



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Wednesday, November 14, 2012**

*(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 November 14, 2012, was called to order at 7:00 p.m. by Acting Chair Phil Blank.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Jennifer Pearce.

### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Pamela Ott, Director of Economic Development; Mike Tassano, City Traffic Engineer; Steve Otto, Senior Planner; Robin Giffin, Senior Planner; Rosalind Rondash, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

Acting Chair Blank announced that the Commission's former Chair, Jerry Pentin, has been elected to the City Council and has resigned from the Planning Commission.

## **2. APPROVAL OF MINUTES**

### **a. October 10, 2012**

Acting Chair Blank referred to the Commission's discussion on page 11 under A. "*Would the Planning Commission support the requested exceptions if the project were to move forward as proposed?*" and noted that there was no record of his comments. He requested that staff review the tape recording and amend the Minutes accordingly.

Commissioner Narum recalled that Acting Chair Blank indicated that he supported the exceptions.

**Commissioner Narum moved to approve the Minutes of October 10, 2012, 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 October 10, 2012 meeting were approved, as amended.

### **b. October 24, 2012**

**Commissioner Narum moved to approve the Minutes of October 24, 2012.**

**Commissioner Olson seconded the motion.**

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

**AYES: Commissioners Narum, O'Connor, Olson, and Pearce**

**NOES: None**

**ABSTAIN: Commissioner Blank**

**RECUSED: None**

**ABSENT: None**

The Minutes of the October 24, 2012 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 Planning Commission.

**4. REVISIONS AND OMISSIONS TO THE AGENDA**

Janice Stern advised that there were no changes to the agenda.

Acting Chair Blank advised, for the benefit of those who were in the audience for Item 6.c., PUD-87, Sares Regis/E&S Ring and Item 6.d., P12-1753, City of Pleasanton, that these two items have been continued to the November 28, 2012 meeting.

**5. CONSENT CALENDAR**

**a. P12-1707, Spira Institute of Healing Arts**

**Application for a Conditional Use Permit to operate a massage school and wellness center within an existing building located at 1020 Serpentine Lane, Suite 115 (Valley Business Park). Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.**

**b. P12-1755, Mohammad Saeed Khan/ Muslim Community Center of the East Bay**

**Application to modify the approved Conditional Use Permit (PCUP-269) for the Muslim Community Center located at 5724 West Las Positas Boulevard (Suites 100 and 300) to modify and enlarge the floor area within the building and to adjust the approved activity hours. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/ Commercial-Office) District.**

**c. P12-1702, Mohammad Saeed Khan/ Muslim Community Center of the East Bay**

**Application for a Conditional Use Permit (CUP) to operate a childcare facility for 156 children at 5724 West Las Positas Boulevard (Suite 200). Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.**

Commissioner Narum stated that the Commission received an email from Carole Olson regarding Item 5.b., P12-1755, and Item 5.c., P12-1702, the applications of Mohammad Saeed Khan/Muslim Community Center of the East Bay, requesting that the issues of traffic and parking be discussed at tonight's November 14, 2012. She inquired what the protocol was for this situation and if it was mandatory to hold a discussion.

Brian Dolan replied that it is at the Commission's discretion to discuss any of the issues if it so desired. He referred the matter to Julie Harryman for any legal implications.

Acting Chair Blank inquired if the Commission should postpone the items to the next meeting in case Ms. Olson wanted to come to the meeting or if the Commission should proceed with the Consent Calendar as is.

Ms. Harryman replied that the Commission can keep the items on the Consent Calendar, have a discussion, or postpone them, but it does not have to take them off the Consent Calendar just because it was requested.

Commissioner Narum disclosed that she met with the applicant for P12-1755 and P12-1702.

**Commissioner Narum moved to make the conditional use findings for Cases P12-1707, P12-1755, and P12-1702, as described in their respective staff reports, and to approve the applications subject to the Conditions of Approval as listed in Exhibit A of those staff reports.  
Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

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

Resolutions Nos. PC-2012-46 approving Case P12-1707, PC-2012-47 approving Case P12-1755, and PC-2012-48 approving Case P12-1702 were entered and adopted as motioned.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

- a. P11-0824/P12-0798, City of Pleasanton  
Consideration of the Draft Downtown Hospitality Guidelines for commercial businesses and special events within the Downtown Specific Plan Area (downtown) and related Pleasanton Municipal Code (PMC) amendments, including the creation of new hospitality districts and new hour, noise, and operation requirements for hospitality uses Downtown; and a City-wide PMC amendment changing when a restaurant serving alcohol must apply for a Conditional Use Permit.**

**Also consider the Negative Declaration prepared for the project.**

Pamela Ott presented the staff report, pointing out the substantive changes staff had made in the Guidelines following the Commission's discussion at its Work Session.

With respect to the proposed increase in allowable noise level in the Central Core Area from 70 dBA to 74 dBA, Commissioner O'Connor inquired if this was with the original Transition Area of one property wide.

Ms. Ott replied that was correct. She indicated that this was based on the larger Central Core Area and the smaller Transition Area recommended by the Task Force, the Pleasanton Downtown Association (PDA), and the Economic Vitality Committee (EVC).

Commissioner Narum requested confirmation that with the Transition Area recommended by the Task Force, Code compliance of 60 dBA could not theoretically be met at the residential property line on Peters Avenue in that the calculation stated in the staff report was 60.6 dBA, which is greater than 60 dBA.

Ms. Ott confirmed that was correct; it would be greater by .6 dBA.

Commissioner Narum requested further clarification that by adding another row of properties to the Transition Area as proposed, the distance would be far enough so that the noise level could be at 74 dBA to the residential plane at Peters Avenue.

Ms. Ott replied that was correct; it would be less than 60 dBA.

Commissioner O'Connor stated that he understood from the presentation that the noise level was at 60.6 dBA, which is not a significant increase, and that the original Transition Area was adequate. He inquired if his understanding was correct.

Ms. Ott said no. She explained that the original proposed Transition Area would have reached a level of 60.6 dBA, to which Commissioner Narum commented that it was higher than what is currently allowed at 60 dBA by .6 dBA.

Mr. Dolan confirmed that it is .6 dBA more, but staff's conclusion is that it is close enough. He explained that the analysis was done in a model, and there are so many variables that are not modeled. He added that it is a kind of mathematical estimation that was close enough, because every individual physical circumstance is going to have a little bit of variance. He noted, however, that this does not mean that the depth of the Transition Area cannot be expanded to provide that much more insurance to meet the standard and would be an added layer of protection for the neighbors. He indicated that for a CEQA analysis alone, the original proposal would be fine.

Commissioner O'Connor inquired if the allowed decibel level would be acceptable with the smaller Transition Area, but staff is recommending a larger Transition Area at this time.

Ms. Ott replied that was correct. She recalled that at the Work Session, she had mentioned that the Task Force had a lot of discussion about where the boundaries of the Core Area and Transition Area should be drawn, how wide the Transition Area would be and what purpose it was intended to serve. She noted that the Transition

Area recommended by the Task Force, the EVC, and the PDA was essentially one property wide, especially along Peters Avenue. She added that to balance the desire for additional commercial activity on the side streets with the understanding that residents have this quality of life standard they want to achieve, staff is recommending that the Transition Area on the Peters Avenue side be increased to be approximately two properties wide, with the exception of Fernando's Mexican Restaurant, the only business with an existing entertainment approval that would be entirely in the Transition Area. She noted that staff's noise level recommendation is the same as that of the PDA and EVC except in the Transition Area.

Commissioner O'Connor noted that one of the residents had written a letter specifically about a building on First Street where Sendo Sushi used to be located and inquired if that that building was included in the current Transition Area now going two properties deep.

Ms. Ott replied that the building is in the Core Area. She added that the other properties along First Street are the park and the transportation corridor, which are both in the Transition Area.

Commissioner O'Connor requested clarification that staff's recommendation is to reduce the decibel level to 60 dBA at the residential plane in the Transition Area as opposed to the residential plane itself.

Ms. Ott replied that was correct. She noted that this was the Task Force's recommendation and that staff is supporting that recommendation.

Commissioner O'Connor inquired if the 60 dBA level at the residential plane would be met if the Transition Area were to remain at 70 dBA. He noted that during the field trip, he believed 60 dBA was met where the residential plane started.

Ms. Ott replied that was correct.

Commissioner O'Connor inquired why the noise level would be reduced to 60 dBA in the Transition Area if it 60 dBA is acceptable at the residential plane, however it is measured.

Ms. Ott replied that this was staff's perspective in the process of trying to find that balance between the commercial activity and the resident's quality of life and wanting to support all of the work and all of the discussion that the Task Force had arrived at as a collective agreement. He noted that Peter MacDonald suggested that he personally wanted to see it back up at 70 dBA because he thought the Commission was lowering the standard that already exists in the Downtown.

Commissioner O'Connor inquired if the decibel level in the existing Transition Area is being lowered.

Ms. Ott said yes. She explained that currently, both the Core Area and the Transition Area have an acceptable noise level of 70 dBA, except within 300 feet of a residentially zoned property.

Commissioner O'Connor inquired if staff had talked about this reduction to the PDA or EVC and if they supported the change.

Ms. Ott replied that this is a Task Force recommendation, which is supported by staff. She noted that both the PDA and EVC reviewed all of the Task Force's recommendations but had a different recommendation for this particular item, specifically supporting 70 dBA as opposed to 60 dBA.

Commissioner Narum inquired if there is a mechanism for a property in the expanded Transition Area along Peters Avenue but not abutting Peters Avenue to request to come in and be part of the Core Area should it so desire.

Ms. Ott replied that there is currently no process to do that.

Commissioner Narum inquired if this is something that could potentially be added to the Guidelines.

Mr. Dolan replied that at this time, that would be considered an amendment to Guidelines, and there is a process for that. He explained that like may development requests, staff would bring that request to the Commission and then to the Council.

Commissioner Narum requested verification that the acceptable noise level staff is proposing at the residential plane is no different than what is currently in the Code.

Ms. Ott confirmed that was correct.

Commissioner Pearce referred to the term "verifiable violation" and inquired how that would be enforced; for example, a neighbor who believes something is too loud would call the police.

Ms. Ott said yes. She explained that the Police or Code Enforcement would then come out and use a decibel reader.

Commissioner Pearce stated that as she understands it, decibel readers are complicated to utilize and understand. She inquired if this is this something the Police do on a regular basis.

Ms. Ott said yes; the Police use calibrated decibel readers.

Commissioner Pearce inquired if the Police Department is comfortable with this recommendation.

Ms. Ott said yes.

Acting Chair Blank inquired if it would be considered a verifiable violation, if, in response to a noise complaint, the Police measured the noise level at 80 dBA.

Ms. Ott said yes.

Acting Chair Blank expressed concern that a business owner with a verifiable violation who apologizes, turns down the volume, and says it will not happen again would be let off with a warning, while there is the neighbor or the person who has lodged the complaint. He indicated that the decibel readers carried by law or code enforcement officers should have audible sound meters; otherwise, staff should come up with a better language.

Commissioner Narum stated that she is more concerned that the language says a verifiable violation may be referred to the Planning Commission. She indicated that it should say that a verifiable violation will be referred or should be referred.

Commissioner Pearce noted that given the sensitivity to this issue within the Downtown community, the Commission should talk about ways of tightening that language up.

Commissioner Narum stated she did not want just threats that it will come back to the Commission. She added that she did not think the language is specific enough to address a legitimate complaint.

Commissioner O'Connor was also concerned that a repeat violation would be considered a first violation because the violator was let off the first time without a citation.

Commissioner Pearce agreed.

Commissioner Olson inquired where the teeth are in this, from the standpoint of the complaining resident as well as that of the business owner.

Ms. Ott replied that these standards are included in the Pleasanton Municipal Code and, therefore, are enforceable parts of the Guidelines.

Acting Chair Blank referred to the phrase "to the best of their abilities" and inquired if the courts interpret that as "best efforts." He further inquired if this exposes businesses to an incredible amount of liability.

Ms. Harryman replied that there is no legal definition for those terms. She explained that the courts would weigh that language, try and analyze the facts and circumstances, and decide whether or not the party did use "best efforts."

Acting Chair Blank stated that based on his experience and some research, generally speaking, in California, if a contract says that a business will use best efforts to accomplish something, the business will practically go bankrupt to make it happen. He expressed concern that this language could potentially expose businesses to very high levels of liability.

Ms. Harryman agreed and said that she has seen “best efforts” used that way, similar to “use all efforts unless commercially infeasible” or something like that.

Ms. Ott noted that staff is recommending the removal from the document of the phrase “to the best of their ability” because it does not have a definition.

Acting Chair Blank inquired if there would be public notification of any proposal for modifying pre-existing Conditional Use Permit conditions when they come before the Planning Commission.

Ms. Ott replied that this modification would be done at the staff level, and the action would be included in the Zoning Administrator Actions report. She added that following current procedure, that action can be appealed to the Commission.

Acting Chair Blank inquired if the notification area of the proposed change would be within a 300-foot or 1,000-foot radius.

Robin Giffin explained that the action would go to the Planning Commission and the City Council as part of the Actions of the Zoning Administrator report, with an opportunity to appeal. She added that no notification is done for this.

Acting Chair Blank noted that it would be on an agenda that would come to the Commission, but the public would not be notified of the change unless they subscribe to the Planning Commission agenda.

Commissioner O'Connor requested verification that it would be noticed if it were appealed to the Planning Commission.

Ms. Ott said yes.

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

Laura Olson, a Pleasanton resident and Executive Director of Pleasanton Downtown Association thanked everyone for recognizing the importance of these Guidelines and for supporting the PDA and the Task Force through this process, especially Commissioners Narum and former Commissioner Pentin for their participation on the Task Force. She reiterated that the PDA supports the original PDA and EVC recommendations and looks forward to having these adopted and implemented. She indicated that there is a tremendous amount of advantage for the Downtown to have these Guidelines in place, to have an even playing field, and to let businesses know that

there is a clear process. She emphasized that she did not think the flood gates are being opened to anything and that the PDA wants these Guidelines to work for the businesses and the residents, as well as everybody who enjoys and supports the Downtown.

Andrew Shaper, a longtime Downtown resident, stated that overall, he absolutely supports the objectives of these Guidelines which are to ensure economic vitality for the Downtown and quality of life for residents Downtown. He indicated that there are a lot of issues discussed in the scope of the Guidelines, but he would like to briefly address the issues of noise and litter once more, but thinks that something that has not really been addressed is the difficulty of enforcement and what a verifiable violation case is. He noted that enforcement is only an issue when compliance has failed, and suggested some language be added to support compliance, namely, that the businesses that are using outdoor amplified music be responsible for monitoring and ideally logging, so there is some trail. He pointed out, as an example, that no one can be held to meet the speed limits if he or she does not have a speedometer; in the same way, a musician or a sound technician who controls the level of the output would have no way of ensuring compliance if he or she does not know how loud the music is.

Mr. Shaper noted that in the case of the Barones' CUP, the business owner is required to make some measurements, although it was not a fully automated equipment as originally suggested since that was too expensive. He indicated that he would like to see something similar added in a positive, proactive compliance assurance, and not requiring calling the police out and going that whole route of first or second warnings.

Mr. Shaper stated that he appreciated the comments about modifications and public notice. He noted that he does not subscribe to the Planning Commission agendas, but he reads postcard notices he gets in the mail; therefore, he would appreciate neighborhood notification of these modifications.

With respect to decibel levels, Mr. Shaper rhetorically asked if volume really equals economic vitality. He stated that he is not opposed to economic vitality but he is not sure that equates to four times as loud. He noted that decibel levels is a logarithmic scale and suggested that his request for self-monitoring and some kind of logging to ensure proactive compliance would make this much more successful.

Christine Bourg, Downtown resident and member of the Task Force, stated: that she found the Task Force to be a very educational process during which she learned a lot more about noise and dBA levels. She indicated that all along, she had concerns about the changes in the status quo, particularly with regard to noise and extended hours, and was very happy to see some of the changes and recommendations in terms of music Downtown, indoor music, and easing of the CUP process for businesses to have music. She indicated that her concern was amplified music for people who live Downtown and are not necessarily represented, such as some Hispanic families who live Downtown with children coming back and forth to and from school who, she thinks, are not aware of these things. She added that having music until 11:00 p.m. on Thursday nights,

making it like a weekend night, was concerning to these families who cannot speak for themselves, who would not attend Commission meetings, would not call the police, and would probably just deal with it.

Ms. Bourg also expressed concern about enforcement and how it will perhaps require a lot of citizen complaints before being enforced. She stated that she has heard of things like this from residents in the Barone's neighborhood and how difficult it would be in terms of Police enforcement.

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

Acting Chair Blank commented that there is an old saying that if you have one clock in your house you always know what time it is, but as soon as you bring two clocks to the house, there is always a dispute. He expressed concern about having more than one arbiter of what the sound levels are.

Commissioner Pearce inquired if, during the Task Force meetings, there were discussions about requirements for businesses to periodically or on a regular basis self-monitor their noise levels.

Ms. Ott said no; that was generally not part of the Task Force discussions. She noted that the Task Force did not talk about monitoring and self-monitoring in any extent.

Ms. Giffin stated that during one of the meetings, Alan Rosen, the noise consultant, did present it in a case study for a business in Colorado. She added that the consultant is present and can speak about it.

Mr. Rosen stated that the project in question was in Golden, Colorado and similarly in a Downtown area. He indicated that the City had adopted some standards and worked with the club owner to install a system that actually allowed the band as they were playing to see a light display with red, yellow, and green colors, similar to a stop light. He explained that a microphone sound level meter was connected to this light array: when the light was green, they were fine; the yellow light was set a few levels below the standard or the threshold level, and as they played louder and the yellow light came on, they knew they had to be cautious; and as soon as the red light turned on, they knew they were violating the standard. He added that he did not believe that was the actual device used to state whether or not they violated the standard, but it was pretty helpful as a kind of way to keep them under control and help the Police, who could actually drive by and take a quick look and see what color was displayed.

Commissioner Pearce inquired if this has been effective in that community.

Mr. Rosen replied that he believed it was.

Ms. Ott noted that any Task Force conversations about whether or not to include monitoring in the Guidelines were done in the context of Mr. Rosen's presentation.

Mr. Rosen added that the system was put in place after they had several years of issues, in response to ongoing problems in that particular location which had some large growth Downtown.

Acting Chair Blank asked Mr. Rosen how he would juxtaposition a constant noise of 70 dBA or 80 dBA and peak noise that happens once, and if there is some industry standard for parsing that out over the course of a period of time.

Mr. Rosen replied that there is a number of ways sound can be measured: acoustics has is a number of metrics and those sounds can be averaged for five or ten minutes or more; and there is a metric called the equivalent sound level, which is basically an average, that comes up with a standard repeatable metric to use.

Commissioner Pearce inquired if communities generally come up with a standard when putting together noise guidelines.

Mr. Rosen replied that he has seen it both ways. He stated that Pleasanton's standard has a noise level but not a specific metric; one would have to use a little judgment when looking at the meter and saying whether it repetitive peak or maximum continuous. He added that it gives some guidance and requires a little interpretation as it is not definitive like an equivalent sound level for a five-minute average.

Acting Chair Blank inquired if that is defined in this document, if there is a prevalence among cities, and what is the most common practice.

Mr. Rosen replied that he sees an even spread: a very defined metric like LEQ, L-Max, L30, statistically descriptor, and just a sort of qualitative maximum or continuous repetitive sound level. He indicated that because of litigation, it is tending to go more toward having a number to do repeatable measurements.

Commissioner Olson asked Mr. Rosen if he is familiar with how Barone's is monitoring its sound levels.

Mr. Rosen said no.

Ms. Ott stated that this may be more of a Planning question; however, she is aware that Barone's is self-monitoring, and while it has to monitor the sound levels, it is not required to record them.

Acting Chair Blank noted that this, again, is one of those vague things. He further noted that, for example, without a metric, if, while looking at five minutes and the average noise level for that five minute, somebody drops a bunch of dishes, someone holding a sound meter will catch that sound, and it could be a violation.

Ms. Ott stated that the Guidelines revert back to and is supported by the Pleasanton Municipal Code.

Mr. Rosen stated that the term used is “maximum continuous repetitive peak.” He noted that dishes dropping is almost a separate issue and are generally excluded from noise measurement. He agreed with Acting Chair Blank regarding the metric.

Acting Chair Blank stated that someone who has a noise meter might say that he took this measurement, it is audible and there is a tape, and the noise went over the limit for three seconds; therefore, it is a verifiable Code violation and should be brought before the Planning Commission.

Mr. Rosen concurred and said it would be defined more precisely that it currently is.

Ms. Ott read PMC’s definition of “noise level”: *“noise level means the maximum continuous sound level or repetitive peak level produced by a source or a group of sources as measured.”*

Acting Chair Blank stated that the challenge is it does not say for how long or how many peaks.

Mr. Dolan stated that he would like to explain the reality of noise code enforcement so the Commission does not get too sidetracked on the precise measuring issue. He noted that in this regard, staff does not get that much dispute about the number. He stated that the problems are that people tolerate the noise, then they get angry and call up, and then they make reference to the ten times they did not call and how frustrated they are. He added that there have not been a lot of circumstances where the dialogue was whether it was 69 dBA or 70 dBA or 71 dBA, but the frustration about them not necessarily calling out and pushing enforcement and the fact that we are not necessarily proactive about it. He explained that enforcement is complaint-driven because the City does not have the resources; there is one Code Enforcement Officer who works from 7:00 a.m. to 4:00 p.m., and Police resources are limited as well.

Commissioner O’Connor inquired, should it would be necessary to change this in the future, if the answer is to change the Municipal Code or to come back to this document and change how sound is to be measured.

Mr. Dolan replied that he does not think there is a problem with the Code.

Commissioner O’Connor stated that his reference is if there is more vitality Downtown in the future, resulting in bigger problems or an increase in the number of violations, and better definitions are needed, would the answer be to change the Code.

Mr. Dolan replied that ultimately, there will be some conversation about amending the Code. He indicated that he actually likes the fact that there is some common sense

involved, instead of coming up with some number that reflects an average over some period of time that is an absolute, which takes the reality out of it.

Acting Chair Blank stated that he does not disagree with staff that it is very practical; however, he thinks it is the Commission's task to intellectualize about it. He noted that the problem is when there is a resident who has what is perceived to be a real problem, there has to be a standard that very specifically says 60 dBA, 70 dBA, or 74 dBA is the standard. He added that if there is no definition of how that standard is going to be measured, then there is no standard.

Commissioner O'Connor stated that he also sees the problem with residents perceiving a problem and wanting to take action against a major violator, and business owners wants that wiggle room to work in their favor.

Acting Chair Blank stated that this can work both ways: he does not want to see residents disadvantaged because they cannot lodge an appropriate complaint and have enforceability; and he also does not want to see businesses disadvantaged because they are saying they are within the Guidelines.

Commissioner Pearce inquired if staff sees any disadvantages to creating some kind of guideline about self-monitoring for businesses in the Downtown. She noted that it seems like it might cut down on the complaints if businesses needed to self-monitor.

Mr. Dolan replied that the only disadvantage is that some of the people who will take advantage of this whole package may be a nightclub that is just breaking even. He indicated that he does not think the equipment is all that expensive, but it is more the time it takes to do it. He noted, however, that he does not think this it is an overwhelming burden on a business.

Commissioner Pearce stated that she is thinking about noise-monitoring for businesses that have outside amplified music, not for businesses such as Clover Creek. She inquired if staff would be amendable to adding language in that regard.

Mr. Dolan replied that he does not think it is unreasonable. He noted that during the field trip, even the iPhone measurement was pretty good in the middle range.

Commissioner Pearce stated that she understood having businesses come into compliance with these Guidelines would be done at the staff level and that staff is not doing anything outside these Guidelines but simply get the businesses up to the standard.

Ms. Ott replied that was correct. She added that anything out of the standard would have to be handled as a Conditional Use Permit, which would then come before the Commission.

Commissioner Pearce stated that she does not think this needs to be widely noticed because the Guideline has been widely noticed.

Commissioner Narum agreed. She noted that she thinks it is positive to actually have businesses into these Guidelines.

Commissioner Pearce inquired if staff is comfortable with recommending a larger Transition Area and keeping the 74 dBA as opposed to reducing the level to 70 dBA and having a smaller Transition Area.

Ms. Ott said yes.

Acting Chair Blank brought up the issue about the use of “*may*” versus “*shall*.”

Ms. Harryman stated that the PMC amendment before the Commission says: “A re-review of the Conditional Use Permit by the Planning Commission *shall* only occur if there is a violation verified by enforcement staff.”

Acting Chair Blank stated that page 16 of the Guidelines says “The use *may* be presented to the Planning Commission for subsequent review and public hearing if a violation verifiable by enforcement staff such as Code Enforcement or the Police Department.”

Ms. Harryman stated that staff will update the Guidelines and have it say “*shall*” so it is consistent with the Code document.

Acting Chair Blank stated that there is still the issue of what is a “*verifiable violation*.”

Commissioner Narum stated that she is still a little uncomfortable with the implementation of a verifiable violation and its coming before the Planning Commission. She noted that everybody can make a mistake, and the Commission could be having multiple meetings dealing with verifiable violations.

Commissioner O’Connor suggested having a repeat offender – two or three times as opposed to only once – coming before the Commission, especially if violators are not going to be let off the hook without a warning.

Acting Chair Blank stated that in that case, a more robust measurement and methodology is needed, not in terms of the decibels, but in terms of issuing a warning for a first violation and a second one getting referred to the Commission.

Commissioner Pearce stated that she was not initially in favor of the flexibility but she now thinks that she would like to have a conversation about first-time business offenders of, say, 75 dBA for a short time or 100 dBA for a really long time. She indicated that she would like to be able to keep the flexibility in the document, but the Commission needs to get the information, like it has done with other businesses.

Acting Chair Blank suggested adding language that the Planning Commission will be notified and at its discretion may request a review.

Mr. Dolan stated that would be fine.

Commissioner Narum agreed that it is a much better approach.

Commissioner Pearce added that the Commission would then have the information and can make a determination.

Commissioner Olson stated that he is not in favor at this point of telling every business owner with outdoor activities that they have to measure and self-monitor. He added, however, that considering this is a citizen-driven process, if a resident's complaint results in a violation, part of the teeth is to require the business to start monitoring its noise; and if it is elevated to the Planning Commission, then there needs to be additional teeth.

Acting Chair Blank agreed but with a different take. He noted that technically, both 75 dBA and 100 dBA are violations, and if the violation comes to the Commission for adjudication, one of the tools is to say to the business that the Commission finds its behavior egregious and, therefore, the Commission is requiring the business to start self-monitoring, or the Commission can modify its Conditional Use Permit. He added that if the Commission finds that the offense was totally inadvertent, then the Commission can let business off with a warning not to do it again.

Commissioner Pearce commented that it seems to strike a balance.

Commissioner Narum asked the Commission how it feels about adding language that the properties in the Transitional Area on the Peters Avenue side that do not border on Peters Avenue could potentially apply to be in the Core Area.

Acting Chair Blank stated that he thinks it opens a huge can of worms. He noted that when somebody buys the property and then decides to get in the Core Area, then he/she decides to sell the property, he/she will want out of the Core Area because it is easier to sell property outside of the Core Area. He proposed that properties that really want to be in the Core Area should get noticed so everybody knows about it and follows the usual process.

Commissioner Narum agreed that they should go through the process but she would like to add some language that it is potentially an option. She stated that while she totally supports this wider Transition Area on Peters Avenue, she also thinks, at the same time, that some businesses have been arbitrarily taken out of the Core Area. She noted that one business on Rose Avenue or Angela Street might potentially be a candidate at some point, and if the business decides it want to move to the Core Area, it would have to apply to do so.

Acting Chair Blank asked staff if there is an issue with putting that in.

Ms. Harryman replied that it is appropriate if it is stated that way. She indicated that specific properties should not be singled out, but it would be fine to have a statement that says a property in the Transition Area that wants to apply to be in the Core Area could be considered through the City's normal process.

**Commissioner Narum moved to find that the project would not have a significant effect on the environment and recommend approval of the Negative Declaration prepared for the project, the Draft Downtown Hospitality Guidelines as recommended by the Downtown Hospitality Guidelines Task Force and staff as shown in Exhibit A of the staff report, and the Draft Pleasanton Municipal Code Amendments as shown in Exhibit B of the staff report, with the following modifications: (1) Add language that any property located in the Hospitality Transition Area may apply, via the normal public review process, to be in the Hospitality Central Core Area; and (2) Add language that if any business has a verifiable violation, the Planning Commission shall be notified and may, at its discretion, call for a public hearing and, upon review, modify the use permit and require noise self-monitoring.**

Commissioner Narum asked the Commissioners if there was anything else the Commission had discussed that needed to be included.

Acting Chair Blank stated that addition of verbiage that the language in the Guidelines be consistent in terms of replacing "*may be*" with "*shall be*."

Acting Chair Blank then asked the Commission if there was support for a notification requirement via postcard or some other form.

Commissioner Narum replied that there was none.

**Commissioner Narum amended her motion to include a third modification that the language in the Guidelines remain consistent with respect to replacing the word "*may*" with "*shall*."**

**Commissioner Pearce seconded the motion.**

Commissioner O'Connor stated that he was not going to support the motion because he did not think the Transition Area along Peters Avenue should be increased and the decibel allowance in the Transition Area reduced from 70 dBA to 60 dBA at 9:00 p.m. because the decibel level on the residential plane was and still is at 60 dBA, and as long as we that 60 dBA is met at the residential plane, the businesses would be in compliance. He noted that he would rather follow the PDA's and the EVC's recommendations. He further noted that he is in agreement with all the other recommendations and amendments.

**ROLL CALL VOTE:**

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

Resolutions Nos. PC-2012-49 recommending approval of the Negative Declaration and PC-2012-50 recommending approval of the Draft Downtown Hospitality Guidelines and Pleasanton Municipal Code Amendments were entered and adopted as motioned.

Acting Chair Blank called for a break at 8:22 p.m. and thereafter reconvened the regular meeting at 8:35 p.m.

**b. P12-1706, Nearon**

**Work Session to review and receive comments on a preliminary application to construct 168 apartment units, surface parking, residential amenities, and related site improvements at the property located at 5729 West Las Positas Boulevard. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.**

Rosalind Rondash presented the staff report and described the scope, layout, and key elements of the application.

Commissioner Olson referred to Item 3 under Exceptions Requested by the Applicant on page 10 of the staff report and inquired if the distance between the proposed building and the Valley Care Health System building would be about 40 feet.

Ms. Rondash replied that she did not have the exact measurement handy.

Mr. Dolan stated that on the site plan, it looks to be about twice the distance of the depth of a parking space, so it is at least 40 feet.

Ms. Rondash stated that the applicant is indicating that it is 70 feet.

Commissioner Olson commented that the phrase “exception to allow a 3-foot setback” threw him off.

Acting Chair asked Commissioner Olson to hold off for a while on that matter as the applicant might address that matter more specifically during his presentation.

Commissioner Narum referred to page A-1.5 of Exhibit A, Preliminary Development Plans, and inquired if the residents will be able to go in and out of the complex only through the entrance off of West Las Positas Boulevard or if they can also use the other

opening on the east side of the property. She noted that the other entrance appears to be an Emergency Vehicle Access (EVA) for fire trucks.

Ms. Rondash replied that the main access is provided off of West Las Positas Boulevard, and there is an additional access off of Stoneridge Drive which residents could use. She added that they could also access their units from Stoneridge Drive, and ValleyCare could also access its facility from West Las Positas Boulevard.

### **THE PUBIC HEARING WAS OPENED.**

Commissioners Pearce, Narum, and O'Connor disclosed that they had met with the applicant about this project.

Ardie Zahedani, with St. Anton Partners, presented a brief background of the company. He stated that unlike a lot of other developers who acquire land, develop it, and then sell it off, St. Anton Partners purchases land and then develops it, builds on it, and retains ownership and management of the property for the long term. He indicated that St. Anton Partners has built and still manages over 6,000 units throughout California, 1,700 of which are in the Bay Area. He noted that they have recently completed a project in San Ramon and have projects in San Jose and Sunnyvale.

Mr. Zahedani stated that the company is privately owned with 300 employees and was founded and formed in 1995 by two gentlemen who have been involved in every detail of their projects. He noted that one of them, Steve Eggert, who is present tonight, knows where the water feature and the dog park are located, and that his cell phone is always available to anybody who might have any concerns about the project.

Mr. Zahedani stated that because the company is a long-term holder, it is important to develop strong relationships with the homeowners associations (HOA) around the projects. He noted that in Sunnyvale, their high density transit-oriented development was approved the past week and both of the neighborhood HOAs came out in support. He added that the HOA Chairman from their project in Sacramento came out to their Napa project for its approval.

Mr. Zahedani stated that when they first looked at the site and began negotiations with Nearon, they went across the street to look at the Verona complex, which is what this proposed project is patterned after: a mission-style pitched roof with traditional architecture, tuck-under parking, and private parking garages. He noted that it took three architects and two landscape designers to come up with the site plan that would yield 168 units. He pointed out that the real beauty of this plan are the three-story buildings in the front, the one-story community amenity center in the middle, and the 92-unit four-story building in the back.

Mr. Zahedani stated that landscaping veils most of the buildings from pedestrians along West Las Positas Boulevard. He added that all of the buildings have private garages; there is pedestrian circulation from every access point to the pocket park, which has a

dog run, an earth sculpture, and a village green where residents can throw a football around. He noted that since their research showed that tenants/ renters and neighbors now enjoy the rental lifestyle and prefer the long-term rather than for a six-month or one-year lease, they have opted to have the amenities there so when the residents get home, they can spend time with their families and live the lifestyle in a traditional for-sale home.

Mr. Zahedani pointed to the fact that the project connects to the trail as well. He noted that the Hacienda Design Guidelines are very prescriptive with how to gain credit for private and public open space, with a ratio of 2:1 and 1:1 for public open space. He indicated that they are not asking for any open-space credit for the 33-foot wide front walkable portion which has some direct access from the buildings, but for the village green, for the community areas, the new pocket park and small open space areas, and the private patios in every single unit that were designed consistent with the Hacienda Guidelines.

Mr. Zahedani stated that they are very sensitive to their relationship with neighbors and are very, very open to working with the Verona residents across the street. He noted that they have asked to meet with these neighbors to give them a hand in designing the project. He indicated that in response to the requests made by neighborhood speakers at the July 11, 2012 Planning Commission public hearing on the Design Guidelines, whose requests included facilities for pets, a pool with a fence around it, open space, circulation, and parking, they have added a dog park to the project, expanded the pool, installed the fence, incorporated two play areas, and included appropriate parking.

Keith Labus, project architect, KTG Y, stated that he would like to talk briefly about the massing concept of the project. He indicated that they have broken up the project into four components: two three-story buildings flanking the entry on either side, the four-story building pushed to the back of the site, the core of the project in the community and leasing building, and the village green or central park concept for the project. He noted that this town square concept comes straight out of the Design Guidelines and uses this hierarchy of public streets and alleys to create efficient circulation to maximize the open space. He added that by spacing out the buildings the way they have done, they have avoided the uninterrupted building wall at the street that would be unattractive and would not work with the Verona project across the street.

Mr. Labus then presented a slide of the street scene from West Las Positas Boulevard. He indicated that they cut out about half of the trees on both sides of the entry so the building would be visible. He pointed out the monumental entry tower of the community building which is located directly across the street from the entry into the Verona project; to the rear of the site is the four-story building which kind of disappears into the background at the back; and the two three-story masses flanking the entry and the massing of the one-story building with the community room pushed back on the site to create that movement in and out at the entry.

Mr. Labus then showed the village green concept with the public street going around and the resort-style design and community space living off of it with plenty of room for lounging and socializing. He referred to the tot lot to the rear between the community building and the four-story building, and the arcade where there is an open breezeway that connects the buildings from the back, the tot lot area, all the way through the indoor amenities, as well to the front of the project.

Mr. Labus then presented some of the features in terms of materials and the architecture, noting that they broke down the scale of the building utilizing different scale building elements and putting the roof forms, the opposing gables both two- and three-stories, very interesting colors and materials, including the stucco and adobe style brick veneer. He stated that breaking it down to final level detail, they have detailed things like the wood like trim, the window surrounds and trims of the decks and windows, the pre-case type trim around the windows and some of the bellybands and stone accents there, ornamental decorative railings, pot shelves, awning frames, window details, and then finally some canvas awnings there to take the scale of this larger building and break it down to mid-level and then down to a finer level to create that pedestrian scale on the street. He noted that this gives that walkable feel along West Las Positas Boulevard and helps bring it down to the smaller scale to be compatible with the buildings across the street.

Commissioner Pearce noted that the Guidelines indicate that there should be a minimum of 75 percent of the ground floor units with access onto the street, internal street, paseo or open space. She inquired why there are 16 instead of 23.

Mr. Zahedani stated that not all of the units have direct access points. He noted that with respect to the buildings that front onto West Las Positas Boulevard, there is a berm which presents a problem for having direct access points. He pointed out that they tried to work around that and have sites or locations where the berm does not exist and residents can walk around. He added that if this is a big issue for the Commission or staff, there may be ways to find flexibility to have either pony gates or some sort of entrance at the balcony or patio level on the ground floor of some of the other units.

James Paxson, General Manager of Hacienda Business Park Owners Association, stated that he was pleased to be working with a project that is so well-designed and the progress on the project in terms of what the applicant has done with some of Hacienda's preliminary comments. He indicated that they have done an informal review of the project several weeks ago and that some of the changes before the Commission night were a response to some of the Association's initial comments. He noted that after tonight's Work Session, the design will be taken back to their Design Review Committee for its formal response before it comes forward for the regular Planning Commission public hearing. He stated that he has been really impressed with the response of the applicant, the creativity in design for such an unusual lot and for basically what is very much an infill project in Hacienda. He noted that the Association has also been working with the applicant on the architecture of the project and that it

has progressed very, very nicely. He added that they are looking forward to a favorable review when the final application comes in.

Diane Birchell, resident at the Verona Townhouses since 1995, stated that their principal concerns that affect the Verona residents directly are traffic and parking. She noted that their development is smaller than the proposed project but has more parking per unit than these apartments will have. She indicated that they have always had a parking problem, and this will become worse and would impact the residents because when people are looking for some place to park, they will go wherever they can find it.

Ms. Birchell stated that the quality of life for all the Verona residents will be impacted by the 300 trips coming out of the community center/child care center proposed directly across the Arroyo from Verona, because those coming out of that development have no choice but to come toward them. She added that having the Nearon development with their only entrance and exit directly across from Verona's main entrance will create massive traffic hazards. She noted that about half of Verona's residents are retired and do not have to get to work on time, which is not the case with the Nearon residents. She indicated that with 168 units, traffic is going to be a problem even if only one car per unit leaves every day. She added that there will be left turns out of there and the traffic problems will just be huge with no way to avoid it.

Ms. Birchell stated that she understands the City's position between a rock and a hard place as far as approving high-density housing. She noted that while the City just does not have many options, it can mitigate the effects of these high-density housing on the surrounding neighbors, particularly those in the Verona development because they are right across the street from Nearon. She indicated that, if it is possible, there should be a traffic light rather than a stop sign, at the very least, one that could be triggered only when traffic requires it, to prevent accidents.

Ms. Birchell stated that the new development will have a more serious parking problem than Verona, which has always had inadequate parking. She noted that given that the bulk of that development is going to be two-bedroom units and mostly market rate, there are going to be more vehicles coming out of there than 168. She indicated that she knows change is inevitable; that is the way California is, but there are things the City could do with this project that would make it much less of a threat to the quality of life of the residents that are already here.

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

Acting Chair Blank ask Mike Tassano to give the Commission an overview of and his perspective on the traffic circulation and the pro's and con's of the concept of a traffic light.

Mike Tassano stated that the original plan for the site was an office building, which would have slightly higher trips. He noted that with the 168 units, there would be 85 peak-hour trips in and out in the morning and 100 trips in the afternoon. He added

that because it is residential, it is anticipated that 70 percent of those trips would be leaving in the morning and then coming back home in the PM peak hour. He continued that if all these vehicles use that front entrance, there would be one car a minute as far as the additional number of trips, and then 30 cars coming out every two minutes.

Mr. Tassano stated that he has looked at the site several times, and he was out there again today in both peak hours. He noted that there is a sufficient number of gaps on West Las Positas Boulevard to make the turns into and out of the site. He added that ValleyCare currently uses that driveway with about 15 to 20 vehicles in the peak hour with delays under 10 seconds to get into and out of the site. He indicated that staff does not anticipate that volume changing as far as the number of gaps available.

Mr. Tassano stated that the City has a traffic consultant who works on addressing issues such as the need for a traffic signal. He indicated that from his analysis, it does not look like given the traffic volume on West Las Positas Boulevard and the volume generated by the existing residential home site, as well as the anticipated volume from the proposed home site, the installation of a traffic signal would decrease, delay, or change safety in any fashion. He explained that when the City installs a traffic signal, one of the things staff looks at is safety, and, one of the things that is compromised with safety is that drivers sitting at the traffic light for two or three minutes start to think that they missed that gap the last time by three seconds and so they are going to try and take this next one; and that is where broadsides occur because people are so frustrated that they want to try and jump out there. He reiterated that there are enough gaps out there, and the longest delay he saw was about 50 seconds for one of the vehicles that wanted to leave, which is probably about how long it takes the traffic signal to get off the main street because it is going to wait for a gap in traffic on West Las Positas Boulevard and would not actually decrease that delay for that vehicle but would increase the delay for the other vehicle.

Mr. Tassano stated that the circulation looks good within the site. He indicated that he saw truck turning templates for the fire truck. He noted that one of the things he tries to look for is the pedestrian and bicycle access and ensures that they are present because there is a trail amenity in the area. He stated that from his initial glance, with the exception that maybe there are one or two tight turns in there, it appeared to work just fine for a fire truck, so the circulation would work well for this site. He indicated that the only other thing he would look at are the alleys for the parking; he stated that he did not have the dimensions for them but that he can work on that with the design engineers.

Acting Chair Blank inquired if there would be a difference in the traffic flow between an office building and this project in terms of quantity.

Mr. Tassano replied that the office building that would be there would have 80 trips in the PM peak hour, and this residential project has 100 trips, so it is just slightly higher. He noted that the distribution would be different: 80/20 for the office where everyone goes in the morning and goes out in the afternoon; and 70/30 for residential where everyone goes out in the morning and comes back in the afternoon.

Acting Chair Blank commented that it would be a slightly higher number but with a little bit less concentration on the in's and out's.

Mr. Tassano said yes. He added that the peak is distributed a little bit more evenly in the residential because people coming home are coming from different locations, whereas in the office, everyone generally leaves at 5:00 p.m.

Commissioner Olson stated that it seems to him that it would be a service to the residents of this facility to have a traffic light that would stop traffic on West Las Positas Boulevard and create a gap to allow residents to get out of there en mass rather than sit in line and wait for gaps to develop.

Mr. Tassano replied that there is a balance between those two scenarios. He explained that when a car pulls up to that signal and a car shows up every three seconds on West Las Positas Boulevard, the light is not going to change off of West Las Positas Boulevard. He noted that this is the way the arterial signals are timed, and if there are cars that are slowly going across, that signal will continue to be extended as vehicles continue to come across. He continued that when there is a gap sufficient to not significantly impede the West Las Positas Boulevard traffic, then the light would change. On the other hand, he noted that some people who live off of Santa Rita Road or on Pickens Lane have a wait time that exceeds a minute. He explained that if one car is waiting for a signal to change to make a left turn and there are four cars behind that car waiting to turn right but cannot do so because of the front car waiting for a left turn, then it actually slowed down those four vehicles.

Mr. Tassano stated that the other thing to consider is when a traffic signal is installed, the rear-end collisions increase. He noted that it is a condition of traffic signals that somebody is changing the radio station when the light turns yellow, and the car behind sees the light change and moves forward, but the front car has not moved and a rear-end collision occurs. He indicated that it is something that needs to be balanced: access versus safety. He noted that there are no collisions right now with the existing volume, and he does not anticipate them occurring there with future volumes.

Acting Chair Blank stated that it is really a phenomenon he got familiar with in the City of Livermore. He noted that he uses a small road that accesses Jack London Boulevard, and it was great until the mall opened; now he sits there four or five minutes waiting for the light to change, and he has actually seen people run the red light because they just got tired of waiting. He added that he would not have imagined that it cuts both ways had he not witnessed it.

With the assumption that the project goes in and a traffic light is not installed; and the level of service decreases significantly, Commissioner Pearce asked Mr. Tassano if staff can go back in and ascertain that a light or some other kind of mitigations is needed after the fact.

Mr. Tassano said yes. He stated that staff annually monitors all City-signalized or future signalized locations and all the locations where there has been excessive delay. He explained that these are then ranked and prioritized to determine if they do need a traffic signal. He indicated that there are currently 17 locations that have been written into the General Plan for a future traffic signal.

Commissioner Pearce inquired if staff would go out and visit locations that residents have concerns about and communicates them to staff.

Mr. Tassano said yes. He noted that he has talked with residents in that area.

Commissioner O'Connor inquired how delays are monitored at an intersection that is not signalized.

Mr. Tassano replied that what he would do with a location like this where there is no existing use that generates trips is look for available gaps. He noted that it is a pretty straight-forward process where he sits at the intersection and judges as a driver how long it will take him to identify the vehicle that is downstream; then he has his five-second gap; he then judges on the other side what that five-second gap is, after which he tried to balance the number of gaps he has versus the number of vehicles he is going to have generated.

Commissioner O'Connor inquired if the 30 trips or 70 trips coming into and going out of the projects only refer to peak hours and do not represent the total number of vehicles that go in and out that day:

Mr. Tassano replied that was right. He explained that staff looks at traffic signals and traffic impacts during the worst time of the day, and the busiest time on West Las Positas Boulevard is during the PM peak hour, when there would be the fewest gaps to get onto that roadway.

Commissioner O'Connor inquired if the 70 trips are just for one hour.

Mr. Tassano said yes.

Commissioner Narum asked Mr. Tassano if he took the proposed childcare center into account when he looked at the traffic numbers for this project.

Mr. Tassano said yes. He stated that the design capacity of West Las Positas Boulevard far exceeds the number of vehicles that are out there. He added that a lane on West Las Positas Boulevard is currently closed because of the sinking next to the creek, dropping the three lanes to two but still providing sufficient gaps. He continued that dropping it to a single lane would result in fewer gaps because everyone has to draw into a single lane and filter by the front. He indicated that West Las Positas Boulevard carries a lot of volume and that even with the additional traffic from the day

care facility, the numbers would still be the same as if it were the anticipated standard office use.

Commissioner O'Connor inquired what the plan was for the repair of that third lane that is currently closed.

Mr. Tassano replied that the repair is planned for the spring. He explained that the soil in the road expands and contracts, creating dips and keeps the road sinking. He indicated that staff is looking at an innovative solution that would limit the expansion and contraction by pumping some material like a silicon foam into the sub-base to solidify that surface.

Acting Chair Blank stated that he wanted to make sure for the record that the project meets all the requirements for parking as he did not any exceptions for that.

Ms. Rondash confirmed that the project meets the Code requirement for parking and that no exceptions are being requested for parking.

Commissioner O'Connor inquired what the Code requirement is for parking.

Ms. Rondash replied that the Code is broken down into requirements for bedrooms: two or fewer bedroom units are required to have two spaces for the first four units and then 1.5 spaces for the remaining units; units with four or more bedrooms require two spaces per unit. She noted that the site meets those requirements and also provides for 24 guest parking, which meets the requirement. She added that the covered parking requirement is met as well.

Mr. Dolan noted that the site is adjacent to a commercial parking lot so if there is ever a day when there are more cars than usual, that parking lot is available as opposed to going across the street to the residential neighborhood.

Commissioner O'Connor inquired if there is a reciprocal parking agreement between the two properties.

Ms. Rondash said yes. She indicated that those are the 22 spaces already accounted for in the 122 surface uncovered parking spaces.

Commissioner O'Connor noted that there would really be no place else for cars to go if the calculations are wrong and the site ends up with more cars; there is no parking allowed on the surface streets like in a regular residential neighborhood. He inquired if there is a reason why the City did not look for a larger number on the reciprocal parking or if ValleyCare was not interested in going beyond the 22 spaces.

Mr. Dolan replied that 22 is the number that exists in the current arrangement.

Mr. Zahedani stated that the reciprocal agreement is a recorded, long-standing private agreement with ValleyCare. He added that there is additional commercial parking adjacent to the site that could be used for parking at this point rather than running across the street. He indicated, though, that the parking ratio is 1.7-to-1, which is almost two cars per unit. He reiterated that they own and manage their buildings and they have on-site management; so if there is a problem, it would be their problem and they would resolve it. He added that that is the number they are comfortable with in their 6,000 units.

Commissioner O'Connor asked Mr. Zahedani if a 1.7-to-1 ratio is more than adequate in their other apartment complexes.

Mr. Zahedani said yes. He stated that they made a mistake once with 1.5-to-1 as led by the jurisdiction, and this resulted in problems for which they had to find alternative means of parking.

The Commission then proceeded to discuss the Work Session Topics.

*A. Would the Planning Commission support the exceptions noted above if the project were to move forward?*

Commissioner Olson stated that he did not have any problem with any of the four exceptions.

Commissioner Narum stated that she would like the applicant to explore possible access from the street level patios to the units that front West Las Positas Boulevard to get up to 23 units with direct street access.

Commissioner Pearce agreed with Commissioner Narum that she would like to see that possibility explored so the Commission can take a look at it.

Commissioner O'Connor stated that he would also support that. He indicated that he did not think it was that critical but that it would be good if it could be accommodated.

Acting Chair Blank agreed. He added that he did not think it is a deal breaker but that it would surely be a nice amenity and the applicant to say they went the extra mile and did this.

Commissioner Pearce stated that having sat on the Hacienda Task Force and the Housing Element Task Force, a large part of the discussions was the walkability and the community feel that the City is trying to engender as integral to the project.

Commissioner Narum agreed, noting that the intent is to give the residents the possibility of just walking over to where the future WalMart grocery store is going to be.

*B. Are the on-site circulation, parking layout, and positioning of the buildings acceptable?*

Commissioner Pearce stated that she was comfortable with the circulation, especially given Mr. Tassano's comments. She added that parking appears to be sufficient; the parking ratio is good, and she is fine with the positioning of the building.

Commissioner O'Connor stated that he was fine with the circulation layout. He indicated that he may have missed one follow-on question on setbacks and that he was a bit concerned about the three-foot setback in this one corner which is pretty tight.

Commissioner Olson stated that it was the reason he inquired about how far apart the buildings are.

Mr. Dolan stated that it is a very relevant question about the buildings because that property line is just an imaginary line in the middle of the parking lot; it is not a distance from anything except ownership line and so there is quite a bit of distance between it. He noted that upon re-examination of the graphic, he thinks it is at least 75 feet or the width of two parking spaces.

Commissioner O'Connor inquired if that three-foot setback is away from the grass area that currently exists there.

Mr. Zahedani explained that it is an imaginary line going down the street. He added that one more caveat is that the reciprocal agreement essentially makes that a part of the property.

Commissioner O'Connor commented that since it is then really right in the middle of the reciprocal parking area where one would drive down, his concern is gone. He added that he is fine with the circulation plan.

Commissioner Olson said that he is good and has no problem.

Commissioner Narum stated that she is also good with it. She added that she would like to take the opportunity to encourage the other access for those living off of Stoneridge Drive, potentially to alleviate a little bit the fear on West Las Positas Boulevard.

Acting Chair Blank agreed with Commissioner Narum. He indicated that he has no real question about traffic but just a couple of general comments for the applicant concerning the community's concern about traffic and parking. He encouraged the applicant to do whatever they can when the application comes back to the Commission to dissuade the fears of the community in those areas. He noted that the Safeway project presented extremely high-quality visuals that showed the project from all different viewscapes, with landscaping as well as without landscaping, and it really

helped the public understand what the project would look like. He encouraged the applicant to pursue that as part of their application package.

*C. Are the proposed on-site recreation facilities and amenities acceptable?*

Commissioner Narum said yes. She indicated that she was thrilled to see the tot lot and the open space where little children can play.

Commissioner Pearce agreed with Commissioner Narum.

Commissioner O'Connor stated that he was happy with the proposal.

Commissioner Olson stated that he was glad to see the open space for dogs.

Acting Chair Blank stated that he is really pleased. He noted that he particularly really liked the positioning of the tot lot and thought it was very cleverly done.

*D. Are the building designs, colors, materials, and heights acceptable?*

Commissioner O'Connor commented that it has the Pleasanton look.

Acting Chair Blank stated that he thinks so.

Commissioner O'Connor stated that he was impressed and likes the color board as well.

Commissioner Olson stated that when he went through this package, he thought this project just looks terrific if I look at this; however, the west elevation on page A-5.4 looks pretty stark. He inquired if this is what he would see if he was in the middle of Tassajara Creek.

Mr. Zahedani said yes.

Commissioner Olson stated he was pleased and loves the project.

Acting Chair Blank stated that if that is the view from the creek, then he is fine with it.

Commissioner Pearce stated that she appreciated the visuals that compared the project to Verona. She indicated that the project looks lovely, and she likes the Mission style; however, she expressed concerns about the bars on the windows and does not understand them.

Commissioner Narum stated that it looks really good. She indicated that she also has a little bit of a question about the bars on the windows and the arches on the community building around the pool. She stated that it maybe dates it a little bit and it is not a deal breaker for her.

Acting Chair Blank suggested that the number of bars on the window be reduced and suggested that the applicant have their architects work on it. He then asked staff and the applicant if they have what they needed.

Mr. Dolan said yes.

Mr. Zahedani said yes as well.

No action was taken.

**c. PUD-87, Sares Regis/E&S Ring**

**Work Session to review and receive comments on a Planned Unit Development application to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements at the property located at 3150 Bernal Avenue (southeast corner of Bernal Avenue and Stanley Boulevard). Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) and PUD-C (Planned Unit Development – Commercial) Districts.**

This item has been continued to the November 28, 2012 meeting.

**d. P12-1753, City of Pleasanton**

Application to amend Title 18 (Zoning) of the Pleasanton Municipal Code to modify Chapter 18.08 (Definitions) and to add Chapter 18.108 (Cottage Food Operations) establishing a permit process and performance standards for home-based food production and sales in residences.

This item has been continued to the November 28, 2012 meeting.

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

Acting Chair Blank noted that the language about the Consent Calendar was missing from the Agenda and requested that it be restored as it would be of great relief to the Chair.

Acting Chair Blank requested that the slides displayed during the PowerPoint presentations be indexed to correspond with the pages on the project plan exhibits. He noted that this would help the Commissioners to figure out which page on the plans the slide was referring to.

Finally, Acting Chair Blank inquired if it was necessary to designate a Vice Chair now that there are only five members left on the Commission or if they could just continue on.

Ms. Harryman replied that it was not necessary to have a Vice Chair.

**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**

Commissioner Pearce advised that the East Pleasanton Specific Plan Task Force met last week and did a lot of visioning. She noted that the Task Force is making great strides and had an interesting conversation about economic analysis and traffic. She stated that they also had some interesting conversation about Zone 7 and what can and cannot be done with the lakes. She added that they are going to have community outreach on the November 29, 2012 at Mohr Elementary School.

Commissioner Pearce continued that the Historic Preservation Task Force is meeting tomorrow night and would be discussing the Context Statement.

**9. ADJOURNMENT**

Acting Chair Blank adjourned the Planning Commission meeting at 9:40 p.m.

Respectfully,

JANICE STERN  
Secretary