



## PLANNING COMMISSION MINUTES

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

**APPROVED**

### **Special Meeting** **Wednesday, February 20, 2008**

*(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 February 20, 2008, was called to order at 7:02 p.m. by Chair Blank.

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

Staff Members Present: Janice Stern, Principal Planner; Julie Harryman, Assistant City Attorney; Sally Maxwell, Associate Planner; and Maria L. Hoey, Recording Secretary.

Commissioners Present: Commissioners Phil Blank, Greg O'Connor, Arne Olson, and Jennifer Pearce.

Commissioners Absent: Commissioners Anne Fox and Kathy Narum.

#### **2. PUBLIC COMMENT**

There were no speakers.

#### **3. PUBLIC HEARING**

##### **a. General Plan Draft Air Quality Element**

Janice Stern introduced Sally Maxwell, Associate Planner, and noted that Ms. Maxwell did a good deal of the research and writing for both the Draft Air Quality Element and the Draft Noise Element.

Before starting the discussion on the Draft Air Quality Element, Ms. Stern presented a brief update on the process and timetable for wrapping up the General Plan. She indicated that the Planning Commission will consider the two remaining Elements tonight. She added that there is also a Water Element, 90 percent of which has been aggregated from already existing Elements that the Commission had previously reviewed. Ms. Stern stated that after tonight's meeting, staff will put together the preliminary Draft General Plan document, and the consultants will then finish preparing the Draft Environmental Impact Report (EIR) for the Planning Commission's consideration. This is projected to take place in June 2008. She indicated that following the 45-day public review of the EIR, staff will bring back to the Commission, sometime in August 2008, both the Draft General Plan and the Final EIR for the Commission's formal recommendation to the City Council. She concluded that the City Council hearings on the documents would take place in September and October of 2008, and the adoption of the General Plan and certification of the EIR would take place by fall of this year.

In response to Chair Blank's inquiry if the adoption of the documents would be done before the elections in November, Ms. Stern replied that staff is trying to complete the process by then.

Ms. Stern then presented the staff report on the Draft Air Quality Element, discussing the background and an overview of the Element. She explained the issues relating to air quality, including improvements in air quality, odor issues, and the relationship between air quality, climate change, and sustainable development. She noted that staff has received three emails related to wood smoke which can be a nuisance and cause health problem such as asthma attacks and other respiratory damages.

Ms. Stern noted that there are two aspects to wood smoke: indoor fireplace wood-burning and outdoor smoke resulting from burning in the back yard. She indicated that there are existing ways of regulating indoor fireplaces in new construction by way of the Environmental Protection Agency (EPA)-certified fireplaces required in new construction. She added that Conditions of Approval in the Planned Unit Development (PUD) process have been used to requires gas fireplaces rather than wood-burning ones. She noted that staff can consider going further through the enactment of a municipal ordinance relating to wood smoke or fireplaces and wood stoves, which could require the retrofit of existing fireplaces when the house is remodeled or a room is added. She added that Program 5.3 has been added to address this.

Ms. Stern stated that the emails received relate to the issue of burning outside the house. She noted that regulations have been put in place for this by the Bay Area Air Quality Management District (BAAQMD) which bans outdoor burning with the exception of charcoal or gas barbecues and burning clean wood with a minimum amount of fire starter. She added that any violations of this regulation may be reported to BAAQMD.

Ms. Stern stated that the City requires a building permit for the installation of outside fireplaces and fire pits, a small number of which come before the Planning Department in

terms of height and setback restrictions. She added that a vast majority of fire pits are portable and do not require City permits, which could be problematic to regulate. She indicated that because the issue of outdoor burning has been only recently raised by the public, staff has not had the opportunity to thoroughly investigate what existing regulations address this; however, staff can look into this if the majority of the Commissioners desire that this be done.

Ms. Stern then briefly reviewed the changes made to the background text. She pointed out a misstatement in the text regarding nuisance having to be something that is recognized by multiple people; she indicated that Ms. Harryman had noted that it is possible to have nuisance with only one person.

Ms. Harryman read a section on page 9-8 of the redline copy that states that odor would be considered a nuisance if it bothered a widespread segment of the population and not just a handful. She clarified that this is not quite accurate as one person can have a private nuisance action against a neighbor.

Ms. Stern indicated that this refers to how BAAQMD investigates problems, generally giving more weight to problems that have multiple call-ins over a 90-day period. She added that this section can be qualified by adding the phrase “According to BAAQMD....”

Commissioner Pearce interjected that the discussion in the preceding sentence pertains to public nuisance rather than private nuisance, in which case the statement on the nature of public nuisance would make sense.

Ms. Harryman concurred with Commissioner Pearce’s observation but added that a statement that this is BAAQMD’s policy would help to clarify the sentence.

Commissioner Olson inquired if this odor nuisance is included in the Pleasanton Municipal Code. Ms. Harryman replied that the Code refers to nuisance in broad terms but does not have a section that specifically addresses the issue. She added that she could research on the language if the Commission wishes.

Ms. Stern reiterated that BAAQMD does regulate odor nuisance and responds to public complaints.

Ms. Stern then reviewed the changes made to the Goals, Policies, and Programs. She pointed out that the discussion on the new Policy 6 on reducing greenhouse gases is general at this point. She indicated that after the International Council for Local Environmental Initiatives (ICLEI) puts together an inventory of greenhouse gases, more definitive kinds of policies and programs can be put in place. She added that ICLEI will also assist in developing a program relating to reducing greenhouse gases that the City may choose to adopt.

Commissioner Olson inquired if, in the process of putting together the inventory, it would be possible to segregate out the air quality problems that come specifically from the City versus those that emanate from the freeways about which the City cannot do anything. Ms. Stern replied that what is being done is an inventory of the City and that she is assuming that ICLEI is looking at how the residents live as a City; she does not know how much of that would address how many of the residents commute and how far they commute. She added that ICLEI may be able to segregate out those coming through the City; however, focus is mainly on actions the residents take. She indicated that she can find out if segregating out can be done.

Ms. Stern then requested the Commission to provide feedback on the Draft Element. She stated that staff would then amend the Draft Element and include the Commission's input into the consolidated Draft General Plan which would come before the Commission at a later time. Ms. Stern noted that Commissioner Fox had submitted questions and comments on the Element, which are included in the minutes in brackets.

Chair Blank inquired when the law requiring EPA-approved wood-burning fireplaces would take effect. He noted that there are a number of recently constructed homes in the City that do not appear to have EPA-approved fireplaces, judging from the particulates that come out of their chimneys. Ms. Stern replied that she believes it is enacted through the City's Building Code and added that she would look into that.

Chair Blank noted that the technology measures in Policy 7 only addresses motor vehicles and not any other kind of pollution-generation to which the technology could be applied. He inquired if this was intentional or if there was not sufficient time to think of other things to which the technology could be applied. He added that that he had some ideas about other areas that may be appropriate such as reducing the air pollution generated by the recycling plant. Ms. Stern replied that Program 7.4 mentions landscaping and other equipments and that there are others that are also included in the Energy Element.

Chair Blank inquired why the landscape buffer zone program under Policy 3 was removed and if the language exists in the Land Use Element. Ms. Stern replied that it was moved to the Land Use Element because landscape buffer zones do not necessarily help with pollution.

Chair Blank noted that another element mentioned alternative means of transportation such as bicycles. He inquired if the concept of having City-sponsored bicycle stands can be added so people can bike-share. Ms. Stern noted that reference is made at the top of page 9-22 to the Transportation Demand Management (TDM) programs in the Circulation Element. She added that references rather than repetition are utilized in the document.

**THE PUBLIC HEARING WAS OPENED.**

Mary Gwin stated that she has lived in the same house in Pleasanton for the past 20 years. She indicated that she was not aware of the wood smoke issue until her neighbor started burning wood from early morning to late at night, even in 72 degrees temperature. She noted that acrid smoke emanated from the wood burning and that the smoke seeped into her house through her closed windows. She stated that this has affected her health and that she has had to take medication and prescription nasal spray. She indicated that she called the BAAQMD office, and she was told that Pleasanton does not have an ordinance covering wood burning and that this is a private nuisance that would be governed by Pleasanton's municipal Code. She noted that this is an issue which the City should address as the City is responsible for providing a certain quality of life for its residents. She stated that she recognizes Pleasanton as the City of Planned Progress, adding that the Go Green initiative and the recycling initiative in schools started in Pleasanton. She noted that Pleasanton has been proactive in many areas and tries to create nice place to raise families and live even after the family is raised. She added that technology exists today such that there is no need to be breathing smoke like this. She noted that residents can have a fire but should minimize the pollutants with EPA-approved fireplaces.

Kenneth Gwin thanked staff for presenting this Element. He stated that he just recently became aware of this problem in his neighborhood but noted that over the past four or five years, there has been an increase in wood burning. He noted that as the price of fuel increase, there would be more of this. He indicated that Pleasanton should get ahead of this issue and make sure that the PMC addresses this problem. He stated that the air residents breathe and their quality of life have been tainted by wood burning, especially during the winter months. He noted that there is nothing he could do to make someone else aware on legal level that this is going on, and BAAQMD indicated that this is a local problem. He noted that a neighbor burning pine in his backyard for 14 hours affects his quality of life. He said that the City cannot stop cars in the freeway, but addressing wood burning in the community is simple and the City should go the extra yard and announce to the community that wood burning is a health hazard. He noted that about 38 percent of pollution comes from wood burning, and 37 percent from cars in road and other sources. He urged the Commission to strengthen the ordinance against wood burning and make the City a green community with respect to air. He noted that the City has done a lot in terms of solid waste, recycling, and yard waste; it should also consider implementing something to give residents a healthy air environment and improve its quality of life.

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

Commissioner O'Connor inquired whether a resident would be able to file a nuisance complaint with the City if his neighbor burned wood for 12 to 14 hours, even if the City does not have an ordinance regulating wood burning fireplaces and outside burning. Ms. Harryman replied that a neighbor can take a private nuisance action against another neighbor in Small Claims Court or on a higher level. She added that the City cannot take Code enforcement action because it does not have anything in the Code that addresses that.

Commissioner O'Connor recalled that there is another remedy in the Code that deals with nuisance. Ms. Harryman replied that Commissioner Olson had earlier inquired about general nuisance action in the Code and that she would be glad to look this up. She added that the City does not engage in actions between neighbors.

Chair Blank requested staff to follow up on this issue and see if there is general language in the Code that would address a neighbor causing a health and safety issue to another.

The Commission then reviewed the Draft Air Quality Element text and made the following recommendations on the redlined version.

Ms. Stern noted that staff did review and utilize the "Air Quality and Land Use Handbook: A Community Health Perspective" document that Commissioner Fox referred to in her comments.

### **Text**

#### Page 9-1

Commissioner Pearce supported Commissioner Fox's comment that the statement that air quality has improved over the past 30 years might not be supported by residents.

- Add facts and statistics in the opening paragraphs to support this.
- Delete "occurring in a location" on the third line from the bottom of the page as it is assumed that is always the case.

#### Page 9-2

No changes.

#### Page 9-3

No changes.

#### Page 9-4

No changes.

#### Page 9-5

In line with Commissioner Fox's comment, Commissioner Pearce inquired why the phrase "aggravation of chronic disease and heart/lung disease symptoms" was removed. Ms. Stern replied that staff is trying to use more recent information about its impacts.

[Commissioner Fox:

- Put back the phrase “aggravation of chronic disease and heart/lung disease symptoms” and include “increased respiratory symptoms (coughing, wheezing), increased hospital admissions for asthma, decreases in lung function, etc.”]

Page 9-6

No changes.

Page 9-7

Commissioner Pearce noted that the Policy section mentions fireplaces and inquired if there is any mention of it in the introduction. Ms. Stern replied that it is mentioned in suspended particulates, but it can be mentioned again here.

- Call out fireplaces more specifically.

Commissioner Olson inquired if BAAQMD would have done anything in response to Mr. Gwin’s complaint if Pleasanton had a Code section on nuisances. Ms. Stern replied that BAAQMD would have referred the matter back to Pleasanton. Ms. Harryman explained that if Pleasanton had an ordinance in place that prohibited backyard places or burning during specific hours that a neighbor would be in violation of, the City would be able to apply Code enforcement or nuisance abatement action; however, as it stands, it is a private nuisance that property owners would have to deal with themselves. She added that the PMC has various nuisance categories such as vicious dogs and abandoned vehicles, but it has nothing specific on wood burning.

Commissioner Olson inquired if smoke can be added to the list inasmuch as 38 percent of the City’s pollution is caused by outside fireplaces.

Ms. Stern clarified that the 38 percent refers to a large proportion of particulate matter and not all pollution. Ms. Harryman further clarified that there are various categories of pollutants, and particulates is one category, of which 38 percent is attributable to wood smoke.

Chair Blank suggested that this matter be agendized under Matters Initiated by Commission Members at a future meeting.

With respect to adding smoke to the list of nuisances, Ms. Harryman noted that it would be difficult to enforce and would require some parameters. She further advised that as in all Code changes the Planning Commission would like staff to work on, this matter would go to the Council, who will then accordingly add it to its priority list.

Commissioner Olson noted that this may then take a few months and added that the real remedy seems to be for Mr. Gwin would be to sue his neighbor.

Chair Blank inquired if he understood correctly that if someone does something in his property that causes injury to someone else and there is nothing in the Code that prohibits that action, there is nothing the City can do about it.

Ms. Harryman replied that it would depend on what was being done. She explained that, as an example, if a person had a use permit for a business and he or she was doing something that was injuring a neighbor and was in violation of that use permit, the City can enforce the Code. She added that the City could make wood burning in the backyard prohibited.

Chair Blank noted that if the City Code prohibits hazardous materials emanating from one property that is injurious to another, and outside smoke wafting from one property to the other could be considered hazardous, then the City should be able to enforce the Code. He added that smoke which would require a neighbor to get medical attention could be considered hazardous.

Ms. Harryman replied that she did not see in the Code any specification of smoke as a hazardous material. She added that hazardous materials are addressed by the Fire Department and that the Fire Code would have a list of these materials.

Commissioner Pearce noted that the Code includes a discussion of areas where cigarette smoking is prohibited smoking such as around playgrounds. She inquired if this would be something that could be discussed as air pollutant sources. Ms. Stern replied that the General Plan considers air pollution in generally and that she was not certain if this could be included in the General Plan as it is more of a health-related issue rather than development-related. She noted that if there were a Public Health Element, it might be included there rather than under air quality.

Ms. Harryman noted that the City has a comprehensive smoking ordinance.

Commissioner Pearce inquired if it would require an entire neighborhood to call in complaints for BAAQMD to consider something like wood smoke to be a widespread, public nuisance. Ms. Harryman replied that she did not know how BAAQMD operated and how it specifically handled complaints.

Chair Blank noted that the discussion was drifting from the General Plan and suggested that this be agendaized for a future meeting.

Ms. Harryman noted that it appears all the Commissioners are interested in this topic. Commissioner Olson confirmed this is a matter of concern to the Commission.

Ms. Harryman read from a BAAQMD document the list of exemptions from its open burning regulations exemptions, including fire-setting for cooking for food for human beings and fire-setting for recreation purposes using charcoal and a small amount of fire starter.



Page 9-8

No changes.

Page 9-9

[Commissioner Fox would like to expand on the circumstances where Pleasanton exceeded the particulate matter standards to address how this happens and what causes it.]

Page 9-10

Commissioner Pearce inquired if the potential school site on Busch Road is still in place. Ms. Stern said no and that the list needs to be modified. She added that the site is now being proposed for senior housing.

- Move No. 16 from the School District to the Elderly Facilities.

[Commissioner Fox noted that YCMA no longer operates the school day care program in No. 37 and requested that it be renamed to be what it currently is called.

- Rename No. 37.]

[Commissioner Fox requested that staff check the Kinderkirk location as it may not actually operate there anymore.]

Page 9-11

No changes.

Page 9-12

Commissioner Olson noted the double negative in the first sentence of the last paragraph and inquired if that was what it was meant to say. Ms. Stern stated that the second “not” should be deleted.

Page 9-13

Commissioner Olson inquired if there was a timetable for the Climate Action Plan. Ms. Stern replied that she believes the Council is working on this now as part of the Council Priorities and would come before the Council by summer.

Page 9-14

No changes.

Page 9-15

No changes.

Page 9-16

No changes.

Page 9-17

Chair Blank would like to see some language on bicycle lockers, bicycle sharing, bicycle pathways, and bicycle right-of-ways.

- Add proposed language.

Page 9-18

No changes.

Page 9-19

No changes.

**Goals, Policies, and Programs**

Page 9-20

No changes.

Page 9-21

Commissioner O'Connor noted that earlier in the document, there is discussion that the amount of pollution is dramatically reduced if traffic continues to move and idling is minimized. He suggested that language be added, either under this Element or the Circulation Element, that available technology be utilized to synchronize traffic signals to minimize idling.

- Add proposed language.

Chair Blank suggested that language be added for public education of drive-through customers when there are long lines to turn off their engines and allow the line to move up before starting forward to avoid idling.

- Add proposed language.

Ms. Stern noted that Commissioner Fox requested that Program 4.4 be put back in Air Quality.

- Keep Program 4.4 under the Air Quality Element.

[Commissioner Fox requested that “senior care facilities and senior assisted-living centers” be added to this program.

- Add proposed language.]

Page 9-22

Chair Blank suggested that the language for wood smoke ordinance be more general to include wood, odor, smoke, and particulates. He further suggested that it include a strongly worded policy that all new construction have only EPA-approved wood-burning fireplaces.

- Use more general language for wood smoke ordinance
- Add Policy to required all new construction to have only EPA-approved wood-burning fireplaces.

Commissioner O’Connor noted that he thought the City of Pleasanton had stopped wood-burning fireplaces. Ms. Harryman stated that staff routinely and consistently adds that condition on projects.

With respect to Chair Blank’s suggestion that the wood smoke language be broader, Ms. Stern stated that it is worded as wood smoke ordinance because burning something other than wood or charcoal is banned by BAAQMD.

Chair Blank stated that he wanted to make the “smoke” broader to address ashes or noxious odors. Ms. Stern noted that creating an ordinance would first require making it a Council Priority, and then it would have to go through the entire public process. Chair Blank clarified that he did not want to create a new ordinance; he wants stronger language so that this would be adopted and would not have to be added as a condition of approval for each project.

Commissioner O’Connor suggested dropping the words “Consider adopting” in Program 5.3 and use “Adopt.”

Ms. Stern noted that “adopting” would mean a new ordinance that would again have to be first a Council Priority and then undergo public process.

Commissioner Pearce inquired if it could include “Consider adopting a second-hand smoke ordinance” under the guise of its impact on air quality and odor rather than air pollution. Ms. Stern stated that the General Plan covers the public arena rather than a private patio. Commissioner Pearce indicated that she was referring to public parks in general. Ms. Stern pointed out that if it does not fit under Air Quality, it would be under Public Health.

[Commissioner Fox would like to rename “wood smoke ordinance in Program 5.3 to “wood burning ordinance,” add “fire pits” and “portable outdoor fire units,” and consider adopting setback ordinances regarding proximity of those structures/devices to adjacent neighbors.

- Add proposed language.]

Page 9-23

Chair Blank indicated that he would like to see technology measures broadened beyond just pollution by cars. He noted that there are many other sources of pollution. Ms. Stern clarified that this section specifically addresses the City taking the lead in not contributing to pollution.

Chair Blank inquired why it is limited to the City and not something that the City should encourage businesses to do as well. He inquired why it cannot use the same language as Program 5.2 “Require Pleasanton residents and businesses to implement technology-based air pollution reduction programs when feasible.” Ms. Stern replied that the City does not have regulatory power over how a private company chooses its fleet, for example.

Chair Blank inquired if this is regulatorily binding to the City of Pleasanton. Ms. Stern replied that it is more likely to be bound by its own policy than by other agencies.

Chair Blank stated that the City should strongly encourage businesses. Ms. Stern replied that the City could provide education as well.

Commissioner Pearce noted that the City does not have authority over the School District, which uses a lot of gas-powered equipment around sensitive receptors like children. She suggested adding a program to strongly encourage the School District to purchase equipment that would address this matter when it comes time to replace their equipment. Ms. Stern replied that she would look into how that can be done.

Page 9-24

No changes.

Page 9-25

No changes.

Commissioner Pearce thanked Ms. Stern for using direct language that is more active than passive.

**b. General Plan Draft Noise Element**

Ms. Stern presented the staff report and discussed the background, overview, and the changes to the Noise Element.

Chair Blank noted that the sensitivity level of noise has changed but he was not sure that the noise itself has changed. Ms. Stern agreed.

Commissioner O'Connor noted that the report mentioned that resurfacing of new arterials reduces noise and that most arterials would be resurfaced by buildout. He inquired if this would also pertain to a development impacting an arterial, and could the City have the developers resurface the roads rather than have the City do it. Ms. Stern replied that a nexus needs to be established between the development as it occurs and how much the City can require the developers to do something that is not exactly connected to their development. She stated that there might not be sufficient justification as resurfacing is actually a road reconstruction project. She added that if at all, this could probably be considered for big projects such as constructing El Charro Road in conjunction with the East Side Specific Plan.

Chair Blank inquired if the Cities of Livermore and Pleasanton have agreed to joint noise monitoring. Ms. Stern replied that she believed so, but she would check on its status.

**THE PUBLIC HEARING WAS OPENED.**

There were no speakers.

**THE PUBLIC HEARING WAS CLOSED.**

The Commission then reviewed the Draft Noise Element text and made the following recommendations on the redlined version.

**Text**

*Page 11-1*

No changes.

*Page 11-2*

No changes.

*Page 11-3*

No changes.

Page 11.4

No changes.

Page 11-5

Commissioner O'Connor inquired why Sunol Boulevard was eliminated in the first paragraph. Ms. Stern replied that it was dropped in 2006 when Illingworth & Rodkin did monitoring and found that the resurfacing had resulted in lower noise levels.

Page 11-6

No changes.

Page 11-7

Commissioner Olson asked what the source was for the noise contour for the airport. Ms. Stern replied that it was taken from the City of Livermore General Plan.

The Commission then discussed Figure 11-3.

Page 11-8

No changes.

Page 11-9

Chair Blank noted in the first paragraph the statement that studies have shown that aircraft noise is above 55 dBA. He inquired what these studies might be. Ms. Maxwell stated that there have been a number of studies done over the years, one of which is the General Health Effects of Transportation Noise done by the U.S. Department of Transportation, which includes a chart.

Chair Blank stated that the reference should be incorporated in the study. Ms. Maxwell noted that she is reluctant to incorporate it because there is some controversy about its accuracy; however, it is safe to say that in general, aircraft noise is considered more annoying than other noise sources at certain noise levels.

Chair Blank noted that he found this to be very controversial statement because there is no scientific peer review that aircraft noise is more annoying than a loud lawn mower. He expressed concern that the statement is without foundation.

Ms. Maxwell stated that the statement can be made clearer. She added that the noise is not compared to lawn mowers but to trains and that there are slight differences.

Chair Blank stated that the sentence is an absolute as it does not indicate that there is controversy or that the studies are in dispute.

Commissioner O'Connor suggested the language "Studies have indicated..."

Commissioner Pearce stated that what probably is in dispute is how annoying it is rather than whether it is annoying. Ms. Maxwell concurred and added that it is not really clear how annoying it is. She indicated that these studies have been peer-reviewed.

Commissioner O'Connor inquired if this is related to the pitch of the noise in terms of high-pitched or low-pitched noise of the same decibel. Ms. Maxwell replied that she was not certain.

Chair Blank stated that the language could probably be modified to say something like "Some studies show that..." or "Some people find that..." or "Older studies show more...the more recent studies show less because of technological developments...." Ms. Maxwell indicated that staff would cite the studies and include footnotes.

- Add proposed language.

Page 11-10

No changes.

Page 11-11

No changes.

Page 11-12

No changes.

Page 11-13

No changes.

Page 11-14

No changes.

Page 11-15

Chair Blank noted that there are two homes in the Staples Ranch area which generate 50 percent of the complaint calls. He expressed concern that the City does not have strong enough language that states that any new construction in the area must be soundproofed as they are closer to the airport. He indicated that he is trying to strengthen the noise mitigation especially in the vicinity of the airport.

Commissioner O'Connor noted that the Commission had previously discussed new construction in the Staples Ranch area in relation to construction under design guidelines and soundproofed windows.

Ms. Stern stated that there are standards for construction and the land use compatibility table which looks at appropriate construction. She added that she was hesitant to pull out one area because the same conditions could exist in other areas.

Page 11-16

No changes.

Page 11-17

Commissioner Pearce indicated that she has the same comment as before regarding the potential school site on Busch Road.

- Move No. 16 from the School District to the Elderly Facilities.

Ms. Stern noted that Commissioner Fox commented that some development listed on this page should be listed as "potential future" development.

Page 11-18

No changes.

Page 11-19

Commissioner Olson noted that in the first paragraph, it indicates that it would be appropriate to build the Staples Ranch senior housing in areas where the noise level is at 65 dBA. He inquired whether these levels are part of the Code. Ms. Stern said no and added that there are codes related to noise, but land use compatibility is a General Plan guideline the City uses for determining what is appropriate to develop in certain noise environments.

Commissioner Olson inquired if these levels would have to be imposed by the Commission as it reviews projects. Ms. Stern explained that the Commission would look at the noise environment for a particular site and then determine if the project is appropriate in that location and what mitigation is required.

Commissioner O'Connor noted that the outside noise level for a single-family residential is 60 dBA and 65 dBA for multi-family; but both are 45 dBA for inside the house. He inquired why there is a difference. Ms. Stern replied that it is based on the assumption of the outdoor space use. She explained that single-family homes have the private use of the backyard so there would be a quiet environment, while people in multi-family homes do not necessarily use balconies or the project open space as much.



Commissioner O'Connor noted that the construction guidelines would be stricter for multi-family residential to be able to get it down to 45 dBA indoors.

Commissioner Pearce added that the shared outdoor space of multi-family units could also be a contributing factor.

Page 11-20

Chair Blank suggested that the language on the bottom of the page be changed as discussed earlier. He then inquired why the dBA where residential construction should not be allowed is at 65 from airplanes when residents are now complaining at 55 dBA. He suggested that the dBA be lowered to 55. He indicated that guidelines should be set so the City does not allow houses to be built under the flight path.

- Change 65 dBA to 55 dBA for residential construction close to the airport.

Commissioner O'Connor agreed that the language should be made stronger. He indicated that there should be higher building standards for buildings that are that close to the airport.

**Goals, Policies, and Programs**

Page 11-21

Commissioner Olson inquired if 65 dBA should also be changed to 55 dBA for new multi-family residential developments. Chair Blank indicated that he recommended that change only where there is aircraft noise and nowhere else.

Commissioner Pearce indicated that she liked the boxes around the Goals and Policies because they call out the statements. She inquired if this will be done for all the other Elements. Ms. Stern replied that it would be done for all the Elements. She further noted that staff will be re-formatting the General Plan when it comes out in its final form.

Page 11-22

No changes.

Page 11-23

No change.

Page 11-24

Commissioner Olson inquired, in reference to Program 6.1, if the City can actually limit construction, delivery, and through-truck traffic. He noted that when the Commission

discussed the Home Depot project, the Commission was told that it couldn't tell truckers that they had to take a certain route to get there.

Ms. Harryman replied that the City does have truck routes and that the Pleasanton Police Department cites trucks that are not on their route.

Commissioner Pearce recalled that Home Depot could not say that truckers could not pick specific streets to get to Home Depot because otherwise Home Depot would have to designate other ones as specific truck routes.

Commissioner O'Connor noted that it was also mentioned that there was a State law that indicated that trucks cannot be prevented from taking the shortest route.

Ms. Harryman noted that there is a difference between cutting through Pleasanton to get elsewhere and coming into Pleasanton to drop a load in Pleasanton.

[Commissioner Fox stated that the noise from the airport is not discussed extensively enough. She would like to include other noises such as the Dublin firing range, events such as those at the Fairgrounds, and possible noise from late night business operations adjacent to residential neighborhoods, such as Jack in the Box on Bernal, the Downtown, and bars.]

[Commissioner Fox would like a policy added regarding proximity of noise businesses, such as drive-through speakers, near residential neighborhoods, loading/unloading and delivery of goods to businesses near and through residential neighborhoods, etc.]

Chair Blank commended Ms. Stern for her great work.

#### **4. ADJOURNMENT**

Chair Blank adjourned the Planning Commission meeting at 8:40 p.m.

Respectfully,

DONNA DECKER  
Secretary