



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, May 13, 2009**

*(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)*

### **CALL TO ORDER**

The Planning Commission Regular Meeting of May 13, 2009, was called to order at 7:05 p.m. by Chair Pearce.

#### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Director of Community Development; Michael Roush, City Attorney; Janice Stern, Principal Planner; Mike Tassano, City Engineer; Sally Maxwell, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: Commissioner Greg O'Connor

#### **2. APPROVAL OF MINUTES**

##### **a. April 15, 2009**

Commissioner Blank noted a typographical error in the third paragraph of page 4 and requested that it be corrected to read as follows: "...especially ~~is~~ if they are not being replaced...."

Commissioner Olson noted another typographical error in the second paragraph on page 15 and requested that it be corrected to read as follows: "Commissioners Olson disagreed." He added that he does not recall disagreeing as he agreed with Mr. Dolan's statement in the previous paragraph that a more dense development adjacent to the project is appropriate. He asked the Commissioners if they recalled whether he disagreed or not and requested that the tape be reviewed.

Commissioner Narum stated that Commissioner Olson probably disagreed with Commissioner Blank's earlier statement that he would like to see more viewscapes.

Chair Pearce advised that the sentence in the second paragraph of page 16 should be amended to read as follows: "~~Commissioner Blank~~ Chair Pearce asked staff and the applicant if they had enough direction to proceed."

**Commissioners Narum moved to approve the Minutes of April 15, 2009, as amended.**

**Commissioner Blank seconded the motion.**

**ROLL CALL VOTE:**

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

**b. April 29, 2009**

**Commissioners Narum moved to approve the Minutes of April 29, 2009.**  
**Commissioner Olson seconded the motion.**

**ROLL CALL VOTE:**

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

**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 public comments.

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

There were no revisions or omissions to the Agenda.

**5. CONSENT CALENDAR**

There were no items for consideration.

## **6. PUBLIC HEARINGS AND OTHER MATTERS**

### **a. PGPA-15, General Plan Update and Corresponding Environmental Impact Report (EIR)**

Consideration of the City of Pleasanton's Draft General Plan and Final Environmental Impact Report (EIR) and Recommendation for Approval.

Janice Stern introduced the environmental consultants Rod Jeung and Chad Mason from PBS&J, Associate Planner Sally Maxwell, and City Traffic Engineer Mike Tassano. She then gave a brief description of the proposed action, stating the Planning Commission is to receive public input on the Draft General Plan and to recommend that the City Council certify the Final Environmental Impact Report and approve the Draft General Plan with any amendments proposed this evening.

With respect to the letter from Margo N. Bradish of Cox, Castle and Nicholson LLP, dated May 13, 2009, regarding the designation of the East Pleasanton Specific Area, Ms. Stern indicated that the zoning on the property will remain until the Specific Plan is completed. She noted that the General Plan average densities are only for planning purposes. She added that other changes recommended would be made, including modification of the term "Depleted Resources" on Figure 7-2 to "Depleted Mineral Resources" and the modification of Figure 2.2 to show Downtown Pleasanton and the East Pleasanton Specific Plan area.

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

Becky Dennis, representing Citizens for a Caring Community (CFACC), noted that Patricia Belding, CFACC President, had also sent a letter for the Commission's review, in addition to the comments she had submitted on the General Plan Draft EIR, which were included in the Final EIR. She stated that the Commission is, therefore, aware that, as affordable housing advocates and environmentally concerned residents, they at CFACC, along with Urban Habitat and the Attorney General's Office, have expressed many disagreements with those aspects of the proposed General Plan Update.

Ms. Dennis stated that the primary concern she wanted to bring to the Commission's attention relates to the current and future legal challenges to the General Plan which, if successful, would require Court-ordered General Plan amendments. She indicated that although past elections have shown that about 60 percent of Pleasanton's voters support the housing cap, the affordable housing advocates did not want the Commission and the Council to overlook the remaining 40 percent of the electorate that has historically voted to plan for affordable senior and workforce housing.

Ms. Dennis requested the Commission to include a recommendation to the City Council that it develop a plan to get the input of residents on how to craft General Plan amendments required by the courts or outside agencies to bring the City into compliance with California law. She noted that, as opposed to the requirement to

accept changes which are purely court- or State agency-designed, this approach would better protect the interests of all Pleasanton residents.

Gregg Hall, Legacy Partners Commercial, LLC, referred to the letter from their attorneys, Cox, Castle & Nicholson, LLP, which noted that several issues that were raised in their earlier letter dated November 24, 2008 were not responded to in the revised Draft General Plan or Final EIR. He requested that the Commission consider retaining the existing zoning in East Pleasanton until such time that the Specific Plan is adopted.

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

Commissioner Blank referred to Chapter 5, Public Safety Element, Program 9.1 on page 5-38, and inquired if it requires the City to provide defibrillators in public buildings and educate the public in their use.

Mr. Roush stated that the Program simply states "Provide defibrillators in public buildings and educate the public in their use." He noted that it does not stipulate that they should be provided in all public buildings and that there is some discretion as to which public buildings.

Commissioner Blank inquired if it would be more appropriate to say "some" public buildings.

Mr. Roush replied that he would interpret that as not all public buildings must have defibrillators.

Commissioner Blank further inquired questioned if the educational part is required.

Mr. Roush replied that to educate the public is a fairly vague term and that there could be materials or instructions provided. He added that there is no formal education process where people will take a class; this is dependent upon how important it is to the City Council in terms of what the educational program might look like.

Commissioner Blank indicated that he respectfully disagreed with this.

Commissioner Blank then referred to Program 13.2 regarding the installation of automatic fire sprinklers and explained why he believed they were necessary.

Commissioner Narum stated that she sees Program 13.3 on page 5-39 as providing the Planning Commission cover for when it requires sprinklers in new construction, which is not a current ordinance. She noted that she understands from Program 13.2 on page 5-39 that the fire sprinkler system will be adopted as a City ordinance, which is what the Planning Commission wants. She added that she believed Program 13.3 would allow the Commission to continue what it is doing and that there needs more focus to get Program 13.2 implemented and put the adopted ordinances in place.

Commissioner Blank referred to Policy 21 on page 5-42 regarding working with the City of Livermore regarding air navigational hazards. He stated that the City of Livermore has no jurisdiction in determining air navigational hazards and that it is strictly the purview of the Federal Aviation Administration (FAA). He noted that there was a famous building by Montgomery Airport in San Diego that was torn down because it went against the FAA, which had pressured the City to withdraw its building permit. He suggested the language be revised to add "FAA" to the "City of Livermore."

Ms. Stern stated that she believed this Policy was a hold-over from the 1996 General Plan and would be corrected as necessary for accuracy.

Commissioner Blank referred to Chapter 11, Noise, Policy 8, Program 8.2, on page 11-27, regarding working specifically with the City of Livermore to address noise impacts at the Livermore Municipal Airport. He suggested that language be added to encourage the City work with BART or other noise generators as well. He noted that the airport is called out but not other agencies such as roadways, railways, or rapid transit.

Ms. Stern stated that other entities could be added.

Commissioner Olson stated that he had no comments.

Commissioner Narum stated that she agrees with the letter from Cox, Castle and Nicholson regarding retaining the current General Plan zoning for East Pleasanton in the new General Plan until the Specific Plan for East Pleasanton is completed.

Commissioner Narum voiced reservations regarding the housing cap, although she realized that the City is at a point where it just needs to approve the General Plan. She added that the General Plan could always be modified in the future. She noted that it is likely the City will face some significant modifications in the future around the housing cap and that she wanted to move on. She indicated that she liked Ms. Dennis' idea of adding a program that, should the housing cap be thrown out, some kind of process be put in place for the public to provide input regarding how to remedy it.

Commissioner Blank stated that rather than making it a formal program in the document which could significantly modify the document, the Commission could, as part of its motion, recommend that the Council develop a contingency plan for events that might affect the General Plan, e.g., revocation of the housing cap.

Commissioner Narum stated that everyone recognizes there would be some modifications in the near term and as an interested resident, she would want to know that a process is in place for community input, as some of those modifications may be potentially significant.

Commissioner Olson agreed with Commissioner Narum and noted that Ms. Dennis brought up an important matter in the housing cap and the issue that the State has with that. He stated that he believes the idea should be incorporated in the recommendation to the Council that the City reach out to the community and look for ideas as to how to address the issue.

Commissioner Pentin referred to changes made to Chapter 2, Land Use Element, following the letter from the Attorney General's Office, specifically Programs 2.3, 2.4, 2.6, 2.7, and 2.8 and on pages 2-28, 2-29; and Program 9.1 on page 2-30. He noted that it has been stated they have been made more binding and inquired if there had been any consultation with the Attorney General's Office with respect to if these changes were satisfactory, or if this is what the City anticipates will satisfy the Attorney General's Office.

Ms. Stern replied that staff made a good faith effort to address the issues by incorporating the suggestions made by the Attorney General's Office; however, the letter from the Attorney General's Office, dated May 8, 2009, indicates that it was not satisfied with the changes.

Commissioner Pentin referred to Program 6.1 on page 2-30 regarding preparing a Specific Plan for East Pleasanton. He inquired if a timeframe should be included as the General Plan goes to 2025.

Commissioner Blank stated that this was a good question. He noted that general plans are ten-year plans, even though the planning view for this General Plan is 2025.

Ms. Stern stated that the City Council determines its priorities.

Mr. Dolan stated that there is no law indicating that a General Plan must be updated on a certain date, other than the Housing Element. He noted that ten years is a good rule of thumb as approaching ten years, conditions have changed enough and the environmental analysis is no longer fresh that it would be time to start thinking about an update. He indicated that the City would typically start getting letters regarding how outdated the General Plan is, which would make it subject to challenge.

Commissioner Pentin referred to Chapter 3, Circulation Element, Program 10.3 on page 3-51 regarding developing the Downtown section of the Transportation Corridor with parking, a pedestrian and bicycle trail, and landscaping. He then referred to Program 22.10 on page 3-55, which repeats the statement with the addition that it be consistent with the 2002 Master Plan for the Downtown Parks and Trails System and the Downtown Specific Plan. He stated that the two Programs should be consistent with each other.

Commissioner Pentin then referred to Policy 19 on page 3-54 regarding the Altamont Commuter Express and noted that he did not see anything about an ACE Train Station in Pleasanton. He inquired if there were plans for one.

Commissioner Blank noted that there is currently an ACE train stop in Pleasanton.

Ms. Stern indicated that she thought this was addressed in the Plan, but in the event that it is not, she asked the Commission if there was a consensus to add it.

The Commission indicated there was a consensus.

Commissioner Blank stated that he also thought it was addressed somewhere in the document because he remembered having discussions about it.

Commissioner Pentin referred to Chapter 5, Public Safety Element, Program 20.3 on page 5-42, regarding prohibiting residential uses within the Livermore Municipal Airport Protection Area. He noted that it did not appear on the map that the senior continuing care community units are located within the Airport Protection Area. He added that he is aware that the City of Livermore has tabled its expansion plans for the airport; however, given the duration of the General Plan, he inquired if this should be addressed because if the airport were expanded within the General Plan's time frame, the City would be within the Livermore Airport's Protection Area.

Ms. Stern replied that the continuing care residential community borders the edge of the Airport Protection Area. She noted that the purpose of the Airport Protection Area is to limit where residential development may be located.

Commissioner Blank stated that the expansion of the Airport Protection Area would be a significant item.

Commissioner Narum stated that the Commission had discussed this matter at length during the workshop on the Staples Ranch project and added that it seemed like the answer was that as long as the shovel is in the ground before Livermore expands the airport, the boundary cannot be moved out. She expressed concern about the continuing care facility.

Mr. Roush stated that the EIR for Staples Ranch took into consideration both safety- and noise-related issues with respect to the location of the residential uses on the Staples Ranch project. He indicated that theoretically, if that project did not move ahead and if the Livermore Airport expanded in some way such that the Airport Protection Area expanded, it is possible that all residential uses on Staples could be prohibited, depending upon what the potential outcome might be. He stated that he believed the Program is a recognition that State law provides certain uses that are not permitted within a protection area. He added that he did not believe it would apply to what is proposed for Staples Ranch at this time because the project is outside the Airport Protection Area.

Commissioner Blank stated that he believed the residential area was on the west side of Staples Ranch and that this was done intentionally to put it as far away from the boundary of the Airport Protection Area as possible.

Mr. Roush confirmed this was accurate.

Commissioner Pentin then referred to Chapter 6, Public Facilities and Community Programs Element, Program 7.2 on page 6-23, regarding the target numbers for high schools being 2,000 students with a ten percent contingency. He noted Amador Valley High School currently has 2,456 students and Foothill High School has 2,311, which are beyond the ten percent over the 2,000 target number. He inquired whether this should be changed to reflect the actual numbers or maintain those numbers.

Commissioner Narum indicated that the Program states “current target” which is where the School District has set as its goal.

Ms. Stern indicated that this Program was written in consultation with the School District.

Commissioner Pentin referred to Program 9.5 on page 6-24 regarding providing Wi-fi and internet access and inquired whether the Library was covered by the Wi-fi that currently serves the Downtown area.

Ms. Stern confirmed that it was.

Commissioner Pentin referred to Program 14.5 on page 6-27 regarding the addition of a ceramic/arts studio at Cultural Arts Center in Amador Park, at the Firehouse Arts Center, or another appropriate location. He indicated that a ceramic studio will not be put in at the Firehouse Arts Center and inquired if this item related to the Amador Park.

Ms. Stern confirmed that it was and indicated that the Program’s language would be revised to reflect that.

Commissioner Pentin referred to Program 17.1 on page 6-28, regarding public restrooms and noted that it has been provided at Delucchi Park. He requested that the phrase “Delucchi Park” be removed from the language.

Chair Pearce stated that while the restrooms have been built at Delucchi Park, the City wants to continue to provide public restrooms.

Commissioner Pentin referred to Chapter 8, Water Element, Program 3.1 on page 8-28, and Program 4.5 on page 8-29, regarding water reclamation techniques. He noted that one program states not to utilize “reverse osmosis” if it has an adverse effect on the environment, and the other program states to utilize it if it is safe. He expressed concern about excluding water reclamation techniques, including reverse osmosis,



because techniques change. He stated that he believed that down the road, this should be thought of in terms of water issues.

Commissioner Blank stated that it does not exclude reverse osmosis and that what it is saying is not to utilize water reclamation techniques which could adversely affect the drink water quality. He added that reverse osmosis is a water reclamation technique, and if this does not adversely affect and does not have negative impacts on drinking water, then it would be all right to utilize it.

Commissioner Narum agreed and noted that the key point to water reclamation techniques under Program 3.1 is if it potentially has negative impacts on the drinking water quality. She added that, on the other hand, Program 4.5, water reclamation could be utilized with parks or other things. She indicated that she did not support changing the programs.

Commissioner Pentin then referred to Chapter 10, Energy Element, Program 16.1, regarding synchronizing traffic lights and smooth traffic flow to prevent gas wastage. He inquired whether this has a timeline for a specific implementation date.

Ms. Stern replied that generally, the City Council will set its own priorities.

Commissioner Pentin referred to Chapter 11, Noise Element, Program 2.1 on page 11-25, regarding Capital Improvement Program (CIP) funding for sound walls. He noted that this is included under reducing outdoor noise levels in residential areas. He inquired whether or not the reference was to City-owned sound walls as well as privately owned ones.

Ms. Stern replied that Program 2.1 is general and not specific.

Commissioner Blank inquired whether it should say "City-owned sound walls" for clarification purposes because a sound wall for a homeowners association would be the association's responsibility.

Mr. Roush stated that the City typically gets money for CIP projects even for sound walls that may not be technically City-owned. He added that wooden or masonry fences historically owned by the individual or by a homeowner's group begin to deteriorate over time and that from time to time, the City is requested to fund its repair, which has been done. He indicated that he would be reluctant to change the language such that it was only City deteriorating sound walls that would be eligible for funding under this Program. He noted that the general language considers it and provides for Council flexibility.

Commissioner Pentin referred to Chapter 12, Community Character Element, Program 7.4 on page 12-18, regarding high-priority visual improvement for the Hopyard/I-580 area. He inquired why one gateway into the City is identified.

Ms. Stern replied that this was one of the interchanges discussed in the background text.

Commissioner Blank stated that at the time, there was discussion that this area was in sore need of landscaping.

Commissioner Narum noted that Program 7.6 references the gateway at Foothill and I-580. She added that it seemed to her that the Santa Rita Road gateway was also mentioned.

Chair Pearce stated that she thinks the General Plan is a good but imperfect document. She noted that there has been significant public input and that she supported the comments made by Commissioner Olson and Narum regarding continuing public input should the document need to be modified in the future. She added that she would like the Commission to recommend this course of action to the City Council.

**Commissioner Blank moved to recommend that the City Council certify the Final Environmental Impact Report and adopt the CEQA Findings, Statement of Overriding Considerations, and Draft Pleasanton General Plan 2005-2025, with any amendments proposed by the Planning Commission; to specifically request that Janice Stern and her staff be commended for their outstanding work over the past four years; and to recommend to the City Council that the City Council develop contingency plans in the event that major assumptions of the General Plan, e.g., housing cap, etc., are subsequently invalidated, and that these contingency plans include a formal mechanism for the gathering and receiving of public input.**

Chair Pearce noted that the word “invalidated” is a fairly specific word and inquired if the Commission would like to replace it with “required to be modified.”

Commissioner Blank stated that modification would come from the City Council and that “invalidated” would refer to an outside agency.

Chair Pearce asked Commissioner Blank if he wanted the public input process only if changes were made by an outside agency.

Commissioner Blank stated that he is assuming that any City Council modification would go through the normal process of public input.

Mr. Roush stated that he believed what Chair Pearce may be suggesting is that if the Commission is interested in having the Council consider some type of public input with due process, whether generated by the Council or an outside force, the Commission is interested in having that process in place.

Commissioner Blank proposed stating, “invalidated or modified” so it covers both.

**Commissioner Narum seconded the motion.**

Commissioner Narum requested clarification regarding some of the potential changes that were discussed.

Commissioner Blank indicated that Ms. Stern noted some of the editorial changes, which were included in his motion under “amendments proposed by the Planning Commission.”

Commissioner Narum inquired if the zoning change for East Pleasanton would be integrated into the Commission’s recommendation to the Council.

Mr. Dolan replied that the General Plan will not change any zoning. He noted that the current zoning is not the same as the General Plan land use designation. He added that without the approval of the upcoming Specific Plan, there will be an inconsistency between the General Plan and zoning and that the chances of getting anything approved is slim.

Commissioner Blank asked Mr. Dolan if he and Mr. Roush were comfortable with the Commission not specifying the zoning.

Mr. Roush replied that was correct. He stated that if the Commission adopts staff’s recommendation, the property would have the Specific Plan designation with a more specific zoning designation which will be inconsistent to a certain extent with the Specific Plan, which does not contemplate that continued use. He noted, however, that the existing use will continue to go on. He added that if someone were to come into the City and ask for an expansion of that use in some way, there would be a problem because there would be an inconsistency between the Specific Plan designation and the expansion of what would be allowed under the zoning. He noted that as a practical matter, this would probably not occur because the property is not in the City.

**ROLL CALL VOTE:**

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

**NOES: None**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: Commissioner O’Connor.**

**Resolution No. PC-2009-14, recommending that the City Council certify the Final Environmental Impact Report for the Draft Pleasanton General Plan 2005-2025; Resolution No. PC-2009-15, recommending that the City Council adopt the CEQA Findings and Statement of Overriding Considerations prepared for the Final Environmental Impact Report for the Draft Pleasanton General Plan 2005-2025; and Resolution No. PC-2009-16, recommending that the City Council adopt the Draft Pleasanton General Plan 2005-2025, were entered and adopted as motioned.**

## **7. MATTERS INITIATED BY COMMISSION MEMBERS**

### **Automatic Fire Sprinklers**

Commissioner Blank stated that another home burned down in the City. He indicated that he contacted the Fire Marshal and Fire Chief, who stated that had the house been sprinkled, there would have been significantly less damage. He noted that the City of Livermore has a comprehensive sprinkler ordinance. He urged staff to pursue the adoption of such ordinance in Pleasanton.

### **Personal Wireless Facilities**

Commissioner Blank stated that as part of the Commission's process for approving personal wireless facilities, the wireless companies are required to submit to the Director of Community Development their radio frequency reports and findings. He indicated that he would visit the Planning Division in the next couple of weeks to review those submittals.

### **PUD-06-05M/PUD-14-04M, Brenda Bush et al.**

Commissioner Narum requested a brief report regarding the reason behind the withdrawal of the application for PUD-06-05M/PUD-14-04M, Brenda Bush et al. She added that the response could either be emailed to her or agenda'd as an information item at a future meeting.

Mr. Dolan indicated that staff has actually prepared something on this matter and that he would be happy to distribute it to the Commission.

## **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**

- a. **Brief report on conferences, seminars, and meetings attended by Commission Members**

**12. ADJOURNMENT**

Chair Pearce adjourned the Planning Commission meeting at 8:10 p.m.

Respectfully,

DONNA DECKER  
Secretary