



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, July 13, 2011

(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 July 13, 2011, was called to order at 7:00 p.m. by Chair Kathy Narum.

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

1. ROLL CALL

Staff Members Present: Brian Dolan, Community Development Director; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Associate Planner; Marion Pavan, Associate Planner; Jenny Soo, Associate Planner; Mike Fulford, City Landscape Engineer; Wes Jost, Development Services Manager; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. June 22, 2011

Commissioner Blank requested that the second sentence of the eighth paragraph on page 25 be amended to read as follows: "He reiterated again that he feels this ~~is~~ devalues the work of the Task Force." He then asked Commissioner Olson if he wished to address the word "unravelness" on page 24.

Commissioner Olson stated that he does not recall using the word “unravelness” in reference to the sentence in the sixth paragraph of page 24. He indicated that the point he was trying to make was that it was uncertain just what HCD will come back with as far as which properties would be acceptable and which would not. He requested that the sentence be modified to read as follows: “Commissioner Olson stated that he felt it was in a state of ~~unravelness~~ uncertainty now because the City does not know what the HCD will return with.”

Commissioner Olson further requested that the sentence in the ninth paragraph on page 29 be modified to read as follows: “Commissioner Olson stated it was not going down a slippery slope because part of the process is for the Commission to do just this in order to arrive at a refined list.”

Commissioner Blank moved to approve the Minutes of the June 22, 2011 meeting, as amended.

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 June 22, 2011 meeting were approved, as amended.

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

There were no revisions or omissions to the agenda.

5. CONSENT CALENDAR

There were no Consent Calendar items.

6. PUBLIC HEARINGS AND OTHER MATTERS

- a. PUD-82, David DiDonato, Donato Builders, Inc.
Application for Rezoning of an approximately 1.17-acre site located at 4171 and 4189 Stanley Boulevard from R-1-6,500 (One-Family Residential District to the PUD-HDR (Planned Unit Development – High Density Residential) District and for Planned Unit Development (PUD) Development Plan approval to construct 13 detached single-family homes.**

Marion Pavan presented the staff report and described the scope, layout, and key elements of the proposal.

Chair Narum requested Mike Fulford, City Landscape Engineer, speak about the general health of the trees within the project site.

Mr. Fulford stated that he understood there has been some confusion with regard to the tree reports for the project and apologized that it may have been due to the fact that he had commissioned a second tree report about a year-and-a-half after a first tree report was prepared in January 2009 by Ed Brennan, a very capable consulting arborist, who is on the City's list of consulting arborists, at the request of the developer and the Planning Division. Mr. Fulford indicated that Mr. Brennan inspected 22 trees on the property and rated them with respect to their health and value. He identified three of the trees as the prominent Deodar Cedar trees located at the front of the property, numbered Trees # 61, 62, and 64, which, at that time were found to be in moderate to good condition. Mr. Fulford continued that about a year later, Tree #62 suffered a catastrophic branch failure. He noted that all three trees have suffered some catastrophic branch failures in the past, but Tree #62's was particularly bad, and the property owner, Robert Molinaro, submitted an application to have all three trees removed.

Mr. Fulford stated that because these were prominent heritage trees, he looked closely into them and commissioned an independent study by HortScience, Inc., which reported in July 2010 that all three trees were healthy, although Tree #62 was in very bad structural condition and recommended that it be removed. Mr. Fulford indicated that he allowed the property owner to remove Tree #62 based on the fact that it was significant threat to public safety, but this has not yet been done. He added that sometime in the distant past, about 30-40 years ago, all three trees were topped, which is an unacceptable pruning practice because it indiscriminately lowers the height of the tree without regard to its structure. He noted that after the topping, the three trees grew out and now possess a pretty bad structure.

Mr. Fulford stated that in the first tree report, Tree #62 had an appraised value of \$16,000. He noted that if appraised today, its value would be a lot less, maybe nothing, because of its structural problem.

Commissioner Blank inquired if Trees #61 and #64 also had structural problems.

Mr. Fulford replied that they do have structural problems but not to the degree that Tree #62 has. He added that the pruning recommendations in the HortScience report suggest that both trees could be preserved if judicious pruning took place, which would reduce the end weight of some of the big long overhanging branches and minimize any future branch failures, which would make them good trees that could last in the landscape for a very long time.

Commissioner Blank inquired what Trees #61 and #64 would be appraised for in today's valuation.

Mr. Fulford replied that they would probably have the same value as appraised in the first Tree Report of \$11,250 for Tree #61 and \$13,700 for Tree #64. He added that it is likely that another consulting arborist would value them the same.

Commissioner Blank inquired if the noise level numbers presented were the amount of the reduction of noise or the anticipated noise level inside of the bedroom.

Mr. Dolan replied that this was the noise inside the house. He indicated that this information was provided primarily based on some comments from Councilmember Sullivan, following the determination at some discussion that it was just not practical to reduce noise levels when the train goes by and blows its whistle because it would require a 40-foot wall. He pointed out that the mitigations proposed meet the noise levels in the General Plan, except when the train goes by and the whistle blows. He noted that Councilmember Sullivan understood that during those times, the noise level would be above the General Plan noise levels, and his question was merely and essentially how bad that noise level will be.

Commissioner Blank stated that the intent of the noise disclosure was not just that it be disclosed but that it be disclosed separately and in plain language because of noise sensitivity. He noted that most disclosures are highly technical, and deed disclosures, in particular, tend to be full of legalese which is something that is difficult to understand.

Mr. Dolan stated that this could be done.

Commissioner Blank noted that following the Commission's project review and its recommendations at the workshop, there were no changes made in the density, the FARs, or the setbacks; there was no significant change in terms of the open space area other than the addition of the play structure; there was no change in parking, a modest change in tree removal, some change in the shading to the photovoltaic panels, and no change in the noise or vibration. He asked staff if this was correct and in what areas were real changes made.

Mr. Pavan replied that Commissioner Blank was correct.

Commissioner O'Connor agreed with Commissioner Blank and noted that staff had proposed the play structure, to which the applicant has not agreed.

Commissioner Pentin noted that the current plan is significantly different than what was originally sent to the City Council and that the workshop was to identify this new plan which the applicant is putting in front of the Commission. He asked staff if this was correct.

Mr. Pavan said yes.

Mr. Dolan stated that Commissioner's Blank's summary was accurate. He added that it would be fair to say that the applicant made some changes in response to the Council's comments, and the Council then re-directed the application back to the Planning Commission, who had additional requests, and the only change made since that time was saving two more trees.

Commissioner Pentin requested clarification that the sound levels presented are based on the sound inside which anticipated the train and train whistle combined.

Mr. Pavan confirmed that was correct.

Commissioner Pentin noted that Lot 1 has a Window STC Rating of 28. He inquired what the difference was between STC 28 and STC 46 and if STC 46 was better.

Mr. Pavan said STC stands for Sound Transmission Class which is predicated upon a variety of factors, including how the various aspects of structural are constructed. He explained that a sound in and STC 46 window is very involved; for example, a sliding glass window would have an outside window of two panes with air space in between and an inside window of either single or dual panes, resulting in 4.5- to 5.5 inch thick window assembly.

Commissioner Pentin inquired whether the windows of the bedrooms on Lot 2, 3, and 4 are not affected in the same way.

Mr. Pavan replied that the windows in those units were not evaluated in the second noise analysis.

Commissioner O'Connor inquired what the Municipal Code allows as the loudest at peak interior to a bedroom.

Steve Otto replied that that the General Plan standard for train noise is 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms.

Commissioner O'Connor inquired why then up to 75 dBA is being allowed in the bedroom.

Mr. Dolan replied that a dialogue was actually held about this and the fact that it is impractical to reach the City's standard when the train goes by on this property or any other property along the railroad. He added that this is the noise level for people who live all along the line and that it is just the understanding of a practicality that anyone cannot, in any reasonable way, mitigate it down to the standard during that short duration when the train goes by.

Commissioner O'Connor inquired what decibel level is expected when the train goes by if the whistle was removed from the equation.

Mr. Dolan replied that this was not distinguished. He noted that the trains only blow the whistle when required to and that they have no choice at the crossing.

THE PUBLIC HEARING WAS OPENED.

Chair Narum disclosed that she met with Mr. Paul Martin.

Paul Martin, representing Donato Builders, applicant, and Robert Molinaro, property owner, stated that he would like to bring up three items: the first and second deal with Condition No. 45, payment of the developer's fair share of the Capital Improvement Program costs for the reconstruction of Stanley Boulevard; and Condition No. 105, payment of the in-lieu park dedication fees. He indicated that his concern is not with the payment itself but with the timing of the payments. He noted that Condition No. 45 requires payment prior to Final Map and Condition 105 requires payment prior to approval of the Map. He explained that normally, in construction financing, these will be part of the line items to be funded by the bank, and construction financing cannot be obtained until a Final Map is approved. He requested that the timing of the payment be changed to prior to issuance of the grading permit or before work starts to allow them to put the project together in dealing with the financing.

Mr. Martin stated that the third item deals with Condition No. 42 regarding the installation of playground equipment for the tot lot. He indicated that their issue is not that they do not want to have a tot equipment for children in the subdivision but for two reasons: (1) there is a rash of litigation all across the country over tot lot equipment, and it is a liability which almost guarantees that they will be sued; and (2) it has been his experience that use of tot lot equipment depends on the demographics of the residents moving into the subdivision. He proposed that they will fund the tot lot equipment if the homeowners association (HOA) wants this installed, tied to a vote of the HOA after the sale of the 10th or 11th lot so they have an idea of who's living there. He added that in the meantime, prior to that decision, the developer would propose constructing the tot lot as shown in landscape plans that have been submitted.

With respect to the tot lot, Commissioner Blank asked Mr. Martin how it could be ensured that this is really the desire of the HOA without being overridden by the builder, as the builder has the ability to go over the HOA. He added that he assumes the developer would fund the tot lot and not defer the cost to the HOA.

Mr. Martin replied that what he would like to do is put it in the CC&R's, which the City Attorney will review, that this would become a decision of the residents once the 11th sale is completed. He noted that after the 11th unit is sold, the builder would theoretically have two votes for the two remaining units, assuming all the units have not yet been sold. With respect to the funding of the tot lot, he proposed that to guarantee their performance, it could be included in the subdivision bond which will guarantee all performance under the conditions.

Emilie Cruzan stated that she has addressed the Commission before about the development and indicated that her desire is that the heritage trees be retained on Stanley Boulevard. She expressed her disappointment that the developer is still insisting on removing the trees and instead of replacing them with comparable heritage trees, will put in houses. She noted that once the houses are built, there will be no ability for trees of that size to be on that street in that location.

Ms. Cruzan stated that the Deodar Cedars are only 25 feet from the property line. She noted that most of the acreage is bare so there is plenty of room for a lot of the units without removing the trees. She indicated that these trees are important because of their proximity in the neighborhood to the creek, they filter out noise from the train and particulate matter from the street, they provide a habitat for a lot of animals, and they are part of the City's heritage. She asked the Commission to consider this when it makes its decision.

Ms. Cruzan also questioned the process, stating that she was under the impression that when applicants receive direction from the Planning Commission and City Council they are required to consider it strongly. She noted that it appears that the applicant has not done that as the plan is basically the same plan they came up with in the first place, with the exception of the little change in the parking and one change in the lot. She indicated that she was not sure what that means for the process and that she was surprised to find so little compliance with the Commission's recommendations.

Chair Narum advised that she would have staff respond to the question at the end of the hearing.

Christine Bourg, speaking in place of Linda Garbarino, President of Pleasanton Heritage Association (PHA), who is attending another meeting. She stated that PHA agrees basically with Ms. Cruzan's comments regarding saving as many of the trees as possible and that she was happy to hear Mr. Fulford's report that two of the Deodar Cedars can be saved, and hopefully others can be as well. She added that she would be interested in hearing the discussion about that.

Ms. Bourg stated that PHA has several concerns and observations, one of which is the missed opportunities for historic Downtown, specifically the protection of historic neighborhoods and homes. She noted that Stanley Boulevard has continued to deteriorate over the last 15-20 years since the first home was demolished there and a

high density development was built. She pointed out that this continued down the line on the northeast side, and eventually the property values for homeowners on the other side will be affected. She added that just as important is the entryway into the historic part of the City which has not been protected. She stated that if neighborhoods and homes are allowed to deteriorate, as this one has been, by neglect or by development interests, the next course after demolition would be new development. She indicated the PHA's concern in how the City can protect this from happening to future neighborhoods in current homes in vintage neighborhoods, such as those near the Fairgrounds that could be potential victims of this.

Ms. Bourg stated that another missed opportunity is the failure to incorporate the wonderful architect of the 103-year-old California bungalow into the new units to be built. She questioned why the architecture of the new dwellings does not reflect the vintage architecture, now that the bungalow is gone. She noted that if the criteria of the California or National Historic Registry are used to decide whether a home should be saved or not, very few would qualify. She added that the PHA has made this point before and that if it comes down to that, then her house on 2nd street will be lost because, while it is well maintained, no one famous ever lived there. She noted that the home on the proposed site was owned by a baker, and her home was owned by the town's game warden.

Darrel Walterson stated that he lives adjacent to the property to be developed and has solar panels. He requested the Commission to consider reviewing the shading of the solar panels again before the project is approved. He also expressed concern about access to the sides of his detached garage for maintenance due to the development's setback from the property line. He requested the Commission to consider this as well to ensure that he would be able to get there for maintenance work such as painting.

Mike Donohue spoke for his neighbor, Scott Eaton, who is a medical doctor and who had to leave because he got a call. He stated that Mr. Eaton lives across from the development and was concerned with the amount of additional traffic and off-street parking as he has two small children.

THE PUBLIC HEARING WAS CLOSED.

With respect to the applicant's request to defer payment under Conditions Nos. 45 and 105, Commissioner Pentin inquired if the City has done something like this in the past or has given a variance on when and how payment can be made.

Mr. Dolan replied that he has no issue with this in principle but that he would like the City Engineering staff to comment on what the pitfalls might be, if any.

Wes Jost, Development Services Manager, replied that the pro rata share would typically be based on the frontage of the property along the street, and this would be due up front at the Final Map approval by the City Council.

Mr. Dolan explained that the question is there is issue with the payment coming at a different time.

Mr. Jost replied that the Final Map would go to the City Council, and construction would follow shortly thereafter after the Map is recorded. He noted that there should not be any time lapse between the time the Map goes to the Council and when construction actually starts.

Commissioner Olson indicated that the applicant's point is that securing financing is contingent on that Final Map. He noted that the bank will not sign on the line and start the funding until it sees that the Final Map is a go and construction starts. He added that he thinks it is a very reasonable request and asked staff what level of fees are involved.

Mr. Jost replied that he was not sure as the Council has not made a decision on whether or not to underground utilities along the frontage of Stanley Boulevard. He noted that the frontage improvements will have significant impact on the costs.

Commissioner Blank stated that he seems to recall the Commission doing similar waivers in the past. He noted that he thinks there is little risk involved if payment is made upon the issuance of a grading permit, which would be approximately a week after the Final Map is approved. He added that the funding should be in place by then.

Mr. Jost noted that this would be different than what has been done for other projects similar to this. He indicated that he is not saying this is not possible but that the City has typically received all fees up front prior to going to City Council. He added that staff would also have to confer with the City Attorney's Office.

Mr. Dolan stated that if the Commission wanted to amend the condition directing staff to explore this, staff would support it if staff does not find any specific pitfall with it.

Chair Narum inquired if this would apply to the in-lieu park fees as well.

Mr. Dolan replied that staff would explore both.

Referring to Mr. Walterson's request regarding access to the side of his garage for maintenance reasons, Commissioner Pentin asked staff if Mr. Walterson's property is zoned differently or has different uses.

Mr. Pavan replied that the property is zoned R-1-6,500, which is a one unit per lot.

Commissioner Pentin noted that if the project is approved tonight and the neighbor is doing some sort of painting or work, it could be assumed that the work would be the same as what any other homeowner would do in their own garage, as opposed to commercial painting or uses. He asked staff if this was correct.

Mr. Pavan replied that he believes the owner is referring to maintenance upkeep of the walls of the detached garage.

Commissioner Blank inquired if the neighbor has access.

Mr. Pavan replied that access for this purpose can be defined in the Tentative Map and reflected in the Final Map. He explained that the situation Mr. Walterson is experiencing is no different than that for zero-lot-line single-family homes throughout the City, where an adjoining neighbor can request access from the next door neighbor to do work on his own wall, for example.

Commissioner Blank inquired whether this requires an easement.

Mr. Pavan replied that typically easements may be required and that staff would look at this at the Subdivision Map stage, which will come back to the Commission.

Commissioner Blank requested confirmation that the Commission did not have to do that tonight.

Mr. Pavan replied that the Commission could condition that tonight, but either way, it would be reviewed.

Commissioner Blank requested staff guidance on what to do with the shading of the solar panels.

Mr. Pavan noted that shading has already been addressed by the condition that trees in the open space area shall not shade the photovoltaic panels on Mr. Walterson's property. He further noted that a clearly worded disclosure has also been added on Lot 12 regarding the presence of the photovoltaic panels.

Commissioner Blank moved to find that there are no new or changed circumstances or information which requires additional CEQA review of the project and that the proposed PUD Rezoning and Development Plan are consistent with the General Plan and Downtown Specific Plan; to make the PUD findings for the proposed development plan as listed in the staff report; and to recommend approval of Case PUD-82, the rezoning of the project site from the R-1-6,500 (One-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District, and Development Plan approval to construct 13 detached single-family homes, subject to the conditions of approval listed in Exhibit B of the staff report, with the following modifications: (1) Conditions Nos. 45 and 105: payment of the applicant's pro-rata share of the City's Capital Improvement Project to reconstruct Stanley Boulevard along the project frontage and of the applicant's in-lieu park dedication fees, respectively, shall be made prior to the issuance of the grading permit instead of prior to approval of the Final Map; and (2) Condition No. 42: the installation of the tot lot shall be determined by the homeowners association (HOA).

The Commission also directed staff to address accessibility to the side of the neighbor's detached garage for maintenance purposes at the Tentative Map stage.

Commissioner Pentin seconded the motion.

Commissioner Olson proposed an amendment regarding plain language disclosure in the conditions of approval.

Commissioner Blank indicated that it is already included in the conditions.

Chair Narum proposed a modification to the condition on the playground equipment that it be installed in conjunction with the Landscape Architect's determination of what play structure would be appropriate for the limited space.

Commissioner Blank proposed the language "The type of play structure shall be subject to the review and approval of the Director of Community Development."

Commissioners Pentin inquired if the stipulation included that the builder would have the vote of the HOA after the 11th lot is sold and that the tot lot will be paid for by the developer.

Chair Narum said yes.

Commissioners Blank and Pentin accepted the amendment.

Commissioner O'Connor indicated that he is in agreement with Commissioner Blank's statement.

Commissioner Pearce stated that her position on this property is well-known and that she is gratified that the City Council returned this to the Commission for further work. She indicated that she thinks this is a better project than it was when it was originally forwarded to the City Council, which has always been her hope. She added that she believes the applicant has satisfied the Council's direction in what has been done with the project and that, therefore, she will support the motion.

Commissioner Pearce continued that she is disappointed that the house could not be saved; however, she believes that under the current City guidelines regarding preservation, these guidelines have been satisfied. She noted that an expert was asked to come in to determine whether or not this was a historical resource; the expert did that and determined that it was not. She reiterated that this underscores the importance of having historic preservation discussions, so that the City can determine what is important to the City and not be reliant on the State and Federal guidelines. She indicated that she is gratified that two additional trees have been saved but is disappointed that more could not be saved, although she understands the financial and other constraints of the project. She emphasized that she believes this is a very

appropriate site for affordable-by-design homes that are within walking distance to the Downtown.

Chair Narum agreed with Commissioner Pearce's comments and stated that she thinks this is not where the battle to saving houses is, that it is more to the south. She indicated that she wished more trees could be saved and that she supports the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

Resolutions Nos. PC-2011-20 recommending approval of the rezoning and PC-2011-21 recommending approval of the Development Plan were entered and adopted as motioned.

Chair Narum requested Mr. Dolan to respond to Ms. Cruzan's question regarding the role of the workshop.

Mr. Dolan explained that typically, there is a workshop at which the Commission expresses its concerns about the project, and the applicant listens and explores with his team to what extent they can respond to those concerns. He continued that when the applicant comes back with an application, the Commission will decide on whether or not the project merits its support. He indicated that this sometimes depends heavily on how responsive the applicant was to the Commission's comments and sometimes it does not. He noted that in this case, the sequence of events was unusual in that it went to the City Council and was recycled back to the Commission.

Commissioner Blank commented that the reality is that the Commissioners do a great job but what they say does not matter because the final arbiter is the Council. He indicated that the Commission has seen this before where the developers paid little attention to the Commission's suggestions, goes to the City Council, and then comes back with suddenly with changes, and the Commission gets to see it again.

Chair Narum clarified that workshops are informative and not binding, and that no vote is taken.

b. PCUP-185/P11-0043, Generations HealthCare

Applications for: (1) a modification to a previously approved Conditional Use Permit (UP-71-3, Pleasanton Convalescent Hospital) to increase the number of beds from the approved 129 to the currently operating 139 at the existing convalescent facility; and (2) Design Review approval for on-site modifications, including removing existing landscaping to add 10 parking spaces and removing the existing freestanding tower element located near the southwest corner of the building. The facility is located at 300 Neal Street and is zoned P (Public & Institutional) District.

Jenny Soo presented the staff report and described the scope, layout, and key elements of the proposal. She apologized that the Minutes of the 2007 Planning Commission meeting on this application was not attached to the staff report. She informed the Commission that a resident came to the Planning counter indicating her full support for the facility. She indicated that her mother is currently a resident at the facility and had to wait a long time to get in.

Ms. Soo also stated that staff is recommending that Condition No. 7 be modified to extend the time frame for completing the site improvements from 90 days to 180 days.

Commissioner Pearce inquired how long the facility has been operating with 139 beds.

Ms. Soo replied that the earliest license was in 1996, but the corporate office indicates the facility has been in operation for 30 years.

THE PUBLIC HEARING WAS OPENED.

Tom Olds, President and CEO of Generations HealthCare, stated that his organization owns and operates 18 facilities throughout the State of California. He indicated that this situation is an unusual experience because cities are not usually involved in their business. He stated that they do not dig into their history; rather, they go and find out what the licensing requirements are from the State. He noted that they want to be good members of the community and add value to the community, something they do a very good job of.

Mr. Olds stated that when they acquired this facility built in 1971 eight years ago, it was in gross disrepair, and they invested \$2-\$3 million to upgrade it. He explained that they originally got into this path because they wanted to develop the land in front of the facility to get more money to invest in the facility, and they really did not think there would be an issue with that but were surprised when it did. He indicated that they have spent year after year to improve the business, and he believes they have built relationships within the community and with the neighbors.

Mr. Olds stated that their application will no change anything in the way they have been operating this facility all this time. He indicated that they have licensure going back 15 years and have operated this facility that way; so he does not know where the disconnect is. He stated that with this application, they will be upgrading a lot of things, and if their application is not approved, the company will be greatly disadvantaged economically, and the community will be greatly disadvantaged as well. He noted that theirs is a very nice facility, and they do a great job. He added that there is no other facility like this in Pleasanton and none 20 miles outside of Pleasanton. He indicated that the demand for beds is very high, and people in the community would be disadvantaged by their losing the ten beds. He told the Commission that what they are trying to accomplish here is to be good neighbors and requested that they be allowed to keep those ten beds.

Steve Black, Director of Operations, Pleasanton Convalescent Hospital, stated that he meets every day with the residents, staff, and family members and pointed out that the ten beds will mean a lot to the community. He indicated that many people have aging parents or grandparents and do not realize the need for this facility until that time comes. He noted that they do not have enough beds in their facility, and the past week, they had to turn down eight people who then had to go to Tracy, Walnut Creek, or Hayward for care.

Mr. Black stated that having ten less beds to serve the community is detrimental. He indicated that the time and gas it takes to drive to Hayward and back on a daily basis do impact families. He noted that alternatively, many families elect to keep their loved ones at home to spend quality time with them, but that affects the home environment, as well as the resident who belongs in a facility. He added that not many people can afford that kind of home care; hence, there is a real demand in this community for facilities like this.

Mr. Black stated that he sat down with the neighbors over long period of time, and one problem that was brought up was parking. He indicated that they did a parking study and are building 16 additional spaces, which would help alleviate the stress. He noted that there are times when they have special events where the parking lot fills up from time to time, and there are other times when their parking lots are used by people attending activities in the Downtown, such as on Friday nights.

Mr. Black stated that the second complaint was about signage as ambulances, family members, and visitors would drive up the road and then turn around because they would miss the facility. He indicated that they are installing a sign and that they worked with the neighbors and City staff on its size, scope, design, color scheme, and lighting. He added that they have also proposed a wall to alleviate noise and light impacts on their neighbor from trucks backing into their facility.

Mr. Black indicated that they have made diligent efforts to make things work for everybody and asked the Commission to approve their request to keep the ten beds as it will greatly benefit the community.

Carol Bush, Senior Support Program of the Tri-Valley, stated that she cares for families who care for their aging loved ones. She indicated that their goal is to keep people in their homes independently as long as possible, and when they can no longer be independent, they step in and try to help the family find other resources. She noted that seniors are aging in place, and their income at 80 years old may only be what they had when they retired 20 years ago, between \$800 and \$3000 a month. She added that those with very low income in Pleasanton live in six senior housing facilities, which house a total of approximately 400 to 500 people. She stated that there are two assisted living facilities that cost more, with about 150 people living therein, and a third option is residential care homes of which there are about 10 to 15 in Pleasanton with a total of about 80 residents. She stated that the cost of caring for people living in their own homes and getting 24-hour care with a caregiver is anywhere from \$225 to \$300 a day; a 24-hour residential care home costs \$3,000 to \$4,500 a month; and a skilled nursing facility can run from \$7000 to \$8000 a month.

Ms. Bush stated that she sees well over 100 people every year who are looking for a resource where they could put their loved ones. She indicated that she has a number of people currently residing at the Generations HealthCare, and she marvels at modifications they have made and how well they have improved the facility. She noted that skilled nursing facilities like Generations HealthCare provide long-term care for people with low income through Medical. She added that it is an advantage for Pleasanton to have that available for people, and to lose ten beds would be highly critical. She urged the Commission not only to keep the ten beds in the facility but to encourage the addition of a second story.

Ms. Bush noted that parking has been brought up as a huge issue, but stated that she has encountered difficulty only during shift changes. She added that people who have parking problems in the neighborhood should look at Lighthouse Baptist Church who have no parking, and should consider eliminating Concerts in the Park, Farmers Market, Alameda County Fair, Parkview Assisted Living Facility, schools, and restaurants on Main.

John Moore stated that he is speaking on behalf of his father, a resident of Room 213 of the Pleasanton Convalescent Hospital for four years. He indicated that his dad is the father of eight children and enjoys karaoke, bingo, and occasional Elvis sightings at the Hospital. He noted that in September-October of last year, his dad experienced two serious infections, and he was bounced back and forth between the hospital and Pleasanton Convalescent Hospital. He stated that he was at the Hospital when his dad arrived via ambulance the second time, and right after they got back to his dad's bedroom, Maria, the then Director of Nursing, welcomed his dad back with a huge smile, and his dad, who never cried before, started crying because he was happy to be home again. He stated that one has to realize that for these seniors residing there, this is their home and the last stop for many of them on their journey through life.

Mr. Moore stated that the facility is more than just 139 beds with 93 parking spaces; it has 207 loving and caring staff who make sure each resident has the best days of however many days they have left of the rest of their life. He encouraged the Commission not only to approve the application but also to consider approving an increase in the number of beds in any future application they may file because the need for this type of facilities, both in the near future and ten years from now will far exceed the supply. He noted that these residents are mothers and fathers of residents living right here in the community, and he stated that his sincere hope is that when the need arises for anyone in the community, there is room available so they can enjoy what his dad has enjoyed the past four years.

Hathily Winston, a long-time Pleasanton resident, stated that she was the one who wrote the email included in the staff report regarding being alarmed when she first saw that new rooms would be added in the facility, but staff contacted her and explained that this is to bring everything in order between State licensing and City permits. She indicated that Generations HealthCare asked her to retract her letter, but because she was unable to do so as it is a public record, she wanted it on record that she is in support of keeping the licensure of 139 beds. She added that she also has a mother living at the facility for three years following her stay at The Parkview Assisted Living and Memory Care facility and at Sunrise in Danville. She stated that it is very important to keep nursing home care in Pleasanton and that she would love to have more of them available as there is a great demand.

Ms. Winston reiterated that she is still concerned about parking, and adding 16 spaces would help but not enough. She inquired how the reconfiguration of the parking lot will be staged because it will push visitors back out on the street during that time, and the neighbors will have to put up with that. She indicated that she disagreed with the traffic study for the parking lot and that she did her own study, and her number was 10 spaces more than what the traffic study required. She noted that the study did not include the time between 8:30 a.m. and 1:00 p.m. and pointed out the importance of doing one during the day and at lunchtime when the parking lot is full. She added that when there are cars parked along Neal Street, it is difficult and a safety hazard to get out of the parking lot and exit the facility. Nevertheless, she expressed her appreciation for the additional parking spaces because she feels it is important that she not have to carry her mother's heavy laundry up and down the street to and from her mother's room in the facility every week. She also indicated that she is in support of keeping the additional beds.

Commissioner Olson disclosed that Ms. Kameny is a personal friend of his.

Marty Kameny, a Pleasanton resident since 1970, stated that her first experience with Pleasanton Convalescent Hospital was in 1976 when she and her then four-year-old son did the Pleasanton Presbyterian Fellowship, and her second son and she did the same fellowship in 1983. She added that in November of 2010, she brought her 91-year-old father to the facility.

Ms. Kameny stated that the facility is clean and almost spotless; it does not smell, and the staff is friendly with big hearts. She indicated that she is fortunate to have gotten a spot at the facility when her father needed rehabilitation when he broke his patella and was confined to a wheel chair. She noted that her father loves to exercise, and the staff has bent over backwards to help him even if he cannot do much. She indicated that she also carries her father's laundry into the facility and has had no problems with parking. She indicated that she was in favor of the extra beds and added that if her father should have to go to the hospital, she would not want him to not be able to come back because there is no room.

Peter Flowers, telecommunications consultant and former resident of Pleasanton, stated that he is familiar with this facility and many others in the region. He indicated that this facility's quality, appearance, and ability to serve senior citizens are by far the best he has seen in entire region. He noted that this is something that should be expanded and promoted. He stated that the City should be proud of this facility and encouraged the Commission to approve the request to retain the additional beds.

Christine Bourg stated that she lives across from the facility and that she and other neighbors have attended several meetings held over the last two years. She noted that they have come to agreement about signage and parking, and Mr. Black has been very accommodating. She indicated that she has witnessed the caring staff at the facility first-hand when the mother of a dear friend was a resident there.

With respect to the 180 days to complete the site improvements, Ms. Bourg stated that she understood that the parking reconfiguration cannot be done all at once as visitors to the facility would have to park out outside the property; however, she requested that the sign be done within 30 days as frustrated drivers constantly stop and look for the facility's entrance. She added that there is also a problem with shift changes at night, as car stereos are very loud and the noise is disturbing, especially for those residents with single-pane windows. She requested that ambulances also be asked to turn down their sirens when they approach the facility.

Lisa Lorentz stated that she has been a Pleasanton resident for 52 years and that her father served on the Planning Commission and City Council years ago. She indicated that Pleasanton Convalescent Hospital is a fantastic facility and agreed with others have already said about the facility. She stated that it is a wonderful place for seniors reaching the end of their days and for family members who are able to visit often. She added that the facility is clean and the staff is great, and to lose ten beds would be a huge loss for Pleasanton residents. She noted that she has experienced only slight parking problems, and adding 16 more spaces is good. She pointed out that the proposal is a win/win for everybody and asked the Commission to approve it.

Violet Cargill stated that she is very familiar with the facility as her mother was a resident there for eight years and indicated her support for maintaining the additional beds. She noted that she has experienced both ends of caregiving, stating that she once had a caregiver coming to the home, and then eventually moving her to a care

facility when she needed a wheelchair to move around. She indicated that this was a difficult decision for her because she comes from a family that typically takes care of family members at home. She noted that she was very fortunate and blessed to get referenced by a nurse to this facility and that this is the best thing that could have happened for her mother. She added that she was able to visit every day because of its proximity, and she believes the activities and interaction provided by the facility gave her mother a longer life than if she stayed at home.

Ms. Cargill stated that in terms of parking, the only time she experienced difficulty was during Friday Night Concerts or First Wednesdays, when people would use the excess parking at the facility. She indicated that she supported any future application for additional beds and requested the Commission to seriously consider it, noting that the City seriously needs this type of facility as the community is growing. She asked the Commission to approve the application for retaining the current beds and parking improvement as this is needed by the community.

Charles Huff stated that he lives near the facility and that when he came to the meeting this evening as a resident, he was not sure if he is in favor of or opposed to the request. He added that if more people from the area spoke about traffic and parking, he would have taken their side. He noted that as an architect, he is sometimes held to a different standard for residential projects on Neal Street, as opposed to larger facilities like this one, especially when he talks about tandem parking.

Mr. Huff stated that he knows the site well as his father lived at the facility and passed away about eight years ago. He also questioned the traffic report, and on the basis of people living closer to the site, he indicated that he would probably not have a traffic concern with the project itself. He noted that he is neutral with respect to his position on the request.

Mr. Olds stated that he feels really good. He indicated that they work hard to make a difference, and everybody is here to make a difference, whether it be the community or the residents in the facility. He reiterated that they are fully committed to what they agreed on with respect to the sign, the fence, and the front area. He added that they will work as fast as they can to make the parking reconfiguration a reality. He noted that the sign is ready to move on, and a contractor needs to be chosen for the fence. He further noted that the parking lot will be done in phases so the parking lot can remain open; hence, their request for an extension of time so they do not miss their deadline.

Commissioner Olson asked Mr. Olds if the facility is at full capacity with 139 beds or if they can add more beds to the facility, and if so, how many.

Mr. Olds replied that the facility can accommodate up to 163 beds. He stated, however, that at this time, there are no plans to do that and that their first priority is to maintain what they currently have and to serve the community as they are. He indicated that they have had a problem with turning people away because they are up to full capacity, and this has been happening on a more frequent basis. He noted that they usually

receive and provide rehabilitation to about 40 people a month. He added that they sometimes have up to six beds available on one day, then are full the next. He indicated that occupancy has not been dropping down to the 129 mark, and they have a two-year waiting list which is unfortunate.

Commissioner Pearce referred to the issue of 180 days versus 90 days and asked Mr. Olds if he is amenable to extending the timeframe only for the parking lot reconfiguration, leaving the other improvements at 90 days.

Mr. Olds replied that he was.

Commissioner Blank inquired if this timeframe would include the signage.

Ms. Soo replied that the timeline for the sign is outlined in Condition No. 5 of Exhibit A-2, which states that within 14 days of the approval becoming effective, the applicant must submit the sign application and, once approved, must be installed within 30 days.

Chair Narum inquired if the sign must go through the Design Review process.

Ms. Soo said yes.

Commissioner Blank thanked Mr. Olds for his patience and for working with the neighbors to create a viable solution.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to make the required Conditional Use findings as listed in the staff report and to approve Case PCUP-185/P11-0043, subject to the conditions listed in Exhibit A-1 for the Conditional Use Permit and Exhibit A-2 for the Design Review, with a modification to Condition No. 7 as shown in the staff memorandum dated July 13, 2011, with the exception that the 180-day extension shall apply only to the parking lot reconfiguration, and 90 days shall remain for all the other improvements; the sign will comply with Condition No. 5.

Commissioner Pentin seconded the motion.

Commissioner Olson stated for the record that based upon public testimony provided, he supported any request for and strongly encouraged the City, the City Council, and the Commission to entertain any future application for additional beds in this facility.

Chair Narum agreed. She added that she was pleased to see the application return the way it did and thanked the applicant for working with the neighbors. She noted that the fact that the neighbors are not in attendance raising issues is a real plus to the application.

Commissioner Pentin concurred with rest of Commissioners and stated that he personally knows the value of the facility and looks forward to its continuance in the community.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2011-22 approving the Conditional Use Permit and PC-2011-23 approving the Design Review were entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

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.

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 Narum adjourned the Planning Commission meeting at 9:05 p.m.

Respectfully,

JANICE STERN
Secretary