



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**  
**Wednesday, December 12, 2018**

### **1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**

The Planning Commission Meeting of December 12, 2018 was called to order at 7 p.m. by Acting Vice Chair Allen.

The Pledge of Allegiance was led by Commissioner Balch.

Staff Members Present: Gerry Beaudin, Director of Community Development; Ellen Clark, Planning Manager; Julie Harryman, Assistant City Attorney; Jennifer Hagen, Associate Planner; Megan Campbell, Associate Planner; Cindy Quintero, Recording Secretary

Commissioners Present: Commissioners Jack Balch, Justin Brown, Herb Ritter and Acting Vice Chair Nancy Allen

Commissioners Absent: Commissioner Greg O'Connor

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

#### **a. November 28, 2018**

The November 28, 2018 Minutes were continued to January 9, 2019 due to a lack of a quorum.

### **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 Commission.

### **4. AGENDA AMENDMENTS**

Mr. Beaudin stated the Commission could consider moving up Item 8f for the evening, given Commissioner Balch was recused from participating in Items 6a and b.

Chair Allen, with the agreement of the other Commissioners, moved up Item 8f.

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

### **f. Selection of Planning Commission Chair and Vice Chair for 2019**

Mr. Beaudin stated that although Vice Chair O'Connor would be next in the rotation for Chair he had expressed that he was not interested in the role at this time.

**Commissioner Balch moved to nominate and elect Commissioner Allen as 2019 Chair and Commissioner Ritter as Vice Chair.  
Commissioner Brown seconded the motion.**

#### **ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, Brown, Ritter  
NOES: None  
RECUSED: None  
ABSENT: O'Connor**

## **5. CONSENT CALENDAR**

*Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

### **a. City of Pleasanton, 4363 and 4377 First Street**

Determination that the City's potential acquisition of one parcel totaling 18,200 square-feet at 4363 and 4377 First Street in downtown is in conformance with the City's General Plan.

**Commissioner Ritter moved to approve the Consent Calendar.  
Commissioner Balch seconded the motion.**

#### **ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, Brown, Ritter  
NOES: None  
RECUSED: None  
ABSENT: O'Connor**

## **6. PUBLIC HEARING AND OTHER MATTERS**

### **a. Hacienda PUD and Guidelines Update**

#### **PUD-81-30-57/PUD-85-08-30M and PUD-81-30-58M/PUD-85-08-31M**

Application for Major Modifications to the Planned Unit Development (PUD) for Hacienda Business Park (Hacienda) to update the Hacienda PUD development plan and Design Guidelines.

### Recused

Commissioner Balch recused himself from participating in Items 6a and 6b due to financial interests and left the dais.

Associate Planner Jennifer Hagen presented the agenda report.

Commissioner Brown asked staff to explain the rationale for the change to the post-1993 system which takes traffic into account when calculating development against the “cap”.

Mr. Beaudin directed the question to James Paxson, General Manager, Hacienda Business Park.

James Paxson explained the change was to help Hacienda get through a difficult time during the downturn in the economy in 1993. A master traffic study was done at the time that considered all the undeveloped land and equated it to a certain amount of office development. The traffic study correlated the capacity of the then undeveloped land and set up an equivalency of trip rates to be used on new development such that if an office building was built, they drew down one for one, but if something more intensive was built, like a restaurant, they would take the ratio of the trip rates and accelerate the drawdown on the cap based on the ratio of two or more trip rates. Conversely, when a lower-intensity use like warehousing was developed, the draw-down from the cap was lower.

Vice Chair Ritter asked if the Hacienda Owners Association had worked with a Task Force or had sought feedback from its business on what updates were needed to the PUD and Design Guidelines.

Mr. Paxson said there had not been a Task Force. He noted it had been 25 years since the PUD had last undergone a major modification, with no update to the design guidelines since then. The Association had solicited feedback over time and the zoning code amendment approved a couple of years ago was the “springboard” that motivated the comprehensive update. They took the opportunity, as part of their update, to better align their uses within the PUD to the City Zoning Code which will make things much simpler.

He thanked staff for their support and efforts to thoughtfully go through this process and come up with the documents now before the Commission.

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

Chair Allen asked and confirmed there were no other speakers.

### **THE PUBLIC HEARING WAS CLOSED.**

Commissioners voiced support of the request.

**Commissioner Ritter moved to approve Case PUD-81-30-57/PUD-85-08-30M and PUD-81-30-58M/PUD-85-08-31M.  
Commissioner Brown seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Brown, Ritter  
NOES: None  
RECUSED: Balch  
ABSENT: O'Connor**

Resolution PC-2018-22, recommending approval of Case PUD-81-30-57/PUD-85-08-30M and PUD-81-30-58M/PUD-85-08-31M, was and adopted as motioned.

**b. P18-0050, Downtown Specific Plan**

To review, consider, and receive comments on the public review draft of the Downtown Specific Plan, in addition to proposed changes to land use designations and options regarding location and permitting of massage establishments.

Director of Community Development, Gerry Beaudin, introduced the updated Draft Downtown Specific Plan (DSP), last adopted in 2002, which is a City Council priority. He spoke of the need to update the document, the 10-member Task Force, and the City's public outreach efforts. He asked for the Planning Commission's comments which staff will consolidate, prepare responses for, deliver to the Task Force and hold public hearings for eventual adoption.

Planning Manager Ellen Clark gave an overview of the Downtown core and its surroundings and provided an outline of the DSP process to date. She stated that a series of land use and policy options were brought to City Council at the end of 2017, which led to a refined redline draft and now a public review draft. The City is currently soliciting feedback on the draft through various outreach events.

She then noted some principal changes to the plan which include new land use districts defined for some mixed-use areas, a new active ground floor overlay, treatment of existing civic center and land use plan for the area (Town Square District) as well as streetscape changes. Implementation of the concept of the Town Square is contingent upon an amendment to the Bernal Master Plan which requires a vote of the people.

The vision for downtown remains largely as expressed in the existing Specific Plan, with residents placing significant value on maintaining the existing character of downtown. Changes along Main Street may include enhancing street furniture, addition of trees and planters; and a two-way cycle track on Peters Avenue. The change envisioned for Division Street includes potential occasional closure of the street between Railroad Avenue and Main Street for special events with the long-term concept being closure of the segment.

Ms. Clark spoke about the land use and design chapter, of which a key change concerns the clarification of height limits. The current measure of height relies on stories, but the plan includes a numeric height limit to provide better guidance. Context sensitive infill policies are part of the chapter ensuring that new residential developments are respectful of their adjacent properties.

With respect to land use discrepancies between the General Plan, Specific Plan and zoning, two maps (A and B) were created as part of the plan. Map A includes amendments that are recommended to be adopted with the DSP. Map B includes properties where action on the particular rezoning or plan amendments will be made subsequent to adoption of the DSP and based on additional study. Map C includes land use and zoning amendment requests initiated by owners of two properties: 4212 First Street and 475 and 493 St. John Street. These two requests are recommended to be considered following adoption of the DSP with no decision to be made on them as part of the current process.

A massage establishment at 1056 Division Street, an office-zoned property in the middle of a residential neighborhood, set off a discussion based on the concerns of neighbors. The Council adopted an urgency ordinance that would restrict any new massage establishments in the Downtown until discussion of additional regulations. Ms. Clark presented a map showing 24 existing establishments in the Downtown area as compared to 66 total in the City. This number includes a range of establishment types including chiropractic offices, day spas and stand-alone establishments that offer massage. She described potential limitations discussed by the Task Force.

Ms. Clark concluded, stating topics the Commission may wish to discuss include the land use and design chapter, massage businesses downtown and the overall plan and said they expect to reconvene with the Task Force and complete the environmental document late January/February 2019.

Commissioner Brown referred to Barone's Restaurant on Map C and asked who was involved in the approval discussion.

Mr. Beaudin spoke of the need for vertical consistency between the General Plan, DSP and zoning but agreed there were instances where this does not occur and should be changed. These two properties offer an opportunity for a more typical General Plan Amendment and rezoning and suggested it be done through a subsequent process, but it does not restrict the owners from submitting a development application.

Commissioner Brown asked if they should not add 4363 and 4377 First Street to Map C. Mr. Beaudin said the City does not own this yet and it is a similar set of circumstances where a separate public process would occur to rezone that most likely for public purposes.

Commissioner Brown referred to Barone's and said in the original DSP there was discussion around access to the Arroyo; there was also an alternative Town Square District diagram that was not reviewed here and is not in the DSP document. From a

personal perspective he said he preferred the alternative than the one being circulated and suggested this be shelved until the January meeting.

Mr. Beaudin said the reason staff has used this diagram sparingly is because they intended to show it is a land use plan. What actually happens will be a community conversation. The concept that did make it into the land use diagram was what the Task Force endorsed at the time and what the Council saw but as the program unfolds it could be changed around.

Commissioner Brown commented that he likes the fact that Town Square and the Civic Park incorporate improvements to the transportation corridor, which helps the character of the downtown.

Vice Chair Ritter referred to correspondence received which indicates the proposal is not consistent with other plans and policies adopted by the City and asked for clarification on its consistency. He did not sense that what he was seeing would necessarily promote people wanting to live or commercial developers to build in the downtown area.

Mr. Beaudin stated staff appreciates the written comments received, and he believes more explanation is needed. Staff will circle back on all comments with the Task Force for the spring meeting.

Vice Chair Ritter commented that he worries that those who most often apply for permits in the City were not part of the Task Force but maybe are the ones from whom we should get feedback.

Mr. Beaudin commented that, through the process they had heard that some want no change in the Downtown area, while others have a new vision for the area. The Task Force has tried to put things into a context that relates to what exists today. There will be those in the development community who have requests for things that may create design challenges. The Task Force has discussed this in detail and has tried to build on the plan in place and clarify the development standards.

He referred to promoting residential in the downtown and heights and said staff had not heard the comments referenced by Commission Ritter during the process to date but was happy to engage with them to provide more explanation. The maximum height limit proposed for the commercial and residential areas is the same as what exists today. The transitional is 4 feet less than the 40-foot maximum allowed in the commercial core, and the civic center site with mixed use proposed has the 40-foot height limit to be consistent with what is in the downtown.

The Task Force had discussed an option to allow heights up to 45 feet, which staff had explored based on the typical plate heights desired by developers, and to allow for roof forms that might be better, aesthetically. However, the Task Force had been clear in wanting to limit height to a maximum of 40 feet throughout downtown. Task Force

Acting Chair Allen guessed there were two areas where the Task Force added much more flexibility for developers and questioned the actual number of stories. She noted the Task Force discussed how height is defined given the sloping of the land or roof design and after discussion they agreed to be more flexible.

Acting Chair Allen mentioned that Maps A and B are concerned with identifying projects that are inconsistent in zoning and getting them to be consistent with zoning. The process of bringing an owner-initiated project to up-zone did not fit that goal. She thought, as a Task Force member, that any project like that should come through the normal public process to be vetted properly and would have guessed other Commissioners would have brought up the same thing, as well.

Commissioner Brown said he thinks one of the things people may be struggling with and believe the downtown plan does not address is parking, but there is an approved downtown parking plan.

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

Gene Finch said he thinks the City is making a major mistake by not talking with property owners and that property owners are making a mistake by not attending meetings. He is a retired general contractor and has seen the City grow exponentially over the last 55 years. He then read a letter into the record regarding the DSP draft, stating "...there is a direct disconnect and missed opportunities as many of the proposed land uses, goals and new policies conflict with each other." Lastly, he also believes that the City's fee structure for development is completely out of scale.

Tim Cotton, speaking on behalf of Barone's Restaurant, said he was very surprised of learning there is a Map C. His interpretation is that nothing was being done to facilitate or rezone this property, but rather it will be a full rezoning and application for General Plan Amendment. He thinks this property is a perfect opportunity for residential development and was shocked it is not being included and asked that it get moved to Map A.

Joseph Barone echoed Mr. Finch's comments to overlay the Housing Element and the DSP and find the good in both and thinks there is currently a lot of disparity between the two. He agreed with Vice Chair Ritter's comments about the feeling that it leaves no one wanting to develop in the downtown. He thought more work was needed and that it was unfortunate that some of the downtown business owners were not on the Task Force.

Maricela Barone thinks it would be more consistent to have the Peters Avenue and St. John Street area all residential, as this is its character and she also voiced confusion about the process and asked for clarification.

Commissioner Brown disclosed that he had a company event at the Barone's Restaurant very recently.

Mr. Beaudin explained at the November 28<sup>th</sup> Task Force meeting, the two properties were brought forward and discussed by the Task Force as property owner-initiated land use

changes, moving from commercial uses to residential. The Task Force reviewed Map A and B and discussed whether property owner-initiated efforts should be included in the DSP update process. The direction from the Task Force was to pull those out and create a separate list, which is now Map C, and that property owner-initiated rezoning for a shift in land use that is not considered with the General Plan currently is something that should be not part of the DSP effort.

Mr. Beaudin stated that there is the possibility of creating one's own application, completing one's own CEQA review like any other developer or interested party who would like to rezone property in the City to come forward. The Barone's, as well as the owners of the gas station have said they want to be part of the process and can continue to ask the Task Force, the Planning Commission and the City Council for the rezone and General Plan Amendments to occur with the DSP. Any of those bodies may or may not be in favor of any version of this and he described the public process and offered to meet with the Barone's.

Chair Allen took some time to further explain the overall process to the Barone's, recommended they meet with Mr. Beaudin and returned discussion to the Commission.

Chair Allen and Commissioners agreed that discussion should focus on building height, active use, discrepancies on Maps A and B, Map C and the Barone's and Shell as a discussion, circulation and massing.

- Regarding height, Commissioner Brown supported the concept of a staggered, 40/36/30-foot heights in the transition zone. He had advocated heavily and supports the active use overlay which has been defined and thinks there is room for improvement for circulation in the proposed Town Square District concept diagram in that it is not creative enough. From a Commission perspective, he thinks Barone's represents an interesting opportunity as a PUD application to achieve the alignment for a potential community benefit on the Arroyo.

Vice Chair Ritter concurred with the Barone comment for a PUD and understands why it was put on Map C.

Commissioner Brown said he knows 4363 and 4377 First Street are out of scope for the DSP, but if ever it came into scope, it would be interesting to see if a design for Division Street could be extended through that area should it be used for circulation.

Chair Allen agreed with the height and tiering depending on the district, said she is a fan of active use and asked for a change to the draft active use policy in regards to the exception process which is on page 47. She explained that the process now is that the building be vacant longer than 6 months and the Director of Community Development approves it. She would ask that that decision come to the Planning Commission, even if it was on the Consent Calendar, for some public vetting. There was a question on the amount of time required if reviewed by the Planning Commission and whether they would change the 6-month limitation to 5 months.



Vice Chair Ritter commented that he hopes they can get the right zoning in place to meet the needs of the community, so this issue does not come up and warned against being overly restrictive.

Commissioner Brown proposed a possible compromise which would be that the Zoning Administrator should provide the opportunity for public input and then, as an option, get the item elevated to the Commission if there is sufficient consensus.

Chair Allen agreed this could be an option and Commissioners suggested discussion of it at the DSP meeting.

- Regarding discrepancies on Maps A and B, Chair Allen said she would like consideration made to timing, specifically if the staff-initiated rezone is done, and questioned if there was a way to implement so it ties with the City's next RHNA cycle.

Mr. Beaudin commented that the reality is that most are getting them consistent with the General Plan and there will not be a big change in the unit count. These will be above moderate or market rate housing units which the City does not have a problem meeting for RHNA. He thinks they can look at the timing but some will be efficient and some will create a lot of community discussion.

- Chair Allen agreed with comments about Map C and going through the normal process. She also heard there was a request to scope out the number of new incremental units that could be created by the changes to Maps A and B. Mr. Beaudin stated staff can provide a range for densities.
- Vice Chair Ritter restated that he thinks the Commission has not looked at the DSP by the ACE Train move over to the Bernal property, which should be considered and should come up in the EIR. He also said there was talk about connecting the flow into Main Street which he would like to consider and that the parking garage potentially be the new civic center site next to the railroad tracks. Lastly, he encouraged stakeholders to take the documents and redline them and identify what and what does not make sense versus having letters written back and forth. This way, the Commission can review the suggestions and make changes as necessary. Lastly, he thinks he will not be comfortable with the plan until they get positive feedback on the proposed plan from those like Ponderosa, Knuppe, Finch, Bowers, PDA, the Chamber and Economic Vitality Committee and Housing Commission.

Chair Allen asked what else they could do to get the developer side and the public be more active in the meetings and achieve balance. Vice Chair Ritter said once they make more refinements, he thinks they can then the public can see what is proposed through visuals.

- Regarding message, Chair Allen said she thought they needed to step back on this and would rather understand what the issues have been historically in the City.

Secondly, she would like to know what the police department is planning to propose in terms of the application process and additional enforcement, and then have it return to the Planning Commission as a workshop with police department input.

She noted the City of San Rafael took up the subject and found that issues did not relate to zoning but rather related to the application process and ensuring the fully licensed and legitimate businesses were in place and having proactive enforcement. San Francisco also charges more due to proactive enforcement.

Commissioner Brown said he did not think the Planning Commission should be talking about regulations, processing and fee levels based on enforcement issues and costs.

Vice Chair Ritter said he just returned from Vietnam and there are massage businesses ever other block which is part of their culture. He did not want the Commission to regulate their distances from each other, but they should ensure they are licensed and treated like regular businesses and make their zoning and codes to match what regular businesses are. The bad ones will get police enforcement and the good establishments will get good business.

Mr. Beaudin said this came up with 1056 Division Street and they set the urgency ordinance in place for a moratorium. The Council directed it back into the Task Force process, and he suggested providing the Task Force with more context around the Police Department permitting process at one of the upcoming meetings.

Commissioner Brown suggested distinguishing use permits and conditional use permits according to professional requirements and zoning as to whether massage establishments are permitted in certain zones, and their enforcement as separate. Chair Allen concurred.

Chair Allen concluded the matter and confirmed staff had the direction it needed.

**Noted Present:**

Commissioner Balch returned to the meeting and was noted as present.

**7. MATTERS INITIATED BY COMMISSION MEMBERS - None**

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

**a. Reports from Meetings Attended (e.g., Committee, Task Force, etc.) - None**

**b. Future Planning Calendar**

Ms. Clark gave a brief overview of an upcoming best practices and design review training and workshop in January. Commissioners Brown indicated he will be absent for the

January 9<sup>th</sup> and March 13<sup>th</sup> meetings. Vice Chair Ritter announced his absence on January 9<sup>th</sup>.

**c. Actions of the City Council**

Ms. Clark gave a brief overview of December City Council actions.

**d. Actions of the Zoning Administrator**

Ms. Clark provided a brief update on actions of the Zoning Administrator.

**e. Adoption of Schedule of Planning Commission Meeting Dates for 2019.**

Ms. Clark stated staff is proposing cancellation of two meetings in 2019; one coinciding with Thanksgiving and another with Christmas.

Mr. Beaudin stated that October 9, 2019 is the Yom Kippur holiday and, in the past, the Commission has opted not to meet. Commissioners agreed to cancel the October 9th meeting.

**9. ADJOURNMENT**

Chair Allen adjourned the meeting at 9:09 p.m.

Respectfully submitted,

Cindy Quintero  
Recording Secretary