage stating that trucks delivering Home Depot goods be identified. She noted that could take excessive police resources. She noted that it may be more practical to encourage certain routes and for Home Depot to work with City staff to determine the best routes for its operational plan.

In response to an inquiry by Commissioner O'Connor regarding why Condition No. 5.h. stated that the 60 KV lines would not undergrounded, Mr. Jost explained that the City ordinance exempts anything over 43 KV from being required to be constructed underground.

In response to an inquiry by Commissioner O'Connor regarding whether the Commission could require the undergrounding as part of the conditional use permit, Ms. Decker replied that could happen; however, staff has known of other projects where PG&E has indicated that it did not prefer 60 KV lines to be underground. Staff would prefer some flexibility for this potential condition so staff could work with PG&E to determine whether that would be possible.

With respect to the preferred routing regarding the Isabel Avenue/Stanley Boulevard truck route, Commissioner Blank inquired whether a condition could be crafted for Home Depot-controlled trucks to be required to follow a certain route and a penalty imposed if that route is not followed. Ms. Harryman noted that could be possible.

In response to an inquiry by Commissioner Pearce regarding the 100-foot green belt to act as a visual and sound buffer between Home Depot and the synagogue, Mr. Pavan replied that at the first work session the Planning Commission discussed that idea. At the second work session, staff brought the current site plan to the Planning Commission and noted that the 100-foot area was not being provided. The outcome of that work session was such that the Planning Commission accepted the current setbacks, provided that a very thick and opaque landscape barrier was created in that area. As conditioned, staff has stated that the shrubs would be planted on the spacing in a manner that would achieve a 50-percent overlap of the shrub canopy in five years.

Commissioner O'Connor noted that at the last meeting, the landscaping strip was to be a berm, and he could not tell from the photographs whether it was on a berm or level ground. Mr. Pavan noted that it was level ground and indicated that the applicant could respond to that concern.

Acting Chairperson Fox inquired whether staff believed that this large of a center was appropriately scaled for its surrounding neighborhoods and whether it preserved and enhanced the existing character of the Downtown due to its proximity to the Downtown area. Mr. Pavan noted that staff would answer "yes" to both questions. He noted that the project had a very low floor area ratio as specified in the staff report. Additionally, the buildings were designed to minimize, if not alleviate the "big box" look of a big-box store. The architecture was intended to replicate the Pleasanton look and character. The design treatments were intended to resemble a series of individual storefronts versus a massive big-box store. Staff examined its proximity to the Downtown area and felt that Downtown Main Street provided a level of nice eating

establishments, a farmer's market, parades and other interesting uses and activities, as well as offices. Staff did not believe the project would have a detrimental effect upon the use and viability of the Downtown area. He noted that there had been concerns that WalMart would destroy the Downtown area, and this has not taken place.

THE PUBLIC HEARING WAS OPENED.

Pete Knoedler, applicant, Regency Centers, 228 Monte Carlo Way, Danville, complimented staff on a very comprehensive staff report. He noted that the identification of a pad as a fast food pad was incorrect. They were in negotiations with Starbucks for a drive-through location. With respect to the concerns about bike riders cutting through the site, he noted that they had worked with staff and the local community and had widened the sidewalks with a five-foot separation to increase safety. They had also held numerous talks with the synagogue and satisfied its concerns with the landscaping. They agreed to add extra buffering at the berm, and bioswales would be located throughout the site. He noted that significant architectural upgrades had been made to the store, and he believed it was the nicest one he had ever seen. He anticipated that the project would generate about \$1 million in sales tax revenue to the City and 400 to 500 new jobs in town.

Dave Johnson, project architect, Johnson Lyman Architects, displayed the store design and described how the buildings were scaled down to a more pedestrian feel. He added that the addition of gable elements, parapets, trellises, and cupola elements lent an old-town feel to the center.

Frank Coda, project architect, addressed the trip generation issue and noted that there had not originally been a category for home improvement store and that a shopping center category had been used. He noted that Home Depot would be willing to work with a specific truck route, and estimated that 30 to 40 percent of the trucks were Home Depot-controlled; the rest were operated by outside vendors. He encouraged the City to implement controls on Valley Avenue, if possible. He displayed the design that had been created specifically for Pleasanton and noted that it was intended to provide a harmonious design. He displayed an animated tour around the project site. He noted that Condition No. 1.d. related to the seasonal sales and believed that the condition to limit it to Christmas tree sales only was very problematic for them. They suggested using a temporary use permit to use during other times than Christmas; they have sold flowers, pumpkins, rugs, or barbeques.

In response to an inquiry by Commissioner Blank regarding temporary use permits, Mr. Pavan advised that they were handled by staff.

Mr. Coda noted that Condition No. 5.a. of Exhibit E addressed the site lighting height, which they discussed at length with staff. He believed the 20-foot height would present a visual problem in the parking lot; they had proposed a 25- or 28-foot height. They did not intend to exceed the building height and was concerned that the 20-foot high lights would create very bright spots without providing even illumination.

Ms. Decker noted that originally, 30-foot high light standards were discussed, and acorn lighting for pedestrians were included in the plans as well.

In response to an inquiry by Commissioner Blank regarding whether Home Depot would be amenable to limiting the hours of operation for the trucks, Mr. Coda replied that they would to some extent. Commissioner Blank did not want to have trucks disrupting the synagogue's services on Friday night or Saturday morning, and that situation would be a deal-breaker for his support of this project. Mr. Coda inquired whether the trucks could be accommodated at another time to make up for the lost travel time as requested; he noted that they had to accommodate a certain volume of truck traffic.

In response to an inquiry by Acting Chairperson Fox regarding whether the other Home Depot store would remain open and how the redirected traffic may affect the project area if it closed, Mr. Coda noted that they did not intend to close the store, but that it may be remodeled or re-tenanted. He added that should the store close, not all the traffic would come to the project site. He believed it would be dispersed between the other the stores as well as the new Lowe's going into Dublin. He did not believe the Planning Commission could put conditions of approval on a business item, as opposed to planning items. He noted that it was unlikely that a split delivery would occur, where a truck would deliver to one store and then another. Generally, one truck would be packed with goods for only one store to increase efficiency.

Ms. Decker noted that flexibility in language as determined by the City Engineer should be added to the conditions of approval with respect to bioswales and separated sidewalks.

A recess was called at 9:06 p.m.

Acting Chairperson Fox reconvened the meeting at 9:22 p.m.

Steve Ward, 3020 Badger Drive, spoke in opposition to this project. He believed the architectural design was beautiful but did not believe another big box Home Depot was needed in Pleasanton. He was not in favor of the traffic it would bring, and he was pleased this item would be heard by City Council for the final decision. He noted that they had fought the water slides, which were approved, and added that there had been no traffic determination for them. He believed that Valley Avenue, Stanley Boulevard, and Santa Rita Road were already a traffic nightmare and was very concerned about this project's effect on them. He believed that if the traffic mitigation was the answer, then the City should do it themselves rather than the developer. He had not heard much discussion about the children biking to the BMX Park on Saturday s. He believed the local neighbors would have to endure the problems generated by this project. He noted that only three emails were included in the packet and noted that many more emails had been written in opposition to this project. He did not believe this use was a good fit for Pleasanton.

Bob Russman, 2459 Via de los Milagros, a member of the synagogue, spoke in support of this project. He noted that when the synagogue on Nevada Court heard about this project, it initially expressed concern about traffic, access, and noise. They were further alarmed when the City added the possibility of a loop road from Bernal Avenue to Stanley Boulevard, which they believed would severely and negatively affect them. He was pleased that the City and applicants

had heard their concerns and did an excellent job in working with them to limit any potential problems. He noted that they made good progress with Regency Centers with respect to landscaping, access, and the viewshed. He was confident that they could conduct their programs, services, and school in a dignified manner without interference. He noted that the traffic on Valley Avenue was a problem, but that it was a Stoneridge Drive-to-El Charro Road problem, not a Home Depot problem.

Heidi Massie, 4183 Hale Court, representing Stop Pleasanton Gridlock, spoke in opposition to this project due to the increased traffic it would bring to an already congested area along Valley Avenue. She was also concerned about the noise levels avenue and safety risks to schoolchildren and further deterioration of the quality of life along Valley Avenue. She read the traffic study and did not believe it modeled the impacts on the weekend traffic and noise levels. She was concerned about the possible closure of the Johnson Drive store, and understood that the lease had been extended for nine years. She noted that there was no guarantee that they would not sublet. She noted that the traffic mitigation had only been addressed for the Stanley Boulevard/Bernal Avenue intersection, but not the Valley Avenue/Santa Rita Road intersection. She appreciated the applicant's efforts in listening to her concerns and those of her neighbors as well as their expressed willingness to work with the City and effect and pay for some traffic mitigations. They admitted that they could not control all the traffic due to the distribution of traffic flow monies. She noted that the removal of a crosswalk had improved the safety problems for pedestrians slightly, and they looked forward to the activation of the radar signs. She had been told in May that the trucks would definitely not use Valley Avenue and would like some assurance that trucks would be removed from Valley Avenue. She did not believe this was the time for this project in this location.

A discussion about the traffic distribution between the Johnson Drive Home Depot and the freeway ensued as well as the portion of trips that would come from Livermore and Sunol. Mr. Tassano stated that 30 percent of the customers would come down Valley Avenue.

Gary Kumfert, 1422 Groth Circle, wished to discuss the interpretation of the traffic study and simulations. He noted that the traffic study should include not only the drivers' experience but also the pedestrians' and residents' experiences, as well as safety concerns. He appreciated the design elements but was unsure whether it would hide the fact that it was a big box. He was opposed to this project and was very concerned about pedestrian safety.

Mohsen Sadri, 865 Clara Lane, spoke in support of this project and appreciated not having to drive across town to buy home improvement supplies. He believed this would be a positive addition to the community.

Michael Aminian, 18 Wyoming Street, spoke in support of this project and complimented staff on a good presentation and the improvement of this project since the last presentation. He did not believe this would be a negative impact on the neighborhood.

Chris Beratlis, 10 Beratlis Place, spoke in support of this project and noted that he was impressed with the work staff did on this project. He noted that he had spoken to his tenants at 3597 Nevada Street, and none of them had any objection to this project. He believed it would be a positive

addition to the area and would alleviate crosstown traffic to the other Home Depot store or to Livermore.

Bob King, 871 Old Oak Road, Livermore, noted that he has had a business at Stanley Business Park for 22 years. He supported this project and believed it would be the best fit for the neighborhood. He believed this project would impact the least amount of people possible and that it would fit in with the working businesses in the area. He did not believe the Valley Avenue turn would be solved by any business.

Nancy Allen, 1509 Oxen Street, representing Stop Pleasanton Gridlock, spoke in opposition to this project. Her group did not support a Home Depot-type of development in the middle of residential neighborhoods and believed it would be better located near the freeway or a business park rather than attracting crosstown traffic. The three major issues were crosstown traffic, weekend traffic, and the addition of a development in this area without a full, Citywide traffic plan as part of the General Plan. She noted that she had conducted an informal weekend traffic count near the other Home Depot and believed it would double the traffic and noise. She was concerned that Saturday mornings and evenings would be disrupted by such an increase of traffic and noise and would like more data in order to make an informed vote. She was very concerned about the impact on residents' quality of life. She questioned whether this application could be approved without a mitigation plan as part of a Council approval. She requested a contingency to require the new Home Depot to pay the City if the Johnson Drive Home Depot were to be closed and left vacant.

Andy Steen, 663 Concord Place, spoke in support of this project and believed the area needed this service and the surrounding facilities. He believed the design team did a good job in not making it appear to be a big-box store. He added that the sales tax revenue would be a benefit to the City.

Garland Draper, 4031 Schween Court, spoke in opposition to this project. She was concerned that the traffic on Valley Avenue would be further worsened. She objected to the additional noise in a quiet residential neighborhood and did not believe it had been sufficiently addressed. She would like to see a long-term infrastructure plan to solve the already severe traffic situations in the Valley Avenue/Bernal Avenue/Stanley Boulevard areas. She believed the traffic report associated with Home Depot was flawed and did not include data from the Shadow Cliffs buildout and the waterslide. She noted that it also did not include the possible closure of the Johnson Drive Home Depot and would like these traffic issues to be addressed by the City Council before this project is addressed. She would also like the Stoneridge Drive extension to be completed before this project were to be considered. She noted that her neighbor, Hank Jones, requested that she read his email since he could not attend:

“I would like to communicate my thoughts regarding the Home Depot you are proposing to place on the corner of Valley and Stanley. I would love to have a Home Depot so close to my residence, but the traffic situation is really bad already. Unless traffic was reduced on Santa Rita and Valley Avenues, there would be no way that I would support this development.

“Let me explain. In the morning I take my son to Harvest Park Middle School. He would no longer ride his bike because he was hit last year, and he’s scared, and I know

this for a fact. When I go to turn on Valley from Kolln, I am faced with a long line of commuters heading towards Santa Rita. They are all coming from Livermore. Unless I get really aggressive, I cannot get onto Valley until the signal light changes. Once on Valley, the traffic is so bad that getting across Santa Rita takes up to three cycles of the signal light.

"In the evening, we sometimes have to go east on Valley, getting out of Orloff onto Kolln can be a real pain because commuters are sometimes stacked up beyond Orloff waiting to turn onto Valley. This makes getting onto Kolln difficult – we have to wait through one or two cycles to get onto Valley once we get onto Kolln. Once on Valley headed east, we are faced with a long, long line of cars waiting to turn on Stanley and get to Livermore. That intersection was rated a "D" two years ago, and obviously it's worse now.

"I do not know how you could put in a Home Depot, Long's, drive-through Starbucks, several retail outlets and still say that traffic levels will remain at a "D". It's not logical, even with the modifications you plan for Valley and Stanley. As I see it, there's only one cure for the load of traffic we have on Valley and Santa Rita – this is traffic that has an imprisoning effect on our children. That would be to open what has been promised to us for years, and has been reneged on by some members of the Council. This is something that was used to push through development in the Stoneridge area. This is something that was planned for and disclosed to all residents who purchased homes around Stoneridge. I'm talking about the El Charro extension to Stanley, and the Stoneridge extension to El Charro.

"This was promised to the residents of Pleasanton and ripped out from under us by the City Council. This was done under fear of creating "cut-through traffic." The City's own data has shown that there is no cut-through traffic. The Mayor fears that they will create a mini-580 by opening the Stoneridge extension. If she wants to see a mini-580, she should try driving down Santa Rita and Valley on several occasions. We need relief. She can't fix it by fixing the freeways in 10 years. The Stoneridge extension is the only solution that will balance the traffic load on this side of Pleasanton and restore faith in the City Council. If you want your Home Depot and associated development, then solve our traffic problem first. Right now, we are stuck with noise pollution and lots of cars. It is difficult for me to support you when my son can't feel safe enough to ride his bike to school."

Daryl Mullins, 3428 Smoketree Commons, spoke in opposition to this project. He expressed concern about business blight and was concerned about what would happen if this store did not succeed. He noted that should business conditions change, the big box would remain. He did not believe the Planning Commission was the proper forum for that consideration and noted that the City Council may be the proper forum. He noted that he had a Masters degree in Electrical Engineering and an MBA and that he ran a business in Pleasanton. He had heard no verification from the traffic engineer that his ITE surveys and simulations had been verified by the rubber-hose data taking. He expressed concern that the driveway widths; the Safeway driveway was 44 feet wide, and the standard home driveway was 21 feet wide. He noted that the applicant was depending on the additional lane to have an entrance into the center at a certain speed. If the driveway is not

wide enough, it will slow the traffic down. He noted that the CEO of Home Depot had expressed a desire to change the customer makeup of Home Depot from retail to contractor, which meant more early-morning visits.

Commissioner Blank disclosed that he knew Ms. Dennis personally but that they had not discussed this issue at all.

Sherryl Dennis, 3768 Nichols Avenue, expressed concern about morning traffic in this area and that the left turn from Mohr Avenue to Santa Rita Road was very difficult. She added that the afternoon traffic was equally difficult and that a 30-percent increase in traffic and the addition of trucks would make passage through that intersection onto Valley Avenue impossible. She noted that she would never let her son ride his bike to school through that traffic. She asked the Commission to consider the neighbors' quality of life when making this decision.

David Bouchard, 434 Vineyard Place, noted that he was CEO of the Pleasanton Chamber of Commerce and a resident. He had attended the May workshop and supported this project. He believed the tax revenue generated by this project would be increasingly valuable to maintaining the quality of life as the City reached buildout. He added that there would be millions of dollars paid in impact fees. He noted that there was the potential for capturing additional retail dollars from pass-through traffic going to Livermore. He noted that this property would enhance this gateway site and would create an atmosphere of common space and close service retail for residents of the neighborhood. He noted that he lived six-tenths of a mile from this project. He was sympathetic to the residents' concerns about noise and congestion; he believed the congestion was a function of the El Charro Road/Stoneridge Drive issue.

Karen Pace, 4143 Peregrine Way, believed the recent election showed a divided Pleasanton and that traffic congestion was pitting one neighborhood against another. She did not oppose the project in and of itself but believed that the traffic issues must be resolved before more traffic problems were generated. She believed that Valley Avenue was the worst stretch between Santa Rita Road and Stanley Boulevard in Pleasanton. She was surprised to find this project would cause worse traffic for Kolln Street and Valley Avenue than Santa Rita Road and Valley Avenue. She also had traffic problems outside of peak hours and believed that must be studied and addressed. She anticipated worsening of noise in early mornings, especially when large lumbertrucks start passing down Valley Avenue. She was concerned about customers renting their own trucks to buy materials and noted that local users would have frequent trips during the weekend, often several times per day.

THE PUBLIC HEARING WAS CLOSED.

In response to an inquiry by Commissioner Blank regarding the square footage of the Johnson Drive store, Acting Chairperson Fox noted that it was 101,880 square feet.

In response to an inquiry by Commissioner Pearce regarding the rationale of building a Home Depot over other projects, Mr. Knoedler replied that his company specialized in grocery and anchor stores. They had considered Whole Foods, which did not pan out, and Home Depot had

contacted them after performing a market study and wished to serve this area of Pleasanton. They had contacted Andronico's, but they have been closing some stores in the region.

Acting Chairperson Fox expressed concern about the noise generated from the large flatbed carts in the parking lot, especially in the early morning. Mr. Coda noted that the conditions of approval restricted their delivery hours to the same as the store hours.

Ms. Decker noted that Condition No. 28 stated that no truck deliveries would be allowed between 10:00 p.m. and 6:00 a.m.

Mr. Coda noted that Home Depot scheduled deliveries, and Home Depot or outside vendors would not be allowed in until the allowed hours. The vendors would realize that they needed to adhere to the delivery schedule.

Mr. Knoedler noted that the data gathered validated their existing conditions traffic model, which would then be projected into the future, including all known approved projects as defined by City staff. They then determined all project site-specific trips and how they will be an origin or a destination for that trip. He noted that the numbers on page 12 of the staff report were meant to synthesize all the trips on main, minor arterial, and collector streets throughout Pleasanton into a manageable form.

In response to an inquiry by Acting Chairperson Fox regarding traffic routing, Mr. Knoedler replied that they assigned specific residential areas that would produce a trip to Home Depot and that those areas change throughout the City.

In response to an inquiry by Acting Chairperson Fox regarding additional cut-through trips being generated from people exiting the freeway, Mr. Knoedler noted that they were identified as a normal trip and that a cut-through trip could not be assumed.

Commissioner Blank noted that a previous traffic model showed that the 1996 General Plan would work, and he believed that model ultimately proved to be flawed. He wished to confirm that generally, 2.8 per thousand trips was the traffic rate for this project. Mr. Knoedler noted that the rate was 1.2 in the a.m. peak hours and 2.45 in the p.m. peak hours.

In response to an inquiry by Commissioner Blank regarding whether the traffic model took into account the amount of revenue produced in the environment, Mr. Knoedler noted that would be difficult to assess.

Commissioner Blank noted that on May 24, 2006, Mr. Coda indicated that the current store generated \$45 million of revenue per year and that too many clients went into the store because of customer service; the business model indicated that the store was overloaded. He inquired whether it was considered a superstore. Mr. Coda replied that it was not and that they also had a larger format store of 115,000-117,000 square feet.

Commissioner Pearce inquired whether Home Depot was amenable to Larry Cannon's slight modifications he suggested in his peer review; Mr. Coda replied that they were agreeable,

although he did not agree with the larger awnings at the main entry. He noted that their goal was to reduce the scale and did not believe the larger awnings accomplished that.

In response to an inquiry by Commissioner O'Connor regarding the weekend hours, Mr. Coda replied that the Johnson Drive store's hours were 6:00 a.m. – 9:00 p.m. Monday through Saturday, and 7:00 a.m. – 8:00 p.m. on Sundays. Every store manager is allowed to set the hours within a certain range.

Commissioner O'Connor recalled an audience member's question about the legality of approving this project with a Level-of-Service (LOS) D, specifically at Santa Rita Road and Valley Avenue. The proposed project would maintain an LOS D, which he believed was an acceptable level of service under the General Plan. Mr. Tassano confirmed that was true and added that any LOS below D was not acceptable.

In response to an inquiry by Commissioner Blank regarding whether the applicant would agree to a condition not allowing a grill or deep fryer restaurant, Mr. Knoedler replied that they would agree to a fast food condition for the drive-through.

Ms. Decker noted that staff had discussed potential retailers with the applicant and had previously discussed the practice of limiting certain businesses. There was no category to address drive-throughs specifically and that there was a fast food category. The City was very reticent to restrict or condition a project in the manner of saying that one brand could be located there but another could not be. She believed the project was adequately conditioned to address any drive-through issues. The fast food use issues generally came from corporate architecture and loud signage. She noted that the applicant had very definitive conditions regarding those issues but that the City could not condition against a specific company.

Commissioner Blank noted that former Chairperson Arkin had requested that a fast food use not be planned for the drive-through and that Mr. Knoedler noted that he may be agreeable.

Commissioner Pearce noted that there were concerns about approving this plan before the General Plan was in place. Regarding the timing of approval for the project, she inquired whether there were advantages or disadvantages to approving this project before or after the General Plan was completed and certified, including the Circulation Element. Ms. Decker replied that there was no advantage either way and that staff examined every application for consistency with the current General Plan.

In response to an inquiry by Commissioner Blank regarding the potential course of action if the intersection were to become LOS E or F after the project opened, Mr. Tassano replied that it would be a balance between a macro-simulation, which identified the amount of traffic, and a micro-simulation, which identified solutions for a certain amount of traffic. He added that staff could also reassess the intersection with a new traffic mitigation fee for future development.

Commissioner O'Connor believed that if this project went forward and since the Johnson Drive hours were restricted, weekend hours should be examined more closely because of its location near a residential neighborhood. He was somewhat dismayed that the \$2 million in traffic

mitigation could not be used for Valley Avenue. He believed that the City should do what it could to alleviate the traffic on Valley Avenue, and he did not believe it would get any better.

Commissioner Olson believed this project should be approved so that more pressure could be brought to bear on the subject of traffic within Pleasanton. He agreed with Commissioner O'Connor's comments that the traffic on Valley Avenue should be alleviated. He noted that there were several speakers who addressed the need to push the Stoneridge Drive extension through. He believed the Planning Commission had the responsibility to look at revenue in the City in view of what it needed to sustain itself over time. He would also be in favor of looking at weekend operating hours. He would particularly like to see the liquor store reference removed and not approved.

Commissioner Blank agreed with most of Commissioner Olson's comments and believed the Stoneridge Drive extension was a discussion for another time. He agreed that the liquor store reference should be deleted from the plan and was very concerned about the hours of delivery, hours of operation, and truck traffic. He was very concerned about trucks lining up at 5:45 a.m. to be ready at 6:00 a.m. and about noise impacts. He would not support this project without the previously stated grill restriction. He agreed with Commissioner Olson's comment that tax revenue should be considered as the City approached buildout. He believed the consulting engineers and developers should be on the hook if their projections do not come to pass. He was not as concerned about a short-term closure of the Johnson Drive store because the revenue per square foot was slightly higher in the Johnson Drive store.

Commissioner Pearce generally agreed with the previous comments and noted that this site would not remain as a vacant field. She believed that Home Depot would provide less traffic in the long run than other business options being considered because it would not be a unique business in the City. She agreed that traffic was a major problem and believed the City should keep traffic engineers and developers on the hook if their traffic models did not pan out. She agreed that business revenues should be kept in mind as the City approached buildout. She agreed with the grill restriction and the removal of the liquor store from the plan.

Acting Chairperson Fox noted that she would not support this proposal because it was located too far from the freeway. She disagreed with the move to sandwich a big-box retail store between two existing residential neighborhood and that it was too close to the Downtown. She believed this use and the associated traffic and noise would affect their quality of life and would not preserve the character of the residential neighborhood. She noted that the City did not have a weekend traffic model to gauge the effects of this use. Routing the commercial traffic through Valley Avenue would result in a negative impact on that street. She noted that the 100-foot buffer between the Beth Emek synagogue and the Home Depot complex had not been included as discussed in the first two workshops. She noted that the General Plan called for providing setbacks, landscaping, soundwalls, and other methods to protect adjacent land uses from noise from development. She believed that by not providing that buffer, this project did not meet the General Plan.

Acting Chairperson Fox did not believe this part of Pleasanton had ever been designated as a regional shopping center in the 1970's and 1980's. She believed this project would be

appropriate for a Commercial Neighborhood type of development, not for a Central Commercial District area. She could support Long's Drugs and Starbucks as well as other appropriately scaled retail uses in this neighborhood. She believed the 48 percent passers-by assumption was too high for this type of establishment. She believed a 24-hour drive-through at Long's Drugs was completely unacceptable in this location and that the height of the out structures at 41 feet was out of scale for this part of the City. She believed the hours would be more appropriate for a location near a freeway. She noted that Pleasanton has never had an East Side Specific Plan and noted that these types of applications were approved in a piecemeal fashion. She believed that the Commission must take into account lost revenue from locally-owned businesses, including some of the local flooring and hardware stores along the Valley Avenue/Quarry Lane area. She noted that the cost of policing a 24-hour drive-through would be another cost to the City.

In response to an inquiry by Commissioner Blank regarding whether the Vintage Hills Shopping Center area had been notified, Ms. Decker confirmed that was the case. Commissioner Blank did not believe that any storeowners had spoken in opposition to this application.

Commissioner Pearce moved to find that the proposed project will not have a significant environmental impact and that the Negative Declaration is appropriate; to find that the proposed project conforms to the General Plan; to make the PUD development plan and conditional use findings as stated in the staff report; and to recommend approval to the City Council of the Negative Declaration, Cases PUD-81-25-7M, PCUP-165, and PDR-529, subject to the conditions of approval as shown on Exhibits C, D, and E, respectively, of the staff report, as recommended and modified by staff.

Ms. Decker summarized the modifications to the conditions discussed by the Commission:

1. No loading doors shall be painted orange;
2. Liquor stores would be excluded from the list of "Conditional Uses" shown on Exhibit C, as proposed by Commissioner Olson.
3. Modify Condition No. 1.f. of Exhibit D, Truck Deliveries, to address truck trips and truck routes of vehicles over which Home Depot had control and to allow no deliveries during the hours of services at the synagogue (8:00 p.m. – 10:00 p.m. on Fridays and 8:00 a.m. – 1:00 p.m. on Saturdays);
4. Identify specific seasonal sales for temporary use permit processing;
5. Modify Condition No. 5.h. of Exhibit E, regarding the undergrounding of the 60 KV lines to add language that staff will work with the applicant and the appropriate agencies to look into the possibility of undergrounding these lines;
6. Incorporate the architectural designs recommended by Larry Cannon;
7. Add a condition to eliminate any grill facilities at the Lot 2 pad; and
8. Add a condition to install a berm on the Nevada Court side to address noise attenuation.

Commissioner Pearce noted that she would include those modifications in the motion.

Commissioner Blank proposed an amendment that Home Depot provide written directives to all vendors to use the same route and require compliance with these directives.

Commissioner Pearce accepted the proposed modification.

Ms. Decker presented the following additional notations to the conditions of approval:

1. With respect to the parking stalls on the Bernal side, language would be modified to add "*subject to the review and approval of the Planning Director and the City Engineer.*"
2. Condition No. 39 of Exhibit E requires wheel stops in the parking areas, which was an older standard. Home Depot had requested not to have them as they could be considered as trip hazards and they captured more debris, making it more difficult to clean the site. She requested a recommendation to the Commission to consider removing the requirement for wheel stops.
3. Condition No. 41 of Exhibit E was a lengthy backflow prevention, which was shortened in an effort to provide clarity; the current condition would be inserted.
4. All language referring to "retention" in Exhibit E should be changed to "swale."

Commissioner Olson seconded the motion.

Commissioner Blank proposed an amendment that the noise level not exceed 60 dBA at the plane of the property prior to 8:00 a.m. or after 10:00 p.m.

Commissioners Pearce and Olson accepted the proposed amendment.

Ms. Decker noted that as in the past, language would be added that the noise level meet the requirements of the Pleasanton Municipal Code Noise Ordinance.

In response to an inquiry by Acting Chairperson Fox regarding what would happen if no building permits were pulled and the land was sold in five years, Mr. Pavan replied that if no permits were pulled within a year, the approvals would expire. The Code allows for design review approvals two one-year extensions, for a total of three years.

Commissioner O'Connor proposed an amendment to condition a parking analysis for any parking intensive uses with zoning certificate and/or business license applications to ensure that there was adequate parking to accommodate future uses.

Ms. Decker noted that was a current planning practice to accommodate more parking for intensive uses.

Commissioner O'Connor wished to address further traffic mitigation on Valley Avenue.

Commissioner Blank inquired whether additional traffic mitigation fees could be required if the traffic mitigation measures did not work. Ms. Decker replied that would not be possible and that mitigations would be based on the current traffic analyses.

Ms. Harryman noted that this addressed a nexus between the money the City could exact from the project based on the traffic study and that it was not subject to negotiation.

Commissioner Olson inquired whether the Planning Commission could strongly recommend to the City Council that they direct some of the funds exacted from this project to specifically address mitigations on Valley Avenue. Ms. Decker confirmed that would be possible.

Commissioner Olson recommended that this be added to the conditions.

In response to an inquiry by Acting Chairperson Fox regarding whether any off-site improvements could be placed on the developer, Ms. Decker did not believe there were any target areas that had not been enumerated for consideration of mitigation as related to the project.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Coda inquired whether Commissioner Pearce intended to recommend the adoption of the peer review architectural items that staff did not recommend. Commissioner Pearce replied that was her intention.

THE PUBLIC HEARING WAS CLOSED.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2006-62 recommending approval of the Negative Declaration, PC-2006-63 recommending approval of PUD-81-25-7M, PC-2006-64 recommending approval of PCUP-165, and PC-2006-65 approving PDR-571, were entered and adopted as motioned.

c. Consideration of the City Council Annual Work Plan/Priorities for 2007-2008

THE PUBLIC HEARING WAS OPENED.

There were no speakers.

THE PUBLIC HEARING WAS CLOSED.

Acting Chairperson Fox moved to extend the meeting to consider Item 6.c. Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

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

The motion passed.

Acting Chairperson Fox suggested that the Commission go through the document by page.

Page 1

There were no comments.

Page 2

Acting Chairperson Fox suggested that under “General Plan,” a row be included that said “Specific Plan” and initiate an East Side Specific Plan.

Commissioner Blank and Commissioner Pearce supported that suggestion.

Page 3

There were no comments.

Page 4

Acting Chairperson Fox would like to add language to initiate a pedestrian, school, and bicycle safety program given the recent accidents in the City.

Commissioner Blank requested that the police increase their patrols on Valley Avenue during the morning and evening commutes to address a possible public safety issue with respect to traffic routing between Santa Rita Road and Stanley Boulevard.

Commissioner O'Connor noted that “Traffic Signal Coordination” was listed as “pending” and would like this item to be made a high priority project.

Page 5

Commissioner Blank would like a sprinkler ordinance included as a high priority item and added that over the past two years, there had been several unanimous votes of the Planning Commission to do so.

Acting Chairperson Fox noted that with respect to Public Safety, the Commission had discussed lighted crosswalks for high traffic areas. She would like implementation of the lighted crosswalks to be examined.

Page 6

There were no comments.

Page 7

Commissioner Blank would like the Sports Fields Master Plan to be given higher priority and that there was a total lack of coordination in the City on the sports fields. He noted that school fields could be unused while City fields could be overcrowded.

Acting Chairperson Fox requested that “Community Park in North Pleasanton” be changed to “Northeast Pleasanton.” She would like the public concerns about the cemetery maintenance added to this section.

Page 8

Acting Chairperson Fox requested that “Trails Master Plan” include having the Iron Horse Trail go through the Hacienda Business Park and that they be trails rather than roadways.

Acting Chairperson Fox would like to see the Historic Preservation Ordinance given a higher priority. She noted that it had been drafted and never enacted.

Page 9

There were no comments.

Page 10

Commissioner Blank would like to see an item encouraging more effective use of the website technology to disseminate information, such as podcasting of hearings that were not normally televised. He would also like the staff reports and graphic presentations to be made available in PDF format.

Acting Chairperson Fox noted that several design meetings had been held to discuss the monument signs at the City’s gateways and that City Council did not wish to spend the \$12,000 for the signs. She inquired whether there was any interest in reviving that program.

Commissioner Blank thanked Steve Bocian for his patience in waiting for this item to be addressed by the Commission after having been continued several times.

Mr. Bocian noted that a workshop would be held in early January 2007, and the final work plan would be available in March 2007.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Traffic Study Accountability

Commissioner Blank requested that staff consider making the consulting traffic engineers responsible for the results of their studies. He realized this was a general question but believed it was a serious issue.

Commissioner O'Connor believed there should be liability for such consulting projects, perhaps in the form of liability insurance.

Ms. Decker noted that some accountability took place in the form of references, and if the traffic modeling and accuracy were consistently off the mark, they would not remain under contract.

Commissioner Blank noted that he had never seen a Delta or a postmeasurement analysis with respect to traffic modeling as projected and as practiced.

White Light for Color Analysis

Commissioner Blank inquired whether a natural light lamp had been considered for viewing color boards.

Ms. Decker noted that staff would follow up on that item by the next meeting and that City staff had been researching that idea.

Noticing

Commissioner Blank complimented Maria Hoey on the improvement in noticing. He would like to receive the physical notice in the mail.

Acting Chairperson Fox agreed with that suggestion and noted that the Commissioners would be able to see the timing of the mailing as the residents receive them.

Commissioner Pearce noted that she would like to receive any Planning Commission-related notices for items that come before the Commission.

Commissioner Blank would like to continue to receive emailed notices and suggested receiving emailed images of the notices the same day they were mailed to residents in the noticing area.

City Manager Newsletters

Ms. Decker noted that there had been requests for the status of the City Manager newsletter and added that as of January 2007, it would be distributed to the Planning Commissioners.

In response to an inquiry by Acting Chairperson Fox whether past newsletters could be made available, Ms. Decker noted that they were not available at this time.

Staff Reports in PDF Format

Ms. Decker noted that there had been a conversation between Mr. Iserson and the Commission regarding making PDFs of all staff reports and then emailed. Mr. Iserson has since stated that large plans cannot be scanned and would need to be delivered in paper form. She noted that this option was still being researched.

Podcasts

Ms. Decker noted that staff continued to research podcasts of non-televised meetings.

Feedback Form

Ms. Decker noted that the feedback form similar to that used by Livermore suggested by Acting Chairperson Fox was being considered by staff. She noted that it would not be an immediate change and added that once the data were gathered, it would require staff to compile and analyze the data.

Laserfiche Copying Costs

Ms. Decker followed up on Acting Chairperson Fox's concern about printing costs (\$1 for a laserfiche page), noting that the costs had increased due to staff time required in making the copies. She noted that cost was acceptable within the Code and that staff would continue to research that item.

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.

d. **Election of Planning Commission Chair and Vice Chair for 2007**

Commissioner Blank moved to nominate Acting Chairperson Fox for Chair for 2007. Commissioner Pearce seconded the motion.

Acting Chairperson Fox accepted the nomination.

Commissioner Olson indicated that he would like it noted on record that he was not in favor of that nomination. He noted that the process that took place during the St. Elizabeth Seton hearing the previous meeting was very disturbing to him and that he had witnessed a tactic of delay. He did not believe it was the job of the Planning Commission to delay a project; he believed the Planning Commission was charged with making an up-or-down decision. He did not believe the Commission did a service to the community on that item and noted that was his primary reason for opposing the nomination of Acting Chairperson Fox.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, and Pearce.

NOES: Commissioner Olson.

ABSTAIN: Commissioner Fox.

RECUSED: None.

ABSENT: None.

The motion passed.

Chairperson Fox moved to nominate Commissioner Blank for Vice Chair for 2007. Commissioner Pearce seconded the motion.

Commissioner Blank accepted the nomination.

ROLL CALL VOTE:

AYES: Commissioners Fox, O'Connor, Olson, and Pearce.

NOES: None.

ABSTAIN: Commissioner Blank.

RECUSED: None.

ABSENT: None.

The motion passed.

f. Adoption of Planning Commission Schedule of Meeting Dates

Commissioner Pearce thanked staff for not holding a meeting on Rosh Hashanah.

Chairperson Fox suggested not holding meetings during spring break and suggested moving the April 11, 2007, meeting.

Ms. Decker recommended deferring that decision until the date came closer and recalled that a quorum had been available.

Chairperson Fox noted that November 14, 2007 had been listed twice.

Ms. Decker noted that the calendar would be adjusting accordingly.

Commissioner Pearce inquired whether the meeting would not conflict with the California Planners Institute.

Commissioner Blank believed that additional meetings should be considered so that the workload could be addressed.

Chairperson Fox understood that people were rushing their applications through prior to the General Plan completion in the event they may be downzoned.

Commissioner Blank understood that concern but added that the City Council had the authority to approve an item that was not in the General Plan.

Ms. Decker noted that the notice for the December 27, 2006 meeting had been placed in the newspaper. She noted that a conditional use permit for a 15-student private school was placed on the Consent Calendar. Under Public Hearings, there were two Code amendments that she considered benign, one of which was spearheaded by former Chair Arkin. The other item addressed sports courts.

9. COMMUNICATIONS

Chairperson Fox inquired about the Paseo Navarro legal memo regarding the large family day care and inquired whether the memo could be distributed to the Commission. Ms. Decker believed it was a judgment and noted that minutes were not taken for that meeting. She described the timing of the events that had taken place with respect to this item and noted that the court upheld the Planning Commission's original decision.

Commissioner O'Connor noted that the City Council had overturned the Planning Commission's decision.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

No discussion was held or action taken.

12. ADJOURNMENT

Acting Chairperson Fox adjourned the Planning Commission meeting at 12:38 a.m.

Respectfully,

DONNA DECKER
Secretary