



## Planning Commission Staff Report

December 14, 2016  
Item 5.a

**SUBJECT:** P16-1847

**APPLICANT:** City of Pleasanton

**PROPERTY OWNER:** City of San Francisco Public Utilities Commission (SFPUC)

**PURPOSE:** Determination that the City's acquisition of two vacant parcels totaling 3.18 acres in Downtown adjacent to the Altamont Commuter Express (ACE) is in conformance with the City's General Plan

**LOCATION:** 401 and 403 Old Bernal Avenue

**GENERAL PLAN:** Other Public and Institutional

**SPECIFIC PLAN:** Downtown Specific Plan - Public

**ZONING:** Office and Core Area Overlay District

**EXHIBITS:** A. [Location and Notification Map](#)  
B. [Public Comment](#)

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### STAFF RECOMMENDATION

Staff recommends that the Commission take the following action:

1. Find that the acquisition of the property at 401 and 403 Old Bernal Avenue for public purposes is in conformance with the City's General Plan and that the finding of conformance is exempt from CEQA.

### EXECUTIVE SUMMARY

State Planning and Zoning law requires that, prior to purchase of any real property by the City, the Planning Commission make a finding of conformity with the City's General Plan. The subject property, located adjacent to the ACE station in Downtown, has been offered for sale by the SFPUC. The City has submitted a bid for the property, and intends to use the site for public purposes that have yet to be determined. The property is designated by the City's General Plan for Other Public and Institutional uses and by the Downtown Specific Plan for Public uses. This report provides substantiation for the finding of conformity with the City's General Plan.

## **BACKGROUND**

The SFPUC purchased the subject parcel (Old Bernal Property) together with 510 acres along Bernal Avenue (Bernal Property) in 1930 when it acquired Spring Valley Water Works. At that time, the properties were used for ground water extraction and water was pumped for sale outside the Pleasanton area. Since the SFPUC stopped pumping from the wells in 1949, the land has been considered surplus property. The properties are within Pleasanton's Planning Area and Sphere of Influence, and in the 1980's, the City began a planning process that resulted in the Bernal Property Specific Plan, adopted in 2000.

Negotiations with the SFPUC and Greenbriar Homes to acquire the Bernal Property from the SFPUC in 1999 and 2000, had included the Old Bernal Property. However, when the contract for the Bernal Property was finalized, the Old Bernal Property was omitted. Rather than jeopardize the transaction for the Bernal Property, the City signed the contract without including the Old Bernal Property. The City has tried at various times since 2000 to acquire the property without success. The SFPUC formally placed the Old Bernal Property on the market in the fall of 2016. After an appraisal process, the City submitted a bid (\$4.2 million, which was accepted by the SFPUC). With direction from the City Council, City staff has been working with SFPUC staff to finalize an Agreement for Sale of Real Estate (Agreement) for the purchase of the Old Bernal Property.

## **DESCRIPTION**

The City is in the process of acquiring the two parcels comprising the Old Bernal Property in the City's Downtown adjacent to the ACE station and the existing Civic Center area. The property is designated for Other Public and Institutional uses in the General Plan and for Public uses in the Downtown Specific Plan. The City is in the early stages of an update to the Downtown Specific Plan that includes the Old Bernal Property. Thus, the exact future General Plan and Downtown Specific Plan designations *may* change. Staff is also aware that ACE is interested in using the Old Bernal Property for train commuter parking. Figure 1 is an aerial photograph of the Old Bernal Property.

The subject property is undeveloped, generally flat, and covered with non-native grasses and several trees, most of which are located along the perimeter of the site. Old Bernal Avenue and Bernal Avenue form the east and south boundaries of the site, with the Union Pacific Railroad tracks (used by ACE) running approximately north-south on the westerly boundary of the site. Bernal Court runs along the north side of the property.

## **GENERAL PLAN CONFORMITY**

Pursuant to state Planning and Zoning law (Government Code §65402) a local agency shall not acquire real property until the location, purpose and extent of such acquisition has been found to be in conformance with the City's adopted General Plan. The City of Pleasanton's General Plan was adopted in 2009 and includes maps and policies used by decision makers and citizens to guide the community's long-range development of land and the conservation of resources. The relevant General Plan goals, policies and programs related to acquisition of the Old Bernal Property are listed below:

**Figure 1: Aerial View of Old Bernal Property**



### **Land Use Element**

The General Plan Land Use Element designation for the Old Bernal Property is “Other Public and Institutional”. The General Plan defines Public and Institutional uses as (in part):

“Any public or institutional use, including religious facilities, cemeteries, corporation yards, sewage treatment facilities, utility substations, hospitals, post offices, community centers, senior centers, libraries, and City Hall.”

In addition, because the Old Bernal Property is within the Downtown, the following Land Use Element policy and program are applicable:

Policy 12: Preserve the character of the Downtown while improving its retail and residential viability and preserving the traditions of its small-town character.

Program 12.1: Implement the 2002 *Downtown Specific Plan* and the necessary rezonings.

### **DOWNTOWN SPECIFIC PLAN**

Under California law, cities may use the specific plan process to develop policies, programs and regulations for implementing their general plans in site specific areas. The Downtown Specific Plan implements the General Plan for the Downtown area. The goal of the Downtown Specific Plan, adopted in 2002, is to improve upon the commercial and residential viability of the Downtown while preserving the traditions of its small-town character and scale.

The subject property is designated as “Public” on Figure IV-1, the Land Use Map. The Public land use designation is described as: “Governmental and community uses such as civic center,

fire station, transportation corridor, parking lot, public arts center, religious facility, maintenance facility, and other related uses”.

The property is noted (on p. 22) as a possible location of an expanded Civic Center. More specifically, Figure VI-1 Existing and Planned Public Parking Lots, shows the Old Bernal Property as a “Proposed Public Parking/Potential Public Parking Structure”.

## **ALTERNATIVES**

Since the Old Bernal Property is designated for public uses within the General Plan and Downtown Specific Plan, public acquisition of the site would be consistent with the City’s existing policy documents (thus supporting a finding of General Plan conformity). Therefore, no alternatives to a General Plan conformity finding are presented in this report.

## **PROS/CONS**

A General Plan conformity finding would allow the City to proceed with acquiring the Old Bernal Property for public purposes. It would not commit the City to undertaking a specific development proposal for the site, thus allowing alternative development options to be identified and evaluated as part of the Downtown Specific Plan update.

## **PUBLIC NOTICE AND PUBLIC COMMENTS**

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit A for reference. At the time this report was published, staff had received one email from Ms. Mary Reding with a question about the future use of the site. The email and response is included as Exhibit B.

## **ENVIRONMENTAL ASSESSMENT**

The General Plan consistency finding is exempt from further analysis per section 15061(b)(3) “General Rule” of the CEQA Guidelines. This section states, “The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that an activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” As no project is currently proposed for the Old Bernal Property, there is no potential for any significant environmental effect.

## **SUMMARY/CONCLUSION**

Policies, programs and diagrams in the City’s General Plan and the Downtown Specific Plan related to Public and Institutional Uses of the subject site provide the necessary support for a finding of conformity with the General Plan for the proposed acquisition of the Old Bernal Property by the City.

**Primary Author:** Janice Stern, Contract Planner (925) 931-5616, [jsstern@cityofpleasantonca.gov](mailto:jsstern@cityofpleasantonca.gov)

### **Reviewed/Approved By:**

Steve Otto, Senior Planner

Adam Weinstein, Planning Manager

Gerry Beaudin, Community Development Director