



PLANNING COMMISSION MEETING MINUTES

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

DRAFT

Wednesday, June 11, 2014

CALL TO ORDER

The Planning Commission Meeting of June 11, 2014, was called to order at 7:00 p.m. by Chair O'Connor.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Steve Otto, Acting Planning Manager; Julie Harryman, Assistant City Attorney; Mike Tassano, City Traffic Engineer; Steve Kirkpatrick, City Engineer; Jennifer Wallis, Associate Planner, and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, Greg O'Connor, Gina Piper, and Herb Ritter

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. May 28, 2014

Commissioner Ritter moved to approve the Minutes of the May 28, 2014 Meeting, as submitted.

Commissioner Piper seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, O'Connor, Piper, and Ritter

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

The Minutes of the May 28, 2014 Meeting were approved as submitted.

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. **REVISIONS AND OMISSIONS TO THE AGENDA**

Steve Otto advised that there were no revisions or omissions to the Agenda.

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. **P14-0704, Brad Hirst/Equity Enterprises, for Charles Austin**
Application for a Development Agreement to vest the development approvals of the Austin project (PUD-58 and Tentative Tract 7813) consisting of eight (8) single-family residential lots and 22 acres of permanent open space at 3459 Old Foothill Road for a ten-year period from 2014 to 2024 with a five-year option. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District and PUD-OS/AG (Planned Unit Development – Open Space/Agriculture and Grazing) District.

Commissioner Allen moved to recommend approval to the City Council of Case P14-0704, the Development Agreement between the City of Pleasanton and the Austin's, as shown in Exhibit A of the staff report.
Commissioner Piper seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, O'Connor, Piper, and Ritter
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

Resolution No. PC-2014-27 recommending approval of Case P14-0704 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. P14-0753, Swapnil Anand

Application for a Conditional Use Permit to operate a tutorial school for up to 40 students of all ages in an existing tenant space located at 4460 Black Avenue, Suite A. Zoning for the property is O (Office) District.

Commissioner Balch recused himself over a due process conflict.

Commissioner Ritter requested staff to explain what is meant by “due process conflict.”

Ms. Harryman explained that it is not a legal conflict but a perceived conflict where a Commissioner feels he or she cannot be impartial due to relationships, friendships, or social ties with the applicant.

Commissioner Ritter inquired what the other reason is which would require Commissioners to recuse themselves from one of the items.

Ms. Harryman required that it would be an actual conflict of interest based on a financial conflict with particular projects or applicants.

Jennifer Wallis presented the staff report and described the scope, layout, and key elements of the application. She then indicated that the applicant and the City Traffic Engineer are present to answer questions.

Commissioner Piper noted that the staff report stated that notices were sent to residents within 1,000 feet and inquired how many resident that would include.

Ms. Wallis referred to the notification map on the back page of the staff report that shows the house numbers. She indicated that she did not have exact number of residents noticed and would have to hand count them.

Commissioner Allen inquired if Mike Tassano, City Traffic Engineer, could talk about the traffic report, specifically what the current level of service is on Black Avenue as a collector street and how that equates to what should be happening for collector streets, and, incrementally, what the additional 20 students being proposed for approval would mean.

Mike Tassano stated that Black Avenue is a residential collector street and is given that designation because it collects traffic from neighborhood streets and brings them to the arterials, Santa Rita Road and Hopyard Road. He indicated that Black Avenue is one of the City’s higher volume residential collector streets with 6,000-7,000 vehicles per day. He noted that the General Plan identifies the range for collector streets as between 3,000 and 9,000 vehicles, and staff prefers to see it as something more around the 3,000-4,000 range per daily trips. He continued that because of that volume and some concerns from the residents, especially since there is an elementary school, a middle school, and an aquatic center in the area, the City has initiated a traffic-calming program in 2012 at the residents’ request. He noted that there is a very strong resident

involvement in that neighborhood; about 50-60 residents attend traffic meetings, which is equivalent to over half of the residents who live on that roadway, where usually only 10 to 15 percent of residents attend neighborhood meetings. He added that the Black Avenue neighbors are very involved and active, and some of their concerns include volume, speed, and children's safety crossing the roadway, so the traffic-calming plan was developed to help with that.

Mr. Tassano stated that there is not much staff can do with respect to volume, as a lot of volume uses that roadway as it provides access to the post office, to Alisal and Walnut Grove Elementary Schools, and to Harvest Park Middle School. He indicated that, therefore, the approach for the traffic-calming program is not to reduce volume but to try and control the speed and make the crossing safer. He added that although a \$400,000 estimate was presented for the improvement, the project is going forward with some of the improvements based on the \$130,000 proposed to narrow the roadway at intersections or in one location, probably at the Aquatic Center right across the street from this project, to help with the crossing, such that instead of crossing a 36-foot wide Black Avenue, it would be reduced to 20 feet and would take less time to get across.

Mr. Tassano continued that Black Avenue is also a test location for a speed lump, an effective tool for slowing traffic. He explained that speed bumps are what the Safeway parking lots have, and speed lumps are 12-14 feet long and give an undulation, making it a little less comfortable to drive over. He indicated that what the City installs now are speed lumps, which comes from the fact that two little grooves of about eight feet are cut out with a separation so fire trucks can move over and straddle and drive over those without having to slow down. He noted, however, that the Fire Department has some concerns about installing speed lumps on collector roads such as Black Avenue because with a volume of about 6,000-7,000 vehicles, the likelihood of an oncoming vehicle being there at the same time that the fire truck is going the opposite way is greater, and when there is an oncoming vehicle, the fire engineer will not straddle but will end up going over that lump. He indicated that the Fire Chief was willing to try this on Black Avenue and see if it impacts the Fire Department's response times.

Mr. Tassano stated that with respect to traffic-calming, tutoring centers are a little tough to gauge. He noted that what Traffic Engineering staff commonly does is look at the worst hour, which is between 5:00 p.m. and 6:00 p.m. He indicated that Traffic Engineering staff did a study a few years back on Lil Ivy League, a similar tutoring facility located in Hacienda, to try and gauge if the trip generation numbers of the Institute of Transportation Engineers (ITE) are accurate. He stated that Lil Ivy League creates a little bit more, about one per student, as opposed to the average .8 that ITE had established. He continued that using that study, there will be 20 extra trips in the peak hour, which is an increase of one car every three minutes. He added that even at a worst-case scenario where there will be 20 additional students with 20 vehicles coming in to drop off and another 20 vehicles coming in to pick up for a total of 40 trips, that will still be a car every minute. He indicated that there would then be an estimated 740 vehicles instead of 700 vehicles on that road in that peak hour.

Chair O'Connor asked Mr. Tassano if he is confident that with the traffic-calming measures, safety will still be in place.

Mr. Tassano replied that one of the things that the Traffic Engineering studies determined was that there is actually a very small and not unusual number of vehicles that are speeding, such that when his staff measured Black Avenue, it did not actually come out any different than any other residential street as far as the percentage of speeding vehicles. He explained that the perception seen in neighborhoods is that it is okay if four percent out of 1,000 vehicles are speeding because that is a small number of cars, but when there are 6,000 vehicles, it seems that there are more cars going at that high rate of speed. He indicated that the combination of tools that will be put in will control that speed and actually bring it down to what will be lower than a normal critical speed on a residential street.

Chair O'Connor asked Mr. Tassano if, in essence, he thinks there will be a safer environment with traffic-calming, even with the extra 40 vehicles at peak hour.

Mr. Tassano said yes. He added that Black Avenue will have one of the most extensive and most expensive traffic-calming programs staff has put together; that the number of tools being put in is something that has not been done in any other location.

Mr. Dolan asked Mr. Tassano to comment on what the City's normal annual budget for traffic-calming is.

Mr. Tassano replied that the City has an annual budget of \$25,000. He noted that this project costs \$400,000, and staff presented it to the City Council because they are all valuable tools. He explained that all \$400,000 is not going in at one time, and because it could not all come from the \$25,000 a year traffic-calming budget, staff is staging it in order to absorb some of that cost by using some Capital Improvement Program (CIP) funds.

Commissioner Ritter inquired if staff included any vacancies or projected new additions to the area when it did the analysis. He noted that this is only for 20 additional students and inquired about other building down the street that may come back and say it wants to change its usage to another 100 people.

Mr. Tassano said no. He explained that what staff did and will look at is what it expects to occur in the General Plan; for example, if there is a vacant parcel, staff would assume that that vacant parcel will be filled with something. He noted that this location is pretty well built-out. He added, as another example, that staff knew that Gingerbread's expansion was coming and had envisioned that; however, staff does not necessarily put in something like this proposal where it is increased from 20 to 40 vehicles. He added that there is also some variance in what staff estimates, so if they estimate 6,500 vehicles and the actual count is 6,600 vehicles, the variance is 100 vehicles, which sounds like a lot to the neighborhood but is a minor number for the analysis.

Commissioner Allen thanked Mr. Tassano for his analysis. She stated that looking at the report, the incremental 20 students would create an additional 90 trips total a day, and comparing that to the currently approximately 6,500-7,000 trips a day on Black Avenue, that incremental 20 students will cause little about 1.5 percent incremental

traffic per day. She continued that the existing tutoring with 20 students causes about 1.5 percent, and this additional 20 students will cause another 1.5 percent.

Commissioner Allen then referred to the traffic-calming program and the likelihood that it is going to be approved. She stated that she happened to be looking at the Pleasanton Weekly blog this morning, and there seems to be a movement afoot that a number of people who do not live on Black Avenue were very concerned that funds will go to Black Avenue instead of to other areas of the community. She added that there were also concerns about safety with some of the bulb-outs, especially for cyclists because, among other things, they would narrow the road. She pointed out that there appears to be two sides to the traffic-calming story, and she can see some of those people coming to the City Council and makes her think that this is not quite a slam-dunk.

Mr. Tassano stated that the traffic-calming program has been approved by the City Council, and the Council directed staff to come back with a funding plan, and that is what staff is returning with at the City Council meeting on Tuesday. He then indicated that there is always a balance between cyclists and pedestrian safety in competing interests. He noted that cyclists do not want to ride over speed bumps, and they also do not want to go out into the middle of lanes to go through the little ruts. He noted that one of the things that occur in residential areas that does not really happen in arterial roadways is that there are parked cars in residential areas. He pointed out that cyclists are competing with about the same space: bulb-outs would make the streets only 20 feet wide, which is the only area they are dealing with as cyclists in any case, because when the parked cars have their doors open, the cyclists essentially have only 10 feet. He added that overall, cyclists or those with concerns prefer lower speeds and ultimately that is what they fall back on.

With respect to spending all the money in Black Avenue as opposed to somewhere else, Mr. Tassano stated that the traffic-calming plan on Black Avenue is not using the traffic-calming money, so there will still be the \$25,000 going forward. He explained that staff ranks all the residential communities for traffic-calming on an annual basis in March, and traffic-calming is not based on which area had it last and which one would be next, but on a whole set of speed and volume and some public input.

Chair O'Connor noted that the reason for all this is that Black Avenue is really a special case because it is not just residential but a lot more, with two major roads on each end, the post office, businesses, and schools.

Mr. Tassano commented that every residential neighborhood is a special case.

Chair O'Connor stated that the other neighborhoods do not all have as many uses as there are on Black Avenue.

Mr. Tassano replied that is true; Black Avenue is one of the City's highest volume residential collectors.

THE PUBLIC HEARING WAS OPENED.

John Ferreri, Managing Partner of Amador Associates, stated that their partnership owns the two buildings on Black Avenue, which they developed back in the 1980's. He indicated that he just wanted to comment on Mr. Tassano's statement that the additional 20 students would result in about 90 trips. He stated that it would be interesting to know how many of those children walk as opposed to getting dropped off by their parents. He commented that he thinks there would be a lot of walking between the schools – Alisal and Walnut Grove Elementary Schools, Harvest Park Middle School, and Amador High School. He noted that this is primarily an after-school learning center and really fits within this neighborhood. He added that it would provide a much-needed service of enriching the education of the children and urged the Commission to support the staff recommendation along with its 26 Conditions of Approval.

Dharminder Dewan, Partner of applicant, Swapnil Anand, thanked the Planning Commission for considering their proposal and staff for preparing such a good report. He stated that he would like to address the comments on the traffic concern. He indicated that one of the things they definitely encourage is carpooling, because what they have here are parents who have the tendency to pick up their children, drop them off at the center, and then pick them up again. He pointed out that they see three or four students coming in a car, which would alleviate a lot of traffic issues. He noted that this is something they do in their other center in Fremont. He added that they really believe in "green" and tell everybody, including the children, that if they tell their parents to carpool, they are saving the environment.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Allen inquired if it is within the Commission's purview to approve this proposal but only contingent upon the implementation of the traffic-calming measure or if the funding were approved. She indicated that this would mean there would potentially be a nine-month timing delay before the increase of 20 students would take effect.

Ms. Harryman asked Commissioner Allen if what she is asking is whether the Commission could approve the proposal but have it not go into effect until after the traffic-calming measures stage 1 were completed.

Commissioner Allen said that was correct.

Ms. Harryman replied that if the Commission cannot make the findings currently, it could condition the approval based on that.

Commissioner Allen inquired which of the findings would be most applicable to traffic. She indicated that it was not clear to her which finding would deal with traffic impacts and the community, that she thinks it would be "A" but could argue that any one of them could potentially fit with traffic impacts.

Ms. Harryman replied that it could be "A" but more likely "B."

Commissioner O'Connor stated that he would only be more concerned if on June 17th, the City Council, in hearing the numbers, does not fund the traffic-calming plan. He indicated that he does not personally have a problem with the timing because of the additional 20 students, but he is only thinking about what would happen if the Council did not fund the improvements for Black Avenue.

Commissioner Ritter stated that according to Mr. Tassano, there are 700 cars in peak hour, which would increase to 740 vehicles with this proposal, assuming everyone would be driving, although some may be walking. He indicated that his feeling is, granted he is glad about this traffic-calming plan, this little proposal here will help the business and the neighborhood, and it is a service that is added, and he would not like to see it held up for a small percent of what he thinks would possibly be approved based on the need. He added that the Commission should think about it as knowing the City is going to work towards that rather than making it contingent upon that. He pointed out that 40 cars is such a small number; it is not 250 cars being added during peak hours.

Commissioner Piper agreed with Commissioner Ritter. She stated that it seems like a tiny portion thinking it should make such a big impact. She added that it is terrific that this would further educate children.

Commissioner Allen stated that she is really torn on this one right now, and the reason is that a small impact in one place and a small impact in another, and another small impact in still another all add up. She indicated that she looks more at the total traffic during the day because that is what the residents also have, and the residents may even be working during peak hours. She noted that just the addition of 20 students adds 1.5 percent to a roadway on a collector street, where the goal is generally 3,500-4,000 vehicles a day, and this has close to 6,500-7,000 vehicles. She pointed out that every one of this makes a difference. She added that it does not feel right to her if, for every small proposal like this that comes to the Commission, the Commission says it is small and so to go ahead and approve it. She indicated that it is just a matter of principle, and the Commission did get two letters from residents that very clearly said they have been promised traffic-calming, that that is important, that they can support this if traffic-calming were in place, and to please respect that they are not looking for anything more.

Commissioner Allen stated that with that said, that is clearly a good application, serving a need in the community, and added that the facility clearly has been successful with 20 students or it would not want to expand. She noted, however, that she wants to honor the resident feedback on this one and that every little incremental increase makes a difference, and the 1.5 percent is a difference-maker to her.

Commissioner Piper stated that in looking at the 1,000-foot notification map, it appears that well over 100 people were notified. She pointed out that two letters is certainly less than two percent, which does not seem very much to her. She asked staff if that is that about average, small, or large in terms of feedback.

Mr. Dolan replied that it is pretty small. He noted that if it were a big issue, the residents would be present tonight. He indicated that if the Commission were concerned about

the traffic-calming project being critical and wants to know that it is moving forward, he is very confident that the funding will be approved as part of the CIP. He added that to make this project contingent on the funding approval might create some comfort to the Planning Commission and would not hurt the applicant.

Chair O'Connor stated that he tended to agree with Commissioners Ritter and Piper and respects what Commissioner Allen is saying. He indicated that he personally thinks that 1.5 percent is not very much, he does not have a problem with going ahead and approving this proposal this evening. He added that the Commission will know on June 17th whether or not it is funded.

Commissioner Allen stated that she could get behind this, especially since Mr. Dolan is very confident that funding would be approved. She asked if the Commission would be open to approving this contingent on funding being approved. She indicated that to her, it is just a matter of principle, and she would not ask for implementation of this unless she could at least approve it contingent on the approval of funding.

Chair O'Connor inquired if the applicant would be fine with not having a definitive answer tonight.

Mr. Dolan replied that he does not think the applicant is going to have a sense of whether or not it will be approved and reiterated that he feels confident that the funding would be approved.

Commissioner Ritter stated that he did not think it was fair that approval of 40 additional cars would be based on a traffic-calming plan that will be covering thousands of cars. He indicated that he has a feeling that the City Council will approve it, and all would be good. He added that it is not setting a precedent by approving a good business plan for a service that is needed in the community.

Commissioner Ritter moved to make the conditional use findings as listed in the staff report and to approve Case P14-0753, subject to the Conditions of Approval listed in Exhibit A of the staff report, with the addition of the four conditions listed in the staff memo dated June 11, 2014.

Commissioner Piper seconded the motion.

Chair O'Connor stated that he would support the motion.

Commissioner Allen stated that she would also support the motion with the additional conditions.

ROLL CALL VOTE:

AYES:	Commissioners Allen, O'Connor, Piper, and Ritter
NOES:	None
ABSTAIN:	None
RECUSED:	Commissioner Balch
ABSENT:	None

Resolution No. PC-2014-28 approving Case P14-0753 was entered and adopted as motioned.

Commissioner Balch returned to the dais.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

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 Meeting

Commissioner Ritter stated that the East Pleasanton Specific Plan had a meeting, and Commissioner Balch was introduced as Co-Chair. He indicated that it was a good meeting, and the Task Force discussed staff's proposal to lower the housing proposal for the Environmental Impact Report (EIR). He added that there was a big discussion about doing an analysis of adding nothing new and developing the area the way it is zoned, from putting in whatever the Task Force wanted to possibly going ahead with doing the EIR with some proposed housing. He stated that the Task Force will have another meeting in August for staff to come back with some proposals for the EIR plan, such as if it would be a park or if nothing is developed.

Mr. Dolan added that the Task Force also expressed an interest in exploring alternatives that did not include all of the El Charro Road infrastructure. He stated that even though that was one of the fundamental directions of the City Council, the Council really opened it up for exploration; so the Task Force will take the time to look at that. He indicated that as the Task Force is just trying to decide which additional alternatives to put in the EIR, staff will not have this completely analyzed for Task Force discussion but will try to provide as much information as possible in advance of the EIR so the Task Force can make decisions about if there should be other alternatives added.

Chair O'Connor asked Mr. Dolan if he was talking about simultaneously doing the El Charro Road improvements all the way up to I-580 or about maybe not connecting the two developments.

Mr. Dolan replied that there is an interest in looking at having no El Charro Road extension at all, and there is also an interest in looking at just having no El Charro Road connection to Stanley Boulevard.

Commissioner Ritter commented that the Task Force is a very diverse group, which is good and which is like creating the USA in East Pleasanton. He indicated that it will be great to get all the analysis put together.

Mr. Dolan stated that the Task Force will just have more discussion about what should go in the EIR based on what information staff can provide. He added that he is asking Mr. Tassano to do some preliminary calculations and predict what will happen in advance of the actual modeling.

Commissioner Balch noted that it was also brought up at the meeting that not connecting El Charro Road to Stanley Boulevard would be inconsistent with the General Plan.

Mr. Dolan stated that was correct. He added that moving forward with that would require a General Plan Amendment. He indicated that the Task Force is just trying to wrap up the alternatives so that the EIR can be completed. He noted that there are some Task Force members who feel there are not enough alternatives, and the City Council has the Task Force the authority to go ahead and explore some additional alternatives. He added that the Task Force is exploring alternatives at the lower end of the unit count and is not going above what it already had before.

Commissioner Ritter stated that after all this is done, the Task Force will make recommendations, and community outreach will start to get feedback from the community. He asked Mr. Dolan to confirm if that would be the process.

Mr. Dolan replied that was correct. He added that once the EIR alternatives are decided on, the EIR will be completed; then there would be the community meetings and more neighborhood meetings, after which it would be brought back to the Task Force for its recommendation based on the community input as well as the information from the EIR, and then taken to the Planning Commission for discussion for probably a number of meetings before being brought forward to the City Council.

Commissioner Allen asked Mr. Dolan what his best guess is about when the EIR would be completed.

Mr. Dolan commented that his first best guess was that it was going to be completed about six months ago, so his guesses are not turning out to be that great. He indicated that it all depends on when the Task Force agrees on the alternatives or get enough agreement by the August meeting. He noted that if the Task Force can accomplish that at its August meeting, there is another issue that could make it a little bit more

complicated, and that is, if the new alternatives will be added, will the Task Force want to change the EIR so that one of these new alternatives will be the base alternative, as opposed to the one that was used before which had quite a few number of units. He added that it would not surprise him at all if that is the decision reached, and that will probably add another four to five months. He clarified that it is not like starting all over with the EIR but that a lot of rewriting would need to be done, and it will be well into 2015 before it gets to the Planning Commission.

9. ADJOURNMENT

Chair O'Connor adjourned the Planning Commission meeting at 7:45 p.m.

Respectfully,

STEVE OTTO
Acting Secretary