PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, February 13, 2013
(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 February 13, 2013, was called to order at 7:00 p.m. by Chair Phil Blank. He welcomed Commissioner Mark Posson, the newly appointed Alternate, to the Commission.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Olson.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Marion Pavan, Associate Planner; Shweta Bonn, Associate Planner; Deborah Diamond, Consulting Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. January 23, 2013

Commissioner Pearce requested that the first sentence of the first full paragraph on page 24 be modified as follows: "Commissioner Pearce stated that the City has records from 50 years ago but maybe not from ~~1,000~~ *100* years ago."

Commissioner Olson requested that the word “He” on the third sentence of the second paragraph on page 15 be changed to “She” as it refers to Ms. Ayala. He then referred to the last sentence on page 43, noting that he actually owns a bicycle and not a bicycle store, and requested that the word “store” be deleted.

Commissioner O’Connor noted that the third paragraph on page 11 does not read very well and requested that, for clarity, it be modified to read as follows: “Commissioner O’Connor stated that he had a conversation with Legal some time ago and it was his understanding that the Council ~~should~~ *could* be looking at interpreting some of these ~~unknowns~~ *definitions.* He referred to ‘street~~s~~’ as an example and asked if it is a structure or not. He indicated that ~~the he thinks~~ the Planning Commission said it was and recommended that to the Council; and the Council agreed *unanimously, voting 5-0*, and so the Council has now defined ‘street’ as a structure. He noted that now exceptions are being discussed to allow or not allow ~~a structure~~ *some streets* ~~which is not defined at all in Measure PP~~. He indicated that his understanding*,* ~~is~~ with respect to allowing an exception or a variance to an item that was voted on by the people of Pleasanton, *is that* only the voters have the right to overturn that and to grant that exception.”

Commissioner O’Connor further requested that the first sentence of the sixth paragraph on page 11 be modified to read as follows: Commissioner O’Connor commented that maybe they were looking too deep on what is the intent, and maybe they should just read what the ordinance ~~is~~ *says* and know that the voters ~~asked~~ *approved* it.

Commissioner O’Connor then requested that the second sentence of the fifth paragraph on page 18 be modified to read as follows: “He added that he would hope, though, that the City would want to build something a little more restrained such as a pathway or roadway going up ~~some little~~ *to a* park or trail in the hills, as opposed to a major four-lane road.”

Commissioner Pearce noted that the last sentence of the third full paragraph on page 18 is a bit unclear. She stated that she knew what she meant but does not know quite how to fix it. She indicated that she would listen to the tape and then send the correction over to staff.

For the benefit of those in the audience who are new to the Commission, Chair Blank explained that the reason the Commission takes such care about the Minutes is that even though the meetings are recorded, the video and the audio are not the official record of what takes place at the meeting; the written Minutes are. He pointed out that it is really important that the Commissioners get them right so that generations from now, people can look back and say they know what the Commissioners were thinking or not thinking.

Commissioner Narum moved to approve the Minutes of January 23, 2013, as amended.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the January 23, 2013 meeting 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 members of the audience wishing to address the Planning Commission.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Janice Stern indicated that there were no revisions or omissions to the Agenda.

5. CONSENT CALENDAR

a. P12-1716/P13-0007, Callison Architects/J.P. Morgan Chase
Applications for Design Review approval to demolish the Santa Rita Junction Shopping Center buildings totaling approximately 11,591 square feet and construct an approximately 3,431-square-foot single-story financial institution building with a detached 24-hour one-lane drive-through; and for Sign Design Review approval for building and ground-mounted signs for J.P. Morgan Chase located at 3506 and 3510 Old Santa Rita Road. Zoning for the property is Central-Commercial (C-C) District.

Commissioner Narum moved to approve Case P12-1716/P13-0007, subject to the Conditions of Approval as listed in Exhibit A of the staff report.
Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, O'Connor, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSD: None.
ABSENT: None.

Resolution No. PC-2013-08 approving Case P12-1716/P13-0007 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. P12-1796, City of Pleasanton
Application to amend Title 18 of the Pleasanton Municipal Code by adding a new Chapter 18.70, Ridgeline and Hillside Protection and Preservation, with development standards and review procedures for commercial and residential developments in the hillside areas of the City.

Commissioner O'Connor stated that after having some discussion with the Legal staff, he has decided to recuse himself from this item because of the proximity of his home to one of the streets that could potentially access traffic. He then left the dais, and Commissioner Posson took his place on the dais.

Commissioner Posson requested that this item be continued to the next Commission meeting as he would like more time to get better up-to-speed with staff prior to taking a vote.

Chair Blank explained, for the knowledge of the public, that the Commissioner's Handbook provides the authority for Commissioners, at their discretion and at any time, to request a postponement of any item.

Commissioner Pearce noted that there are people in the audience who are in attendance in order to speak. She inquired if the Commission would discuss opening the public hearing without a staff report to allow these people to speak to the item, and then closing the public hearing and continuing the item.

Chair Blank asked Julie Harryman if there is any problem with doing that.

Ms. Harryman replied that it was perfectly fine.

Chair Blank addressed those among the public who came to speak to this item, stating that if they would like to speak this evening, the Commission would like to hear from them, especially if they cannot come back for at the next meeting. He noted that their comments will be included in the record and will be part of the Commission's discussion at that meeting, or they could also choose to come back then and speak at that time.

THE PUBLIC HEARING WAS OPENED.

Amy Lofland indicated she will speak at the next meeting when it returns to the Commission.

Allen Roberts stated that he had some comments on the revisions that staff proposed. He noted that staff had recommended putting in an exception for roads, for things in Specific Plans. He reminded the Commissioners, as he did at the last meeting, that the Initiative does not provide for any exceptions and that any exceptions should go back to the public for a vote. He added that if the Commission wants to decide that a road is not a structure, then that might be a way around it and the Commission would be clear of what it says in the Initiative. He continued that the other point he made at the last meeting was that he thought the definition of a ridge that staff is proposing is very weak. To illustrate his point, he showed the Commission a picture he found on the Internet which, unfortunately was not of Pleasanton Ridge but of the ridge behind Pleasanton Ridge. He pointed out Sunol Peak on the photo, a ridge that continues on down for about six miles, and another that just continuously just heads on down. He noted that, based on staff's definition that the end of the ridge is the last peak, this is not a ridge. He added that he researched what other municipalities have done, and instead of trying to define a ridge, they have taken an inventory. He stated that at the last meeting, some of the Commissioners brought up the idea of doing an inventory, and the objection was that it would be complicated and hard to do.

Mr. Roberts then displayed the topographical map with overlays and property lines that was included in the Commission's packet. He indicated that he had highlighted what the ridges are and spoke about this to some of the Commissioners, asking which ones would not be a ridge under staff's definition. He stated that it was really difficult to make that determination because a very detailed map is necessary to figure out which the last hill was. He pointed to a long ridge coming all the way down and stated that based on staff's definition, that would not be a ridge.

Mr. Roberts stated that it is not difficult to do an inventory and that he thinks staff's proposal is to figure it out on a case-by-case basis. He pointed out that the trouble with a case-by-case basis is that nobody wins on that deal. He noted that if he were a developer, he would have to put together his whole development plan and come before staff and ask what a ridge is, and that is not a good thing. He added that the citizens who voted for this wanted to have it apply to ridges in order to preserve them, and under a case-by-case scenario, they would have to come in front of staff or the Commission and fight for what they want as a definition of a ridge.

Mr. Roberts reiterated his proposal to do an inventory of what the ridges are rather than pick some definition of a ridge, and be done with it. He noted that in this way, everybody would know what will be used; developers would know where they can build, and the public would know what is going to be preserved. He added that if a definition will be made, it should be one that is already in the Municipal Code and not something new.

Chair Blank asked Mr. Roberts if the definition of ridge in the Municipal Code is satisfactory to him from his perspective.

Mr. Roberts replied that he thinks it is fine.

Amy Lofland decided to speak and read part of a prepared statement into the record:

"Good evening. My name is Amy Lofland. I live at _____, which is in Ventana Hills, and I'm a member of the Ventana Hills Steering Committee. Our Committee was formed as a result of a motion adopted by the Pleasanton City Council at the April 2, 1990 meeting to provide orderly input and successful negotiations for the adoption of the Bonde Ranch development known as PUD-90-18. All five members still comprise the Committee and we all reside in Ventana Hills. The Committee has and has had consistent communication with the residents of our development for over 20-plus years.

"I'd like to give you a little history into southeastern Pleasanton planning, particularly with regard to traffic flow. This is an area where the proposed chapter implementing Measures PP and QQ into City Code will affect future development. Back in 1990 and 1991, with the development of Bonde Ranch, the proposal of Callippe Golf Course, and the development plans along Sycamore, it was clear to existing neighborhoods and to the City that a plan was necessary for southeastern Pleasanton, particularly for traffic that would come from new developments. The neighborhoods of Alisal, Happy Valley, Sycamore, Pleasanton Heights, Mission Park, Old Town, and Ventana Hills, to name most, participated in many City-run workshops to come up with mitigation plans for the development of this area. These City-initiated meetings with the citizens of Pleasanton and neighborhood representatives took many hours and shaped the final outcome of the North Sycamore Specific Plan and the Happy Valley Specific Plan. We worked to preserve existing neighborhoods and to regulate the effects of future development and traffic flow so that the adverse effects would not be too great. There was compromise with regard to all that on all sides.

"The Planning Commission and the City Council, if they intend to consider roads a structure, then it is important to grandfather both PUDs and Specific Plans into those approved prior to 2008 so that the roads that have been constructed or are planned to be constructed in the southeastern section of Pleasanton to support development and traffic flow can be used. As someone who voted for Measure PP to protect the ridgeline, it was not my intent to preclude the Happy Valley Specific Plan or the North Sycamore Specific Plan from future development plans, and I'm sure the neighborhoods of southeastern Pleasanton who worked in good faith with the City on these specific plans would agree."

Ms. Lofland stated that she had more on her statement, but she just wanted to make sure the Commission had the history of how this all came about, since this item will not be considered at tonight's meeting

Cindy LeLaurin, a resident of Bridle Creek, stated that she found it preposterous that she is standing in front of all the Commissioners again and fighting about Measure PP. She indicated that Bridle Creek residents really worked their tails off to get signatures to

get this on the ballot; then they voted at the election and won with 59.52 percent. She further indicated that now, they have to fight about changing the wording of Measure PP so developers can run traffic throughout Sycamore Creek Way and Sunset Creek Lane. She noted that the original plan was to run the traffic through Lund Ranch Road on the other side of the hills.

Ms. LeLaurin stated that she moved to this area because she does not want the Los Angeles freeway running through her neighborhood. She indicated that she used to live on a crowded neighborhood in Pleasanton and that she now pays high property taxes to live in a nice neighborhood.

Ms. LeLaurin stated that the wording on Measure PP stated that this Initiative can be amended or repealed only by the voters of the City of Pleasanton at a general election. She added that Measure PP is for the people of Pleasanton and not for the developers. She appealed to the Commission to remember that they struggled to get the measure on the ballot, they voted for it, and it won. She asked the Commission to think about them and not change the measure. She added that she has been living in the area for nine years and she is just tired of fighting. She requested that the Commission take this into consideration for the residents of Bridle Creek.

Chair Blank asked Ms. Lelaurin if her view would be that Specific Plans should not be exempt from Measure PP in terms of the roads in the Specific Plans that were passed before Measure PP.

Ms. LeLaurin said yes. She stated that everything that was written on Measure PP is how she feels and that reason she voted for it. She added that she thinks the road should be going through Lund Ranch Road.

Greg O'Connor stated that he drafted a letter that he wanted to be part of the public record. He indicated that because this item will not be heard until the next meeting, he will not go through the entire letter but just highlight a couple of points.

Mr. O'Connor stated that Measure PP is actually fairly short, and other speakers have already mentioned that the only way to make an exception to Measure PP is through a general election of the voters. He added that Measure PP also says that it overrides any existing General Plan, and by reference within the General Plan, it assumes it overrides the Specific Plans as well. He stated that Specific Plans and the General Plan really do not give any property rights to any individual, unlike a PUD or a development plan would.

Mr. O'Connor stated that he did not intend to speak in specifics, but indicated that the Lund Ranch II project that was brought up tonight actually is not part of the North Sycamore Specific Plan and, therefore, is not covered by that. He added that the agreements mentioned that were made with other homeowners and other developers never extended to the owners of Lund Ranch II.

Mr. O'Connor stated that he does not think that, by the definition of what is in Measure PP, anything should be grandfathered in. He added that he did not think PUDs even needed to be mentioned because it is a given, by law: property rights that were given to someone cannot be taken away, and if the Commission wanted to highlight that in the wording, it can certainly do so although it is not really necessary. He stated that he thinks the intent of the voters is that when they vote for something, they assume that they are creating a new law, and that law pertains to everything. He added that he does not think they may even understand what a Specific Plan is, and some people might not know what a General Plan is.

Mr. O'Connor stated that he just thinks it is time for the City to give the voters what they think they got, that it is time to move on and give them what the intent of Measure PP really was.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Narum inquired if the Commission will be getting a new staff report or if they should hold on to the one they have.

Mr. Dolan replied that staff has received a lot of input and that staff will probably be supplementing its memo and incorporate the new comments into the old one.

Chair Blank noted that he has not read former Commissioner Anne Fox's email, which is quite voluminous. He inquired if staff thinks there would be the need to incorporate any of these things in staff's report.

Mr. Dolan indicated that staff has not been able to consider any piece of communication that showed up at 5:30 p.m. or later. He added that staff will be re-writing the memo, read what has been submitted, and incorporate them as necessary.

Ms. Stern advised that the public hearing will be continued to the February 27, 2013 meeting.

Commissioner Posson stepped down from the dais, and Commissioner O'Connor returned to the dais and joined the rest of the Commissioners.

b. <u>P12-1785, City of Pleasanton</u>
Application to amend various chapters of Title 18 of the Pleasanton Municipal Code to comply with California Health and Safety Code Sections 17021.5 and 17021.6 with respect to housing for agricultural employees.

Deborah Diamond presented the staff report and described the background and key elements of the proposed Code Amendments.

Commissioner Narum asked Ms. Diamond to give some examples of where this housing for agricultural employees would apply within the City.

Ms. Diamond replied that most of the Agricultural zones where agriculture is occurring now are in Specific Plan areas or in PUDs, and most of them are in the southern end or western end of the City. She indicated that it would be the PUDs or Specific Plans that would govern those agricultural uses and not necessarily this Code amendment. She noted that there may be some agriculturally zoned properties that are not within PUD's or within Specific Plan areas, most of which are being utilized for other uses such as parks or school sites.

Ms. Diamond stated that the biggest impact would be on an R-1 lot and in R-1-zoned (Single-Family Residential) areas which are spread throughout the City. She added that there are currently a number of agricultural uses that are allowed by right, and the Zoning Code does not specify whether they are for commercial or domestic purposes only. She noted that someone with a large R-1 lot could be growing crops for sale at a farmer's market or to a restaurant, and through this Code amendment, those would now be subject to a Conditional Use Permit.

Commissioner O'Connor inquired if those business that are already on-going would be allowed to continue.

Ms. Diamond said yes.

Commissioner O'Connor further inquired if a business license would be required for commercial purposes.

Ms. Stern replied that those would require a business license.

Ms. Diamond stated that staff did a search of business licenses, and only two businesses in the City came up as agricultural businesses: one was retail and the other was basically an office use. She noted that when they did another search under alcohol-related businesses, they came up with a handful of wineries that are in operation in the City, and those are within PUDs.

Commissioner O'Connor inquired how this regulation would apply to areas outside the City's Urban Growth Boundary but still within Pleasanton's Sphere of Influence.

Ms. Stern replied that because it only applies to standard zoning districts, it would not apply outside the City boundaries.

Chair Blank noted that prior to World War I, Pleasanton was a large producer of hops and inquired if there are any commercial agricultural sites in the City.

Mr. Dolan replied that the Irby property is zoned Agricultural.

Chair Blank inquired if the property owners were using it commercially.

Mr. Dolan replied that he did not think they have done so recently.

Ms. Stern stated that there is also the Terra Bella Farm on Foothill Road.

Ms. Diamond noted that the property is outside the Urban Growth Boundary.

Commissioner Narum inquired if Oak Grove is R-1 or Agricultural.

Mr. Dolan replied that it is zoned PUD. He added that this regulation has very limited applicability, sort of "de facto," but the City is required to do it.

Chair Blank inquired if this impacts property owners on an R-1 lot who want to have their own garden for themselves.

Ms. Diamond replied that it does not.

Commissioner Narum moved to recommend approval to the City Council of Case P12-1785.
Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2013-09 recommending approval to the City Council of Case P12-1785 was entered and adopted as motioned.

c. Consideration of Recommendation of Planning Items for the 2013 City Council Priorities

Mr. Dolan stated that most of the Commissioners are familiar with what transpired the last couple of times the Commission was asked to look at Council Priorities. He reiterated the City Manager's great pleasure with the approach the Commission took of concentrating all its chips on one item. He indicated that the City Manager mentioned to him many, many times how he thought that was a really good thing for the Planning Commission to do. He noted that that one item was actually undertaken as a project by the City Council. He added that the Commission could reiterate one that is already on the list, or it would also be appropriate to add something else that all the Commissioners can all agree on. He then reminded the Commission, should it contemplate adding

something new, that Planning has two active Task Forces and the upcoming major projects from the rezonings and the Housing Element.

Chair Blank stated that the two things that struck him that he thinks the Commission should be focusing on are the East Side Specific Plan and State Route 84.

Commissioner Olson agreed.

Commissioner Pearce inquired if the City even has funding for State Route 84.

Mr. Dolan said no.

Commissioner Pearce asked Mr. Dolan to speak to the second Bernal Bridge. She indicated that she remembers having a conversation about why that was so important but could not remember why it was so.

Commissioner Narum commented that one would know by looking on the west side.

Commissioner Pearce noted that she knew it was important for traffic but that she believed there were environmental concerns with regard to the Arroyo underneath it.

Mr. Dolan stated that he heard from staff that preceded him about what the issues were, and he believes it is not just traffic but also pedestrian and bicycle safety. He noted that there is not very much room there, and it was a safety issue for those who live west of the bridge and the fact that the bridge is between them and the Downtown, schools, and now a shopping center.

Commissioner Pearce agreed and added that Foothill Road is heavily traveled by bicyclists as she recalls from her Master Plan days.

Mr. Dolan confirmed that it is a favorite route.

Commissioner O'Connor noted that there was once a lot of talk about noise mitigation for train whistles and the railroad crossings. He inquired if that was dropped because of funding issues.

Mr. Dolan replied that staff basically did some research a couple of years ago as to what it would require to have a separated crossing, and that was estimated at a half-million dollars.

Commissioner O'Connor inquired if there are any Federal or State funding that would help with the funding.

Mr. Dolan replied that it has been some time since staff did the research and came back to the Council with a memo. He indicated that he can share that memo with the Commission.

Commissioner Narum stated that she had one item that she would like to throw out: the three different PUD Planning documents that govern the Hacienda Business Park, which were last reviewed in 1993. She indicated that her priority would be to take those, review them, and consolidate them into one document so that any company coming in would know what the expectation is as far as getting approval for whatever it is it wants to do.

Chair Blank noted that it would be a humungous task but is very much related to Planning and sounds like a good idea.

Commissioner O'Connor inquired if the separate documents were meant to be addendums so it is really only one document.

Commissioner Narum replied that one document is pre-1993 wherein businesses had to mitigate their traffic back to a Level-of-Service C; the second was where businesses were assigned a trip rate or a traffic count that was then subtracted off the total; and the third was for schools, health and public safety, and housing.

Mr. Dolan added that on top of that entire PUD are the development standards and design guidelines that were recently adopted.

Commissioner Olson noted that prioritization by the Commission is designed to tell the City Council what the Commission thinks is really important. He indicated that the Commission and staff are already working on the East Pleasanton Specific Plan, and if the Commission were to list it as a priority, the Commission is fundamentally telling the City Council to keep the pressure on that subject and to make sure that it is progressing and not getting side-tracked because it is a huge committee. He continued that his second point is the Hacienda planning documents, which he is not familiar with. He noted that if they have not been reviewed for a long time, it would be a good thing to consider because it is a really important area for the City in terms of revenue generation.

Commissioner Posson stated that he thinks the East Pleasanton Specific Plan should be on the list as that will really define what is going to happen for the large area that is still undeveloped. He agreed with Commissioner Olson to keep the pressure on the group so it keeps moving. He indicated that another piece is the Climate Action Plan implementation. He noted that having a hand in crafting that, he thinks there is a lot of activity that really flows over to Planning. He added that at the last meeting he attended, Mr. Dolan came and spoke to its planning issues and progress. He indicated that this is something that this Commission could look at, help move on, and take to the next level as far as sustainability for the City is concerned.

Chair Blank stated that his sense from what Mr. Dolan is saying is that if something is already being worked on, it would not be additive for the Commission to say "Yes, keep doing that" but that the Commission should come up with something that is not on this list. He asked Mr. Dolan if he was interpreting that correctly.

Mr. Dolan replied that there are a lot of things on the list that have been sitting there for a while because the list is longer than Planning has the ability to do.

Commissioner O'Connor inquired if "on-going" means it is not really being done.

Mr. Dolan replied that it means something is being done about it.

Chair Blank noted that the East Pleasanton Specific Plan seems to have a lot of energy on it.

Commissioner Narum indicated that the Task Force is working on that.

Mr. Dolan stated that all three of the ideas that have been suggested are certainly good ideas. He noted that there is some activity on the implementation of the Climate Action Plan, which Ms. Diamond is working on in addition to the Housing Element implementation. He added that some of the Climate Action Plan implementation is going to be coming forward to the Commission in the form of text amendments.

In terms of the third suggestion from Commissioner Narum regarding the Hacienda Business Park documents, Mr. Dolan stated that it was staff's intention to actually try and tackle that issue. He indicated that the City has known about it for a long time, and Mr. James Paxson, General Manager of Hacienda Business Park, reminds staff of it virtually every time they see him. He stated that staff wanted to do it as part of the Hacienda planning effort, but there was a certain point in that public dialogue where the Council directed staff to concentrate only on the three properties that were available and did not want staff to do any broader-range planning for the Park. He further stated that once the decision is made to fix the documents to work together, the main thing would be how square footage versus trips is calculated, as that is done differently depending on where the site is located. He noted that he thinks some of the projects that will be coming down the road are going to force the issue. He indicated that the Commission was presented several years ago with plans from CarrAmerica to add some commercial, which is over and above the current cap on the Park's square footage. He noted that this will sort of beg the question of all this regulatory issues within the Park. He further noted that even the residential projects that were rezoned for the Housing Element beg the question, although to a lesser extent. He added that the dialogue about the design guidelines for the BART station does the same because all of that was not necessarily envisioned in the previous numbers; it is something that staff will have to address.

Commissioner O'Connor asked Mr. Dolan if an answer from the Commission is needed tonight or if the Commissioners are being asked to think about the ideas that have been presented.

Mr. Dolan replied that while an answer is not needed tonight, it would be great if the Commission could come up with one. He noted that the Council Workshop on the Priorities is not until March 27th.

Commissioner O'Connor stated that he has one pet peeve that he would like to throw out, involving some environmental impacts and which also impacts him every time he sits at a red light in this town. He indicated that he has not found a street that has the timing down. He suggested getting Mike Tassano, City Traffic Engineer, some help or whatever he get this done. He noted that this has been talked about for quite a while and was one of the things Mayor Hosterman talked about five or six years ago.

Chair Blank stated that he drives down Santa Rita Road and sometimes Stoneridge Drive in the morning, and he comes to a stop with no other car at the intersection except him.

Commissioner O'Connor added that he thinks about all the fumes that are being pumped by the cars just sitting there with nobody moving and finds that very inefficient and has an impact on the environment.

Commissioner Pearce stated that a couple of years ago when the Commission provided one priority, it was a more global priority. She noted that the creation of the Historic Preservation Task Force seemed more global and would benefit the City as a whole. She indicated that she liked the idea of a Hacienda PUD as well as maybe directing attention to the second Bernal Bridge as it is a traffic issue, a bicycle issue, and a safety issue that has fallen off the radar. She noted that there has not been a lot of discussion about it, and people do not even remember why it's necessarily important.

Commissioner Pearce stated that it seems like having a couple of those priorities from either end of the spectrum provides a more global perspective. She indicated that she does not want to provide more than three priorities but would not want to necessarily provide just Hacienda Business Park or just the bridge as the one priority because it seems a little bit specific. She added that if the Commission will bring up only one priority, she does not want it to be the East Pleasanton Specific Plan as there is already a Task Force that is working on it and moving forward.

Commissioner O'Connor inquired if there is funding for the bridge or that is a non-issue.

Commissioner Pearce noted that there was no funding either for the Historic Preservation Task Force but the Commission made it a priority.

Chair Blank asked Mr. Dolan if staff has already looked at the Bernal Bridge.

Mr. Dolan replied that it had not done so in quite some time. He indicated that he thinks the last time they looked at it was when development on Bernal Avenue was being considered.

Chair Blank suggested that staff pull out what it has on the Bernal Bridge as well as on the Hacienda situation, ask Mr. Tassano what it would take to have some amount of synchronized signals because, like the East Pleasanton Specific Plan, this is a global thing. He noted that the bridge and Hacienda are real specific things, whereas synchronizing red lights seems more global. He noted that if it is a $100 million project, then it really does not matter; however, if staff could provide some information on what these things scope from, then the Commission might be able to make a more reasonable decision or at least have some discussion about it.

Commissioner Posson stated that along those lines, he thinks it might be helpful if staff provided the list of the Climate Action Plan items that fall under Planning because one of the major elements there is for a Transportation Master Plan. He noted that with respect to the Climate Action Plan and its impacts, transportation was the largest impact on carbon dioxide emissions. He further noted that one of the things that could be done is a Transportation Master Plan as future development is going to be driven based on those transportation corridors far more than it is today, and that would be something global. He indicated that the action item from the Climate Action Plan may help gel what the Commission might want as far as priorities go.

Commissioner Pearce inquired if the Commission has to formally continue the item.

Mr. Dolan replied that it was not necessary and that staff will put it back on the Agenda for the next meeting.

7. MATTERS INITIATED BY COMMISSION MEMBERS

"Thank You" Note

Chair Blank stated that in the seven years that he has been on the Planning Commission, he has received a lot of complaints, phone calls, admonitions, and recriminations from City Councilmembers, but never a "Thank You" note from a City Councilmember. He publicly thanked Councilmember Karla Brown for sending that note. He indicated that he would just like to put that on the record because he thought it was a really nice gesture.

Commissioner O'Connor stated that the rest of the Commissioners concur.

Letter from Mr. Bob Byrd

Commissioner Narum noted that the Commissioners received a letter from Bob Byrd.

Chair Blank inquired if the Commission needs to do anything with that.

Mr. Dolan replied that the Commission could if it wants to.

Chair Blank asked if this should be agendized for the next meeting.

Commissioner Narum stated that she thinks Mr. Byrd is questioning the Barone's Restaurant's Temporary Use Permit.

Chair Blank commented that he thought it was temporary bathrooms.

Mr. Dolan stated that Mr. Byrd's primary point is that Barone's takes up all the public parking, and that is not fair.

Commissioner O'Connor inquired if Mr. Byrd is referring to street parking or the parking lot behind Barone's.

Mr. Dolan replied it was the public lots and anything that is available because Barone's Thursday evening event is so popular.

Chair Blank inquired if this is something that Code Enforcement could into to ensure that Barone's is not overstepping the bounds of its Use Permit.

Commissioner Pearce noted that Code Enforcement may not want to look at it now because it is not summertime.

Commissioner Narum inquired if Barone's had a maximum occupancy in the back.

Mr. Dolan replied that staff had requested Fire Department staff to go out and observe during events because people have brought up the numbers. He noted that Fire Department staff came back and there was no action taken. He asked Steve Otto if he had any additional information.

Mr. Otto replied that in the letter staff had drafted for Mayor Hosterman, staff had indicated a 500-person limit based on the current exiting.

Mr. Dolan stated that staff would provide the Commission with a copy of that letter, and staff can agendize the item if the Commission so desires.

Commissioner Narum inquired if Barone's is expected to keep count.

Mr. Dolan stated that the letter would have indicated that.

Commissioner Pearce inquired if Barone's keeps count.

Mr. Dolan replied that he was not certain.

Commissioner Pearce indicated that she did not realize that businesses could put portable toilets in the rear of their business and have people use them as part of their business practice.

Mr. Dolan replied that as part of its proposal, Barone's indicated that it would be constructing more permanent facilities within a certain period of time, and in the meantime installed those high-end portable toilets. He noted that this was not a condition of approval but was just something Barone's continues to do. He added that staff had not pursued it because this was seasonal and not ongoing, and not even every day, but if the Commission could review that aspect of Barone's approval if it wishes.

Chair Blank requested staff to provide the Commission some documentation on the background of Barone's approval, maybe just as a research point.

Mr. Dolan noted that the proposal also evolved as it went to the City Council.

Commissioner Narum inquired if the occupancy would normally be in the Conditional Use Permit or the Temporary Use Permit Barone's is operating under.

Chair Blank stated that he thinks it would be the case, and this is why he wanted to see the documentation:

Mr. Dolan replied that he does not believe there is anything in there.

Commissioner Narum inquired, if the Commission were smart about this and if Barone's were coming forward and the Commission had to do it over, if the Commission would put an occupancy limit in like it did with Club Neo.

Mr. Dolan replied that if the Commission had to do it over and it were being done today, an occupancy limit can be put in place. He noted that it was a different environment at that time.

Commissioner O'Connor inquired if the occupancy was driven by the Fire Department or by the Commission.

Mr. Dolan replied that Planning requested the Fire Department to go as the staff gets input about those Thursday night events.

Commissioner O'Connor further inquired if it is typically the Fire Department that sets the maximum occupancy even if it were a new use.

Mr. Dolan replied that this would be about the interior and that it is unusual that it would be about an exterior.

Commissioner Recusal

Chair Blank stated that the Commission received a letter on the dais about recusal and asked legal staff if the Fair Political Practices Commission (FPPC) is the final arbiter as to whether or not recusal is necessary, such as if a Commissioner is asked after local consultation to recuse himself or herself and the Commissioner disagrees with that.

Ms. Harryman replied that an official can get an opinion from the FPPC, but the problem is that it takes them time to do that. She indicated that staff has to provide certain information and then the FPPC can take some time. She added that in the FPPC letters that she has read, the FPPC actually states that it is not the final decision-maker; it is the official who, at his/her own risk depending on facts, determines and decides whether or not to recuse himself/herself.

Chair Blank noted, for example, that the City has a rule that Commissioners cannot be involved with something within 500 feet of their property. He inquired if that is “cannot” or “should not.”

Ms. Harryman replied that the 500-foot rule is FPPC and is very clear and direct, but beyond 500 feet is a very gray area. She noted that there are FPPC letters that provide some guidelines; there are sections of the Code that provide language; and the letters usually interpret some of the language. She added that occasionally, there could be a case or a case law, but that is rare.

Chair Blank requested verification that other than there being clear guidance, officials could refuse the recommendation of the City Attorney’s office to recuse themselves.

Ms. Harryman said yes; however, if they ended up being wrong, there would be penalties for that. She noted that she does not know how that actually plays out as the City has not had to deal with that situation, and she has not been with a City that has had to do so.

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

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. Matters for Commission's Information

East Pleasanton Specific Plan Task Force

Commissioner Pearce stated that the East Pleasanton Specific Plan Task Force had a good meeting which was well-attended. She indicated that the Task Force heard from a consultant who took the elements regarding East Pleasanton and provided three working models of what East Pleasanton could look like. She noted that the Task Force provided input and picked it apart, and there were unlimited iterations.

Commissioner Narum stated that there was a clear direction on the street layout.

Commissioner Pearce indicated that the Task Force will be getting two new at-large members and asked Mr. Dolan when that would occur.

Mr. Dolan replied that the new members would be appointed at the next City Council meeting on February 19, 2013.

Historic Preservation Task Force

Commissioner Pearce informed the Commission that the Historic Preservation Task Force held a public workshop two weeks ago, and it was well-attended with about 75 people present, which is a good sign. She indicated that Mr. Dolan presented staff's report and surveys were distributed. She added that a significant number of surveys were turned in, and staff will compile the responses for the Task Force's review.

Bicycle, Pedestrian, and Trails Committee

Commissioner Olson stated that at the last meeting, he was appointed the Planning Commissioner Liaison/ Vice Chair for the Bicycle, Pedestrian, and Trails Committee, which held its first meeting for the year on the last Monday in January. He noted that that week was also his final week of employment and that he totally forgot about the meeting because there was so much going on in his office. He indicated that he apologized to the members of the Committee and assured them that he will be at the next meeting, now that he is retired.

Conferences for Planning Commissioners

Mr. Dolan stated that staff had sent out information on two training opportunities for Planning Commissioners, and he had heard comments that the Commissioners wished they had heard about them earlier. He informed the Commission that, in staff's defense, Planning's budget was reduced when the economy was down, and the Commission's training budget was non-existent.

Mr. Dolan stated that the City Manager was aware of these two opportunities and said that if any of the Commissioners want to go, he will find the money for them. He added that Planning staff did not know that these opportunities would be available to the Commission until quite recently. He noted that the League of California Cities conference is offered more frequently in Monterey.

Commissioner Pearce stated that the conferences are extremely valuable, if Commissioners have an opportunity to go.

Commissioner Posson indicated that he would have signed up but he has a teaching commitment on Friday.

Chair Blank noted that these conferences are published way ahead of time and requested that staff inform the Commissioners of conferences scheduled for the rest of this year as some among them are still working, unlike Commissioner Olson.

Commissioner Pearce noted that the Yosemite conference is on a weekend.

Commissioner O'Connor commented that it would be nice to have a little longer notice.

Planning Commission Packets

Chair Blank complimented staff on getting the packets out a little bit earlier and inquired if they could be delivered on Thursday the next time.

Mr. Dolan replied that staff would aim for that.

Chair Blank noted that the Commissioner's Handbook requires that it be available by Wednesday.

c. Matters for Commission's Information

No discussion was held or action taken.

9. ADJOURNMENT

Chair Blank adjourned the Planning Commission meeting at 8:15 p.m.

Respectfully,

JANICE STERN
Secretary