



PLANNING COMMISSION MEETING MINUTES

DRAFT
Wednesday, January 27, 2021

This meeting was conducted via teleconference in accordance with Governor Newsom's Executive Orders N-20-20 and N-35-20 and COVID-19 pandemic protocols.

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The teleconference meeting of the Planning Commission of January 27, 2021 was called to order at 7:02 p.m. by Chair Brown.

The Pledge of Allegiance was led by Commissioner Allen.

Staff Members Present: Ellen Clark, Community Development Director; Melinda Denis, Planning and Permit Center Manager; Jennifer Hagen, Associate Planner; Julie Harryman, Assistant City Attorney; Stefanie Ananthan, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Brandon Pace, Herb Ritter and Chair Justin Brown

Commissioners Absent: Commissioner Greg O'Connor

AGENDA AMENDMENTS

Commissioner Allen requested Item 1 (Actions of the City Council) be pulled from the Consent Calendar for discussion and moved to the end of the agenda in the future. Commissioner Ritter concurred. Community Development Director Ellen Clark informed the Commission that she moved the item to the Consent Calendar last year to be consistent with the City Council agenda for similar informational items.

Commissioners expressed interest in learning about changes to Planning Commission recommendations by the City Council and unanimously agreed to move the Actions of the City Council informational agenda report from the Consent Calendar to Matters for Commission's Review/Action/Information, for this and future agendas.

CONSENT CALENDAR - *Consent Calendar items are considered routine and will be enacted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

1. Actions of the City Council

2. Actions of the Zoning Administrator

- 3. P20-0992, Lindsey Leblanc for Futures Academy, 4301 Hacienda Drive, Suite 120 –**
Application for Conditional Use Permit (CUP) to operate a private school with more than 20 students located at 4301 Hacienda Drive, Suite 120. Zoning is PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office) District.

**Commissioner Ritter moved to approve Items 2 and 3 on the Consent Calendar.
Commissioner Pace seconded the motion.**

ROLL CALL VOTE:

AYES: Commissioners Allen, Brown, Pace, and Ritter
NOES: None
ABSENT: Commissioner O'Connor
ABSTAIN: None

The Actions of the City Council were moved to Matters for Commission's Review/Action/Information for discussion.

The Actions of the Zoning Administrator were approved, as submitted.

Resolution PC-2021-02 approving Case P20-0992 was adopted, as motioned.

MEETING OPEN TO THE PUBLIC

- 4. Public Comment from the audience regarding items not listed on the agenda –**
Speakers are encouraged to limit comments to 3 minutes.

There were no members of the audience wishing to address the Commission.

PUBLIC HEARINGS AND OTHER MATTERS

None

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

- 5. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)**

Commissioner Allen discussed the State of Pleasanton Chamber of Commerce meeting, where Mayor Brown installed the new Chairman of the Board. She stated Mayor Brown was

asked if there was a plan to close streets in the summer, to which Mayor Brown responded that she would bring it up with the City Council in the future.

Commissioner Ritter mentioned he listened to the State of the School District on how the City and schools were working well together.

5b. Actions of the City Council

Ms. Clark informed the Commission of the City Council's consideration of the Accessory Dwelling Unit (ADU) Ordinance, which the Planning Commission had previously considered. She reported that the Council agreed to remove owner occupancy restrictions, but they also voted to disallow second story ADUs due to the lack of design review and potential neighbor impacts.

Commissioner Ritter asked if second story ADUs would no longer be allowed, or if they would be allowed if they were brought before the Planning Commission. Ms. Clark clarified it would be subject to a ministerial approval and a one-time review was not allowed; the only thing that could be applied would be the objective design standards. She stated the Council likely would have been amenable to second story ADUs if design review was required. Commissioner Ritter inquired if the City was at risk of litigation for not supporting units going toward Regional Housing Needs Allocation (RHNA) numbers. Ms. Clark stated the ordinance was consistent with State law as it allowed the City to be restrictive with ADUs outside of certain standards, including prohibition. She stated it seemed an unintended consequence of the State's restrictions.

Chair Brown asked if all second story ADUs were prohibited. Ms. Clark clarified any new construction ADU over 16 feet in height was prohibited, which would generally include anything above a full first floor.

Commissioner Ritter inquired whether a recreational room could be used as a second story. Ms. Clark confirmed a second story addition could be proposed, consistent with zoning and subject to design review. She further stated conceptually a person could go through the process and receive approval for the second story addition and then convert it to an ADU in the future.

Commissioner Allen asked if the Pleasanton Municipal Code (PMC) was updated to allow ADUs above single-story garages in 2017 and questioned the intent. Ms. Clark confirmed the 2017 code was in part due to the Housing Element encouraging more ADUs to be built and allowed more flexibility and options for such construction. She explained it included a level of design review, so, although previously it might not include full discretion, it allowed the City the ability to review, modify, and address neighbor concerns.

Commissioner Pace referenced the State's requirements and likely vote of the Council regarding ADUs. He stated his sense was it would be an unusual circumstance for ADUs to come before the Planning Commission because of the nondiscretionary nature of the law. Ms. Clark confirmed and mentioned the State's intent to eliminate public hearings and review by a Planning Commission. Commissioner Pace asked if, to the extent someone was renovating an existing property or there was no code change or reason for the Commission to review it, it

would simply be approved. Ms. Clark confirmed, adding unless it was associated with a larger development proposal that was subject to Planning Commission review, such as a new Planned Unit Development (PUD) or new subdivision; however, a homeowner adding an ADU to an existing property would only require a ministerial review by the Planning division.

Chair Brown asked about the changes made to the application for the Public Storage project. Ms. Clark responded that Council voted to approve the project. She further mentioned the applicant came forward voluntarily with several design changes to update the architecture and eliminate more of the orange branding color in the proposal between the October 28, 2020 Planning Commission Public Hearing and December 15, 2020 City Council Public Hearing. She stated staff reviewed the proposed changes and was supportive of the new design, which was approved by the Council. She discussed the Council's consideration of the community amenities and benefits of the project. She stated, at the request of the Council, there was additional analysis performed to determine the value of the extra square footage. She explained staff calculated an amount which ultimately resulted in Council's support for the amenity package proposed by the applicant, consistent with Planning Commission's approval. She further discussed the applicant's request to reduce the housing fee, which had not been reviewed by the Planning Commission. She stated the Council determined a higher amount was appropriate, which was double staff's recommendation and three times the applicant's offer. Chair Brown requested a summary of the architectural changes. Ms. Clark stated most of the changes pertained to the way the buildings were "skinned", the materials used, and the pitch of the roof – the massing remained the same with a three story, one story storage building and small office. She stated the office building was similarly reskinned with a pitched roof and a porch element to give it a residential feel, and there was a reduction in the orange color. Chair Brown stated he would look at the minutes from the City Council meeting and Ms. Clark noted the visual renderings could be found in the City Council's agenda packet materials.

Commissioner Ritter stated it seemed the new City Council would like to be more involved in each project and suggested joint Planning Commission / Council meetings. Ms. Clark stated the Council expressed interest in meeting with the Planning Commission to discuss shared goals and work towards alignment. She stated joint meetings were possible, but she believed there was trust in the Planning Commission's decisions.

Chair Brown clarified the Planning Commission made recommendations to the City Council and the Council was the decision-making body. He agreed a discussion of common goals would be a wise investment.

Commissioner Allen agreed with Chair Brown stating it would help the Commission do a better job. She suggested discussing specific examples such as the Public Storage project and 10x Genomics site.

Chair Brown suggested the Council clarify its top priorities for the Planning Commission as it related to a new gas station or a public storage facility.

Commissioner Pace stated it was important to consider retaining the community character, look and feel in the context of forces outside the community, such as the ADU law.

Chair Brown discussed the need to adapt to the desires of the Council.

Chair Ritter mentioned the dynamic of the Council had changed and it might be helpful to discuss Planning Commissioners roles.

Chair Brown suggested the Planning Commission's role in reducing the workload of the City Council and agreed there should be a discussion around design and strategy that was less project specific. Ms. Clark said she would communicate the Planning Commission's interest to the City Manager, and the Council could weigh in on the process and a possible joint meeting. Chair Brown mentioned that, because Commissioner Ritter and Commissioner O'Connor were terming out, it would be beneficial for the Planning Commission as well.

Commissioner Allen expressed concern about the community input at the Planning Commission versus City Council and suggested public engagement with the Planning Commission to resolve issues earlier in the process. She mentioned several people addressed the Council regarding the Public Storage project but had not addressed the Commission. Chair Brown and Commissioner Ritter agreed.

6. Future Planning Calendar

Planning and Permit Center Manager Melinda Denis gave a brief overview of future items for the Commission's review.

MATTERS INITIATED BY COMMISSION MEMBERS

Commissioner Allen asked when the Planning Commission would begin working on the Housing Element. Ms. Clark stated staff was near making a recommendation on a consultant, then the contract would be reviewed by the Council. She anticipated the work to begin in March. She discussed the City's most recently-estimated RHNA at close to 6,000 units and the Mayor's letter to Association of Bay Area Governments (ABAG), raising concerns about it. Chair Brown asked if there were changes in accounting and allocating against the target. Ms. Clark explained the 2018 changes to State law requiring adequate zoning capacity. Commissioner Allen asked if discretionary projects would count towards future units. Ms. Clark explained the current requirements and application of credits. Chair Brown requested a refresher of the rules related to housing credits. Ms. Clark stated Housing Element law would be presented to the Planning Commission, City Council, and community during the Housing Element process. She indicated the white paper on trends in housing production and the 2012 Housing Element litigation was available on-line and would be happy to provide a link.

Commissioner Pace asked about support for small businesses in Pleasanton. Ms. Clark discussed the Governor's retraction of the Statewide shelter-in-place order allowing restaurants to reopen for outdoor dining. She stated she would discuss the matter with Economic Development Director Pamela Ott to see if there were ideas on how the planning piece could come into play with economic recovery and she would report back to the Commission. Commissioner Ritter echoed Commissioner Pace and suggested efforts to reduce regulations to keep businesses open.

ADJOURNMENT

Chair Brown adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Stefanie Ananthan
Recording Secretary