



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, January 11, 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 January 11, 2012, was called to order at 7:00 p.m. by Chair Jerry Pentin.

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

1. ROLL CALL

Staff Members Present: Brian Dolan, Community Development Director; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Rosalind Rondash, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. November 30, 2011

Commissioner Blank moved to approve the Minutes of the November 30, 2011 meeting, as submitted.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

The Minutes of the November 30, 2011 meeting were approved, as submitted.

b. December 14, 2011

Commissioner Narum stated that she did not get a copy of the Minutes in her packet and requested that its consideration be continued to the next meeting as she has a couple of changes and would like to have a chance to read them.

Commissioner Blank asked staff if continuing it to the next meeting would hold any item that needed to move forward.

Janice Stern said no, stating that the one item that has been appealed to the City Council has been continued to a future meeting.

Commissioner Blank stated that he thinks something is missing in his comment in the sixth paragraph on page 9.

Brian Dolan stated that staff will bring these Minutes back at the next meeting and the Commission will have the opportunity to make corrections then.

Commissioner Blank requested that a copy of the Minutes either be included in the packet for the next meeting or emailed to the Commissioners.

The item was continued to the January 25, 2012 meeting.

Chair Pentin stated that he would like take this moment to thank Commissioner Kathy Narum for being Chair the past year and the good work that she did, noting that it was a very busy year for the Planning Commission.

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

Ms. Stern advised that there is a member of the public who would like to speak on Item 5.a., PTR-7721, Ponderosa Homes, Carol Lehman, and William and Kathryn Selway.

Chair Pentin indicated that Item 5.a. will be moved from the Consent Calendar to the first item under Item 6., Public Hearing and Other Matters.

Mr. Dolan advised that staff had received a request from Joe and TinaMarie Perry, neighbors of Rodney and Trina Lopez, applicants for Item 6.a., to continue the item. He noted that the Lopezes did not oppose that continuance and that none of the parties are present tonight. He added that the item will be continued to the January 25, 2012 meeting.

5. CONSENT CALENDAR

a. PTR-7721, Ponderosa Homes, Carol Lehman, and William and Kathryn Selway

Application for a Vesting Tentative Subdivision Map to subdivide an approximately 19.6-acre property located at 3157 Trener Drive and 2313 Martin Avenue into 31 lots consisting of 29 lots for 29 new single-family homes and two lots for two existing single-family homes; and ten remainder parcels for land to be conveyed to adjacent owners. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

This item was moved to be considered under Public Hearings.

b. P11-0818, Lake Tahoe Land Company

Application for a Conditional Use Permit for a shelter/animal adoption center/animal rehabilitation center (Maddie's Center) at 4280 Hacienda Drive. Zoning for the property is PUD-I/C-O (Planned Unit Development-Industrial/Commercial & Offices) District.

Commissioner Blank moved to approve the Consent Calendar, as revised per revised condition contained in email correspondence.

Commissioner Narum seconded the motion, with an amendment to Condition No. 1 of the Conditions of Approval as indicated in the staff memo dated January 11, 2012.

Chair Pentin stated that he received a phone call from Melanie Sadek of Valley Humane Society indicating total support for Maddie's Center. He added that while Maddie's Center is being built in Pleasanton, Valley Humane Society is doing what this Center will do and is in support of another opportunity to take care of pets.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

Resolution No. PC-2012-01 approving Case P11-0818 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

Item 5.a., PTR-7721, Ponderosa Homes, Carol Lehman, and William and Kathryn Selway

Application for a Vesting Tentative Subdivision Map to subdivide an approximately 19.6-acre property located at 3157 Trenery Drive and 2313 Martin Avenue into 31 lots consisting of 29 lots for 29 new single-family homes and two lots for two existing single-family homes; and ten remainder parcels for land to be conveyed to adjacent owners. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

Mr. Dolan stated that he believes the interest in this item is very narrow. He noted that the tentative map approves the lot lines that were shown in the Planned Unit Development (PUD) Development Plan and that there is not a lot of difference in the review. He added that staff does not have any new issues; however, there is one concern from a neighbor. He proposed that the Commission hear what it is, after which staff would respond.

THE PUBLIC HEARING WAS OPENED.

Kelly Cousins stated that the Ponderosa development is across the street from her home. She indicated that she is aware that work on this project has been going on for a number of years but that when she saw the staff report and talked to Marion Pavan, project planner, she did not see a whole lot of detail about the surrounding residences. She noted that as noted in the email she sent earlier to the Commissioners, a lot of the neighbors of the Ponderosa's project on Busch Road had complained that with respect to rodent control, there was an infiltration of rodents and concerns about dust that took the developer a long time to remedy. She stated that she knows there is a pest and rodent abatement plan but that it dealt primarily with the area to be developed and did not really include the properties around the development. She added that whenever there is any grading, rodents come out and into the neighborhood and into her house as well. She stated that she just wanted to make sure this was addressed and that an action plan is agreed upon by both the developer and the neighbors that will hopefully prevent that from happening. She noted that she did receive an email from Ponderosa

via Mr. Pavan providing in detail what Ponderosa is proposing. She added that she thinks it is good that Ponderosa will be coming around to the neighbors and checking the premises before the grading begins so they can see the condition of the neighbors' yards, and then come back and either remedy some of the tunneling or the pests that may have migrated into their yards.

With respect to dust control, Ms. Cousins stated that she is aware that residents on Palmer Drive have been given opportunities to talk to Ponderosa about the possibility of getting some kind of power-washing or window-washing. She added that she would like to have the same periodic power-washing or window-washing, if possible, for however long this process takes, but that she has not received any information regarding that. She concluded that she would like to have it on record that she has the assurance that staff and Ponderosa will work with the neighbors on these issues.

Commissioner Blank asked Ms. Cousins if, based on the Ponderosa email, she is satisfied in terms of the dust and the rodent control issues.

Ms. Cousins said yes and that she thinks it is a great solution. She added that she has given permission for Pamela Hardy of Ponderosa Homes to come visit her house for a preliminary look at her yard to determine if any rodent infiltration has started.

Mr. Dolan stated that staff recognizes that this is a real issue and pointed out that there are two conditions that address both rodent control and dust control and that this was specifically discussed in the PUD approval at the City Council. He explained that the condition reads that a plan is to be submitted and has to be approved by staff in advance of approval of the improvement plans, which is a step further down the line. He added that staff has also committed in a meeting with some of the neighbors, at which Ms. Cousins was not present but was on a conference call, that when staff gets to the point of reviewing that plan, it would also be reviewed with the neighbors to ensure that everyone is on board with what the specifics are. He indicated that while the absolute specifics of those plans have not been worked out, there is a requirement to do them, and there is a timeline and an obligation to meet with the neighbors to address their concerns in advance of approving them. He noted that this is on record, that staff made that promise to the Council in public.

Pamela Hardy, Ponderosa Homes, stated that as a follow-up to Mr. Dolan's statement that this is a limited topic and that dust and rodent control were the same conditions imposed on the project in 2006, Ponderosa went one step further more recently and had its consultant go out on the site and update that report. She noted that unlike other rodent control programs prepared in the past for other projects, Ponderosa has taken a proactive approach and had its consultant, an animal and rodent specialist, go out and actually evaluate the population on-site to establish a baseline before the grading starts. She added that Ponderosa is working with the City Engineer in this regard and feels that it can substantially put a dent in the existing population now before Ponderosa even gets onto the site. She noted that she thinks that if the rodent population can be reduced now, migration can also be reduced.

Ms. Hardy stated that the neighbors were right that Ponderosa had some rodent population at its Busch Road project, but again, a quarter-million cubic yards of dirt were moved on that site. She explained that it was a hugely different project that took five years to construct and that the site was actually farmed. She added that she moved into the site in the first phase of the project and has first-hand knowledge of this problem, ticking off on a chalk board the number of mice they were catching in the house. She indicated that, in contrast, this proposed project will import only 3,000 to 3,500 cubic yards of dirt and the grading will not be really substantial. She recognized that there will be construction equipment and things of that nature and that there might be some rodent migration, although she is confident that that will be really minimal because the project will have much greater containment with those proactive approaches. She noted that if there is an increase in rodent activity that looks like it is directly related to the project, Ponderosa will work with the neighbors on an abatement program. She added that if dust migrates onto the other properties and causes a problem, Ponderosa commits to power-washing the windows of those houses and will work with the neighbors on that as well.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to find that the Vesting Tentative Subdivision Map, Case PTR-7721, is covered by the approved Mitigated Negative Declaration for PUD-50-01M and is consistent with the General Plan; to make the subdivision map findings as stated in the staff report; and to approve Case PTR-7721, subject to the Conditions of Approval stated in Exhibit A of the staff report. Commissioner Narum seconded the motion.

ROLL CALL VOTE:

**AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None**

Resolution No. PC-2012-02 approving Case PTR-7721 was entered and adopted as motioned.

- a. **PADR-2090, Rodney and Trina Lopez**
Application for a modification to a previously approved Administrative Design Review application (Case PADR-2090) for additions totaling approximately 1,118 square feet at 6114 Homer Court to modify Condition No. 8 of City Council Resolution 11-420 regarding a skylight. Zoning for the property is R-1-6,500 (One-Family Residential) District.

This item was continued to January 25, 2012 at the request of the affected neighbor.

b. P11-0997, City of Pleasanton

Recommend approval to the City Council of an amendment to the City of Pleasanton General Plan Air Quality and Climate Change Element to adopt a Climate Action Plan by reference.

Ms. Stern stated that Daniel Smith, Operations Services Director, will be presenting the staff report regarding the Climate Action Plan. She indicated that what the Planning Commission is specifically being asked to do tonight is to consider a General Plan Amendment to the City of Pleasanton General Plan Air Quality and Climate Change Element to adopt a Climate Action Plan by reference. She advised that the proposed wording changes are contained in Exhibit B of the staff report.

Daniel Smith stated that similar to the Housing Element, the Climate Action Plan (CAP) is close to the finish line and getting ready to go back to Council with the final draft. He noted that there really have not been many technical changes in this Plan, which is the final formatted version, from when the Commission first considered in as a draft. He added that the changes are more cosmetic, and his goal tonight is not to go back through what he went through with the Commission the last time, but specifically to identify what the changes are before the Commission makes its recommendation to the City Council.

Chair Pentin noted that he does not see a copy of the Plan in any of the Commissioners' hands and, therefore, thinks that all the Commissioners have agreed to the pdf version online. He stated that he thinks this is a good step in the right direction for the CAP and thanked the Commissioners for that.

Mr. Smith started with an overview of what he wanted to talk about tonight. He stated that during the Supplemental Environmental Impact Report (SEIR) process, the draft CAP went to the Bay Area Air Quality Management District (BAAQMD) for its review and, as a good regulator, came back with a comment letter asking the City to do more than what was in the Plan. He noted that staff had been working closely with the District and with its representatives, made some CAP adjustments.

Mr. Smith then proceeded to give a summary of the BAAQMD comments and the changes made to the Plan. He noted that staff had anticipated that the District may ask to revise or strengthen some of the things that were in the Plan, and staff had saved some elements that were not included in the Plan in the event that this occurred. He stated that the District asked for four revisions:

1. Distribute the potential greenhouse gas (GHG) reductions from Community Engagement to the appropriate sector. Quite a few of the elements were included in outreach and education, and the District felt more comfortable about putting them in more of the traditional categories, even though it felt the scientific backup was credible and the strategies viable.

2. Eliminate the particular measure which the City incorrectly included in emission reductions from future fuel price increases. This was considered a little bit on the leading edge with about 19,000 metric tons applied to the CAP, possibly because the City did not really have to do anything to get that reduction. The District was more comfortable with not having that in the CAP and having strategies instead.
3. Strengthen Mitigation Measure TDM2-9, a transportation demand management program. Staff felt it was important to act on one of the specific recommendations made, which was fairly insignificant in terms of what it requires the City to do.
4. Change “incentivize” to “require” in all land use measures addressing development of codes related to density, infill, mixed-use, and transit-oriented development (TOD). One of the City’s goals from the beginning was not to have a CAP that was filled with new regulations but to collaborate with the community and the business community.

Mr. Smith then displayed two pie charts, the first showing the initial draft CAP projections with Commercial and Municipal and Residential Energy adding up to four percent, and Public Education and Engagement at 13 percent; and the second showing the final CAP where Public Education and Engagement had been eliminated with most of it going into Energy Efficiency and Generation and some into Land Use and Transportation.

Mr. Smith then presented the CAP adjustments made as follows:

- Municipal development codes (TDM2-9) were modified to require new non-residential projects over a certain size and configuration to implement at TDM program capable to reducing weekday peak-period vehicle trips by at least 20 percent.
- Calculations of the City’s Green Building Ordinance (EC1-2) were corrected to require new and significantly remodeled buildings to incorporate measures from Build It Green (BIG) green building guidelines.
- Implement PG&E Partnership Program (EC2-2), a multi-year integrated resource strategy that incorporates PG&E’s Core, Third Party, Local Government Partnership, Demand Response, Clean Air Transportation, Distributed Generation, and other pertinent programs.
- Lead and participate in Solar Cities Program (ER2-2), a customer-assistance program designed to facilitate the purchase and installation of photovoltaics and other energy-efficient technologies for residential, commercial, and municipal facilities.

Mr. Smith then displayed a chart demonstrating the GHG Reduction Potential in both the Draft and Final CAP. He also presented a summary of the Draft CAP Projections and the Final CAP Projections. He noted that the City will still meet the AB32 target with a buffer of 5,121 MT CO₂e.

Mr. Smith noted that in its January 6, 2012 letter, BAAQMD agreed with the changes made in the CAP and indicated that the City has the requirements of a qualified CAP. He requested the Commission, based on that letter and the changes listed in Exhibit B, to recommend to the City Council to amend the General Plan Air Quality and Climate Change Element to adopt the Climate Action Plan by reference. He added that after Council certifies and adopts the Plan, staff will be prioritizing some of the short-term, mid-term and long-term goals and will continue the community program that staff has been involved with the last few years.

Commissioner Blank stated that he was pleased with the revised draft. Commissioner Narum agreed. She stated that she thinks it is a really complete document and that it makes sense.

Chair Pentin told Mr. Smith that he did a good job.

Mr. Smith stated that he appreciated the comment but that it was a team effort; Planning and a lot of the Operations Services staff were involved in this.

Mr. Dolan stated that from the Planning perspective, the best thing about this is the fact that, as Mr. Smith addressed in his presentation, instead of every project that comes forward having to do a greenhouse gas analysis, this Plan gives Planning the clearance, and all staff has to do is evaluate the project for consistency with this Plan, and this is a great thing for applicants because it relieves them of that obligation and saves them a lot of time and money.

Commissioner Blank stated that staff needs to figure out a way to communicate that to the development community, especially since there seems to be such little good news these days for developers.

Commissioner Olson agreed this was a good idea.

Commissioner Blank noted that City staff has really done a great job and deserve a lot of credit because of the quality of that work and there is relief.

Commissioner Narum noted that it goes a little bit along the streamlining efforts of the Customer Service Review Team (CSRT) which included Peter MacDonald and Pamela Hardy.

THE PUBLIC HEARING WAS OPENED.

There were no speakers.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to recommend approval to the City Council of Case P11-0997 to amend the City of Pleasanton Air Quality and Climate Change Element to adopt a Climate Action Plan by reference. Commissioner Narum seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

Resolution No. PC-2012-03 recommending approval to the City Council of Case P11-0997 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Commissioner Olson stated that some neighbors have approached him with concerns about the Redcoats British Pub and Restaurant on St. Mary's Street and that it was not a pretty picture. He recognized that it has been before the Commission once or twice in the past due to some controversy and requested staff to review the Conditions of Approval for that business and determine whether some actions need to be taken.

Commissioner Blank inquired if it would be appropriate for Commissioner Olson to share those concerns in general with the Commission at this time as background information or if he thinks it is premature.

Commissioner Olson replied that it would be great but that he did not wish to discuss it tonight; he just wanted to get it on the record.

Commissioner Pearce inquired if staff has an awareness of the concerns of the community.

Mr. Dolan replied that he is not aware of any recent complaints but that staff would be happy to talk about them with Commissioner Olson if there are specifics he would like to share with staff.

Commissioner Olson indicated that he prefers to speak with Mr. Dolan directly.

Chair Pentin stated that Commissioner Narum and he would be attending the Downtown Hospitality Task Force meeting tomorrow and that he thinks these concerns dovetail right into that so they can certainly bring that up at that meeting.

Commissioner Narum indicated that she is not sure if it is appropriate to bring it up at that meeting. She noted that if staff is sitting there with no awareness, she would like to

see first if there are really some concerns. She added that some of these neighbors should talk to staff so staff can get a sense of what these concerns are have a shot at resolving it before taking it to the Commission.

Chair Pentin stated that he thinks the mission of Downtown Hospitality Task Force is also able to deal with exactly this.

Commissioner Blank noted that sometimes neighbors feel more comfortable to talk in private.

Commissioner Narum agreed. She stated that what she would like to see is for Commissioner Olson to speak with staff and encourage the people talking to him to talk to staff as well. She added that she can believe there are some issues but thinks they should be handled from the bottom up as opposed to from the top down.

Commissioner O'Connor inquired if Planning staff would have been notified if there were complaints made at some other place such as at the Police Department. Mr. Dolan said yes.

Commissioner O'Connor commented that it sounds like no formal complaints have been received.

Commissioner Blank stated that there have been times when he has had community members come up to him concerning issues and have asked him to check them out, and he has brought those issues up at the Commission meeting for staff to look into.

Commissioner Olson noted that that is exactly what he is doing.

Commissioner Blank stated that he does not want to over-rotate and make this a bigger thing than it is, but he also wants to be respectful to Commissioner Olson bringing it forward as part of the Commission living in this community. He noted that people approach the Commissioners because they are their neighbors, and he thinks that is fine.

Commissioner Olson stated that he and his wife recently were in the area at night and noted that it is instructive to go look at the place. He indicated that he will talk directly with staff and will also ask the individuals who have brought the issues to his attention to talk with staff. He noted that these are reputable people who have been in this community for a long time.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

Commissioner Narum inquired if the Commission was going to have a workshop.

Mr. Dolan replied that the Councilmembers have requested that they have the benefit of a workshop on the BRE projects just like the Planning Commission did. He stated that the idea is to have the Planning Commission host a second workshop on the BRE projects with the Council as guests in the Commission's Chamber. He added that it will be a Planning Commission meeting, and the Commission will possibly have other items on its agenda. He continued that the tentative target dates are February 22nd for the workshop and March 14th for the Planning Commission public hearing and action.

Commissioner Narum stated that she is about 95 percent certain that she will not be able to attend the February 22nd meeting.

Commissioner Blank stated that he is reasonably certain that he will not be at the February 22nd meeting as well. He noted, however, that he will be at the Downtown Historical Task Force meeting on February 23rd.

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.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

No discussion was held or action taken.

12. ADJOURNMENT

Chair Pentin adjourned the Planning Commission meeting at 7:40 p.m.

Respectfully,

JANICE STERN
Secretary