



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, May 9, 2007**

*(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 May 9, 2007 was called to order at 7:00 p.m. by Chairperson Fox.

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

Staff Members Present: Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Wes Jost, Development Services Manager, Steve Otto, Associate Planner, Jenny Soo, Associate Planner, and Cory Emberson, Recording Secretary.

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

Commissioners Absent: None.

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

##### **a. April 25, 2007**

Commissioner Olson noted the fourth sentence of the second full paragraph on page 7 should be modified to read as follows: "He added that there was one other comment, *the reference to Red Feather Drive as an alternative*, that was presented at the public input but was not included in the staff report."

Chairperson Fox requested that the first sentence of the fourth full paragraph on page 8 be modified to read as follows: "Chairperson Fox ~~stated~~ *requested* that if it is anticipated

that the Oak Grove *staff report and documents* would be revised, ~~and requested that the~~ Commission receive all the documents by Friday before *the meeting*.”

Chairperson Fox requested that the following language be added following the first sentence of the second paragraph on page 6: “*She added that if it was new, she wanted to know why it was a Consent Calendar rather than a Public Hearing item. She noted that multiple retail buildings and a gas station near the Stanley Boulevard/Bernal Avenue/Valley Avenue corner had each taken several public hearings.*”

Chairperson Fox noted that the first sentence of the last paragraph on page 5 should be modified to read as follows: “... and the Commission has never heard an animal use application *for a hawk* before.”

Chairperson Fox noted that a space should be added between the words “licensed” and “139” on fourth sentence of the second full paragraph on page 4.

Chairperson Fox inquired whether the Consent Calendar item on page 2 was approved as a whole or for just that one item. She believed it was a motion to approve the entire Consent Calendar and requested that the language be changed to “... made a motion to approve the Consent Calendar.”

Chairperson Fox noted that the first sentence of the first paragraph under Approval of Minutes on page 1 should be changed to read as follows: “Chairperson Fox noted that Ms. Harryman’s statement in the last paragraph of page 4 that a motion *and vote are* ~~is~~ necessary to remove an item from the Consent Calendar. She stated that she recalled Ms. Harryman making the clarifying statement at the ~~end~~ *beginning* of the meeting, rather than at the ~~beginning~~ *end of the meeting* and that Ms. Harryman added that a member of the public may also remove an item from the Consent Calendar.”

**Commissioner Narum moved to approve the minutes as amended.  
Commissioner Fox seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Fox, Olson, Narum, and Pearce.  
**NOES:** None.  
**ABSTAIN:** Commissioner Blank.  
**RECUSED:** None.  
**ABSENT:** None.

**The motion passed, and the minutes of April 25, 2007 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 speakers.

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

There were none.

Ms. Decker noted that she had provided the Planning Commission with a synopsis of the items that would be heard during the meeting and that a request was made that the information be made available to the public. She added that the synopsis was available at the back table.

5. **CONSENT CALENDAR**

a. **PCUP-193, Tucknott Electric and Liquid Coating Designs**

Application for conditional use permits to allow the operation of two construction and/or construction-related business offices located at 1032 Serpentine Lane, Suite 103 and 1262 Quarry Lane, Suite D, respectively, within the Valley Business Park. Zoning for the properties is PUD-I (Planned Unit Development – Industrial) District.

**Commissioner Blank moved to make the required conditional use permit findings as listed in the staff report and to approve Case PCUP-193, subject to the conditions listed in Exhibit B, as recommended by staff.  
Commissioner Narum seconded the motion.**

**ROLL CALL VOTE:**

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

**Resolutions Nos. PC-2007-18 approving Tucknott Electric and PC-2007-19 approving Liquid Coating Designs were entered and adopted as motioned.**

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

### **a. PUD-61, Emil Oxsen and Kathleen Morrison**

Application for a Planned Unit Development (PUD) rezoning of an approximately 10,669-square-foot parcel from the R-1-6,500 (Single-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District and for development plan approval to allow the existing 1,118-square-foot and 1,200-square-foot single-family detached units and detached garage located at 403 St. Mary Street/730 Peters Avenue. Current zoning for the property is R-1-6,500 (Single-Family Residential) District and Core Area Overlay District.

Ms. Decker presented the staff report and summarized the background, scope, and layout of the proposed project.

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

Emil Oxsen, applicant, noted that at the time he applied to add the granny unit, he believed the zoning for the adjacent lot was R-1-6,500 (Single-Family Residential) District. He added that he did not know that he could have had it rezoned to High Density Residential. He noted that there were four single-family units and a duplex to the north and that he would have preferred applying for a PUD.

Ms. Decker noted that staff could not address what had been discussed with Mr. Oxsen and that the Planning Director indicated that a PUD would have been supported at that time.

Mr. Oxsen noted that the property was located in the Downtown area with a commercial property across the street and high-density use on either side. He was confident that this project conformed with the neighborhood and believed this type of zoning would be appropriate for the area.

Robert Byrd, 205 Neal Street, noted that he had lived in the Downtown for most of his life and supported the project. He noted that each situation is unique and did not believe there would be an exact precedent. He believed that unique situations should be resolved with creativity and that appropriate rules be applied for each situation. He believed that unique projects have given Downtown Pleasanton its character and originality, that the neighbors were in favor of this project, and that the project was a benefit to Downtown. He was certain that the project demonstrated uniqueness and character. He noted the project supported its own parking and did not believe there would be any copycat versions requested.

Chris Beratlis noted that his office was located at 351 St. Mary's Street, approximately 150 feet from the project. He supported the project wholeheartedly.

Jim Lowey, 2 Fairway Lane, noted that he is a long-time Pleasanton resident and valued the unique character and flexibility of Pleasanton's Downtown, as demonstrated by the Rose Hotel. He did not believe the Hotel set a precedent for three-story buildings throughout Downtown and that this project would create a rush for similar projects. He supported the applicants in this matter and believed both homes would work well in the Downtown.

Chairperson Fox noted that a letter from John Harvey had been received. She requested that staff report the content to the audience and Planning Commission. Ms. Decker noted that the content was similar to that described within the staff report regarding his concerns about second residential units, precedent-setting, and what effects it may have on residential districts in the Downtown area.

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

Chairperson Fox noted that when Mr. Winter did his project, there was considerable discussion regarding on-street parking on Peters Avenue and Mr. Winter was required to pay into the Downtown parking fund for that project. She inquired whether the applicant should be required to pay into the parking fund. Ms. Decker stated that was not necessary because the site had adequate parking, and all the facilities, infrastructure, and site conditions remained the same. She noted that the use would not be intensified.

**Commissioner Blank moved to find that the proposed PUD development plan is consistent with the General Plan, the Downtown Specific Plan, and the purposes of the PUD Ordinance, to make the PUD findings as listed in the staff report, and to recommend approval of Case PUD-61, subject to the conditions of approval listed in Exhibit B, as recommended by staff.**

**Commissioner Narum seconded the motion.**

Commissioner Pearce proposed an amendment to require that substantial changes to the site development standards come before the Planning Commission.

Ms. Decker noted that this was not a variance process and that when staff evaluates whether a request is minor or major, controversy in the neighborhood would be taken into account. She noted that any significant changes not clearly stated within the development standards would be a minor modification at the very least. Any question may be elevated to the City Council through the Zoning Administration process.

Commissioner Pearce noted that the original motion was acceptable to her.

Chairperson Fox noted that she would have supported the amendment to bring it back to the Planning Commission and would not support the original motion without that provision.

**ROLL CALL VOTE:**

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

**Resolution No. PC-2007-20 recommending approval of Case PUD-61 was entered and adopted as motioned.**

**b. PUD-93-02-09M/PCUP-182, Barnabas Nagy**

Applications for: (1) a major modification to the Ruby Hill PUD development plan to: (a) relocate the existing sales office building on Ruby Hill Boulevard northwesterly along Vineyard Avenue; (b) change the existing office use to restaurant use; (c) revise the configuration of the existing parking lot; (d) establish a new driveway off of Vineyard Avenue; and (e) establish a pad location and design guidelines for a future single-family residence; and (2) a conditional use permit to allow alcoholic beverage service after 10:00 p.m. The property is located at 2001 Ruby Hill Boulevard and is zoned PUD/OS/A/LDR (Planned Unit Development/Open Space/ Agriculture/Low Density Residential) District.

Also consider a Negative Declaration for the project.

Ms. Soo presented the staff report and summarized the background, scope, and layout of the proposed project. She noted that following many neighborhood meetings to address concerns regarding noise, traffic, and proximity to residences, the applicant indicated he was willing to make the project work and decided to push the building farther out towards Vineyard Avenue, thereby providing a 1,000-foot buffer between the project and the closest residence. She noted that a condition had been added requiring the restaurant to be placed closest to Vineyard Avenue and that the surroundings must be maintained in an attractive way; enforcement actions would be taken if that condition were to be disregarded.

Ms. Soo described the Tuscan-style home which would be built in the future. She noted that the applicant proposed to use the development standards for R-1-6,500. Staff recommended to R-1-20,000 standard instead because the building pad is approximately 18,000 square feet, which was closer to the R-1-20,000 standard. Staff believed it provided much wider setbacks, and the floor area ratio (FAR) would be lower at 30 percent rather than 40 percent, while allowing a sufficient home size.

In response to Commissioner Blank's inquiry regarding whether there was a stand-alone bar in the restaurant, Ms. Soo replied there was only a cocktail lounge. Commissioner Blank requested that a condition be included requiring a full menu to be available when alcoholic beverages were to be served. Ms. Soo noted that condition could be added.

She then described the requirements placed on the applicants should the buildings fall into disrepair or become abandoned.

Chairperson Fox recalled that the Planning Commission had been told that no buildings would be placed on land designated as Open Space/Grazing, such as on the Austin PUD. Ms. Decker stated that the difference between the two projects was that the leftover land in the Austin PUD was considered to be dedicated open space. In this case, the General Plan designation is Agriculture/Open Space, with an overlay with the South Livermore Valley Area Plan as well as the Tri-Valley Conservancy, outlining a 2.5-acre limit for development. The Tri-Valley Conservancy has voiced its support for this project within those limits.

In response to an inquiry by Chairperson Fox regarding the FAR and the maximum size of the house, Ms. Soo replied that staff recommended following the R-1-20,000 regulations, which allow a maximum FAR of 30 percent. The pad area drawn on the plan was 130 feet wide by 130 feet deep. The living area could be a maximum size of 6,000 square feet.

Commissioner Olsen referenced the letter from the Ruby Hill Homeowners Association in Attachment 8 and inquired whether the transition of landscaping maintenance had been conditioned. Ms. Soo indicated that was not a condition because it was an agreement between two private parties. Ruby Hill would like to give the maintenance responsibility to the Nagy's.

In response to an inquiry by Chairperson Fox regarding the FAR and maximum size of the house, Ms. Soo replied that staff recommended the R-1-20,000 standard which allows a maximum FAR of 30 percent. The pad area drawn on the plan was 130 feet wide by 120 feet deep, totaling approximately 18,000 square feet. With a 30-percent FAR, staff believes the home would have a sufficient size. Ms. Decker added that the living area of the home could be a maximum of 6,000 square feet based on the 30-percent FAR. Ms. Soo added that the measurement did not include the garage.

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

Arpad Nagy, applicant, described the vision for the site as a five-star restaurant which would be a valuable enhancement to the 36-acre vineyard parcel as well as the former sales office. He described the ambience that would be achieved by the dining experience and noted that both families and professionals could enjoy a welcoming, fine-dining experience. He noted that the architecture and landscaping would also be attractive for visitors to the area as well. He noted that the project had been revised several times, and meetings by a focus group consisting of residents resulted in the 500-foot buffer zone. They also decided to build the residence between the residence and the Ruby Hill homes in order to buffer lighting and noise impacts; the courtyard would also serve as a buffer. He believed the current project was much better due to the input provided by the neighbors. He corrected the operating hours as starting at 11:00 a.m. He noted that the dining hours would be from 6:00 p.m. to 10:00 p.m. on weekdays, and from 6:00 p.m. to

11:00 p.m. on weekends and days before a national holiday. He added that private dining would be available during the daytime. He requested that Condition No. 7 regarding heating lamps and lighting on the terrace be removed following a meeting with the neighbors. He noted that the current condition did not allow dining flexibility, and he would like the diners to have the ability to dine outside and still read the menu.

In response to an inquiry by Chairperson Fox regarding lighting, Ms. Soo confirmed that the standard condition called for the lowest level of luminosity possible. Mr. Nagy noted that the lights would be controlled by photocell timers; he then described the landscaping buffers. Ms. Soo stated that requirement was memorialized on page 20 (B.1.) of the conditions of approval.

In response to an inquiry by Commissioner Blank regarding whether language such as "Special lighting will be allowed, but must not be an attractive nuisance" would be acceptable, Mr. Nagy replied that would be acceptable.

In response to an inquiry by Commissioner Blank regarding whether the applicant would object to a condition requiring food service whenever alcohol would be served, Mr. Nagy replied he would be amenable to that condition.

Peter MacDonald, project architect, 400 Main Street, Suite 210, noted that Mr. Nagy had been the driving force throughout this process. He noted that the creation of a wine country ambience was the vision of the City's Vineyard Corridor and that the creation of Ruby Hill was one of the trade-offs to achieve that goal. He noted that the General Plan called for the creation of many amenities, including a restaurant such as this. He noted that the Nagy family came to the United States from Hungary and saw the country as a beacon of freedom which would allow them to exercise their entrepreneurial spirit and hard work in order to create a five-star restaurant. He noted that entrepreneurial projects were fragile, especially at the start. He noted that the applicants responded to the residents' concerns in several significant ways and added that the costs had far exceeded what the family had expected. He was surprised that a small project such as this would require a \$20,000 traffic study. He encouraged the Planning Commission to support this project, which he believed would enhance the City. He noted that Condition No. 8 on page 23 referenced a \$5,500 charge for the removal of three trees, which had originally been to encourage people to retain heritage trees where possible. In this case, the trees were being removed as a mitigation measure because they had to move their existing building to a new location, currently surrounded by landscaping. He noted those three trees were not heritage trees.

Earl and Linda Ault, 7000 Tesla Road, Livermore, noted that they owned Cedar Mountain Winery and added that they looked forward to any enhancement to the area with such a high quality restaurant. He would like more people to visit the wine country and complimented the Nagy's on their display of fortitude during this project. He believed this project was wholly consistent with the goals of the area.



Kerry Lamson, 799 Avio Court, noted that he was speaking on behalf of the Ruby Hill owners. He noted that living in a wine destination had its drawbacks as well, and he hoped the infrastructure would support the projects. He noted that they had been approached by the Nagy's and described the series of meetings with the neighbors, the latest of which had been at 4:00 that afternoon. He noted that he and the neighbors had developed a great deal of trust in the Nagy's and in what they were working to accomplish. He noted that the Nagy's had addressed all of their concerns and had been responsive to the neighbors; he believed they could support this project. He believed the compromises were acceptable under the circumstances and noted that there were already several other event centers and wineries. He hoped the traffic models would work to the area's benefit and believed they should be specific enough to be effective without stifling the business. He hoped that the Nagy's would continue to be responsible throughout the process. He noted that they would remain available throughout the process and hoped the neighbors would also become involved with the development of the residence. He believed it was important that the developers would be living in the immediate vicinity and noted that they were concerned regarding any ownership change. He hoped there would not be any blanket approvals with respect to any ownership change. Mr. Lamson believed the directional signage was a very important addition and believed the FAR corresponding to the R-1-20,000 standard was appropriate.

Commissioner Olson complimented Mr. Lamson on the approach he had taken.

In response to an inquiry by Chairperson Fox regarding whether a condition could be added to ensure that the ownership of the residence and the restaurant stayed the same similar to live/work sites, Ms. Harryman replied that it was not within the Planning Commission's authority to limit sale of a piece of private property. She noted that it would not be legally advisable to limit a use based on a change in ownership. She noted that if the site or restaurant use were vacated or a change in ownership occurred, a new business license must be obtained and a zoning certificate obtained, which would require review of the PUD conditions and reassessment of the conformity.

Mr. MacDonald confirmed that the restaurant and the residence must be on a single parcel under single ownership per the conservation easement; further subdivision would not be allowed.

Kara Simone, 2694 Casalino Court, noted that she had not taken part in the focus group and noted that her neighborhood had stringent design guidelines and understood that the residence would not be in the neighborhood. She expressed concern about how the design and landscaping would impact her neighborhood visually and in terms of any safety issues. She was concerned about the size of the house footprint and inquired how big the house could be. She expressed concern about the safety of the curve in the road, where cars often pass her, even with a double-yellow line. She inquired whether the traffic report addressed that issue.

Ms. Soo noted that should the City Council approve the project, the very detailed design guidelines would also be approved. She added that there would be an opportunity for

public comment at that point. She noted that the building height is limited to 30 feet and described the turning lanes and turning pockets into and out of the site.

Ms. Decker wished to clarify that the FAR and size of the home were more restrictive than the design guidelines originally proposed. Staff recommended an amendment to conditions of approval as well as to the design guidelines regarding the allowable FAR.

Dave Cunningham, 2463 Pomino Way, believed the restaurant would be a real asset to the community. He expressed concern about the setback requirements for the new residence, which were 10 to 12 feet from their back fence. Ms. Soo noted that the back setback must be 25 feet; the Commission may increase that setback if it believed it was necessary.

Jack Sum, 708 Avio Court, submitted a speaker card but noted that his question had been answered.

Mr. Nagy requested that the original FAR be retained per the design guidelines and in consideration of the 16-foot wide access roadway from the Ruby Hill gate to the pad as well as the comparable sizes of the surrounding homes.

In response to Commissioner O'Connor's inquiry regarding the average size of the homes in the Ruby Hill development, Mr. Lamson stated that there are three distinct communities in the development. The smallest homes measure from 2,200 square feet to between 2,900 and 3,200 square feet; in the second group are semi-custom homes and measure between 3,200 and 3,800 square feet; and the third type is the custom homes which are built around the golf course and measure from 3,200 to 12,500 square feet.

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

Chairperson Fox complimented the applicant's good faith effort in moving the building.

Commissioner Blank commended the applicants and the residents in working together, as well as Ms. Soo in presenting a very thorough staff report.

**Commissioner Blank moved to find that the project will not have a significant effect on the environment and has a *de minimus* impact on the site's wildlife and to recommend approval of the Negative Declaration for the project; to find that the proposed major modification to the PUD development plan is consistent with the General Plan and the purposes of the PUD Ordinance, to make the PUD findings as identified in the staff report, and to recommend approval of Case PUD-93-02-09M subject to the conditions of approval as shown in Exhibit B-1; to make the conditional use findings as stated in the staff report and to recommend approval of Case PCUP-182, subject to the conditions of approval as shown in Exhibit B-2, including the amendments in the staff memo to the Planning Commission, dated May 9, 2007, and the following amendments: (1) Modify Condition No. 7 to replace the language prohibiting heating lamps and/or special lighting with the following:**

**“Special lighting will be allowed but must not be a nuisance”; and (2) Add a new condition requiring that the full menu be made available at all times when alcoholic beverages are served.**

**Chairperson Fox seconded the motion.**

**Ms. Decker requested that the Planning Commission amend Condition No. 4 which was not addressed in the staff memo, addressing payment of sewer fees to the City of Livermore/*City of Pleasanton*.**

**Commissioner Blank and Chairperson Fox accepted the proposed amendment.**

**Ms. Decker requested that a condition be added to clarify in the PUD guidelines whether or not the home should comply with the R-1-6,500 or the R-1-20,000 standard.**

**Commissioner Blank and Chairperson Fox indicated their preference for the R-1-20,000 standard. Commissioner Blank suggested the language “not to exceed 6,600 square feet.” Chairperson Fox stated that she could support that language.**

**Ms. Decker recommended that the Planning Commission consider a garage exemption of approximately 700 square feet as is typical for contemporary custom homes.**

Chairperson Fox noted that she would support the R-1-20,000 standard, plus the addition suggested by Ms. Decker. However, if the percentages were to exceed the R-1-20,000, she would like the matter to return to the Planning Commission rather than have a staff-level design review. She noted that the neighbors indicated that the smaller homes were at the front area of Ruby Hill.

Ms. Decker suggested supporting the proposed design review process as a staff-level review rather than a two-phase process. She advised that this project was for a recommendation by the Planning Commission, not an approval.

Chairperson Fox reiterated that she would prefer it to be R-1-20,000 and would not be able to support to the amendment. She retracted her second to the initial motion.

**Commissioner Narum seconded the amended motion.**

**Commissioner Pearce did not believe the \$5,500 fee for removing non-heritage tree was in the spirit of the Heritage Tree Ordinance and proposed that Condition No. 28 of Exhibit B-1 be deleted.**

**Commissioners Blank and Narum accepted the proposed amendment.**

Chairperson Fox inquired whether the restaurant and house could be the subject of separate votes. Ms. Decker noted that would not be advisable because it was one PUD.

**Commissioner Blank suggested added the following condition: “Special lighting will be allowed but must not be a nuisance and may only be used during dining hours.”**

Commissioner Narum suggested additional signage to direct drivers to the restaurant.

Ms. Decker noted that Condition No. 14 on page 21 addressed a sign program that must come back to the Planning Department. She noted that idea could be strongly supported with respect to directional signage. Commissioner Blank suggested the addition of the following language: “The sign program shall include directional signage for vehicular traffic.”

Commissioner Narum would support the addition of language for temporary directional signage.

Chairperson Fox noted that she would support staff’s recommendation for the R-1-20,000 and, therefore, would not support this motion although she supported the project.

Ms. Decker summarized the motion as follows:

- Find that the project will not have a significant effect on the environment and has a *de minimus* impact on the site’s wildlife and to recommend approval of the Negative Declaration for the project;
- Find that the proposed major modification to the PUD development plan is consistent with the General Plan and the purposes of the PUD Ordinance; make the PUD findings as identified in the staff report, and recommend approval of Case PUD-93-02-09M, subject to the conditions of approval as shown in Exhibit B-1;
- Make the conditional use findings as stated in the staff report and recommend approval of Case PCUP-182, subject to the conditions of approval as shown in Exhibit B-2, including the amendments in the staff memo to the Planning Commission, dated May 9, 2007;
- Modify Condition No. 7 of Exhibit B-2 to replace the language prohibiting heating lamps and/or special lighting with the following language: “Special lighting will be allowed but must not be a nuisance and may only be used during dining hours”;
- Add a new condition to Exhibit B-2 requiring that the full menu be made available at all times that alcoholic beverages are served;
- Add a new condition to Exhibit B-1 that the site development standards be those of the R-1-20,000 with a maximum habitable area not to exceed 6,600 square feet and a 700-square-foot garage exemption.
- Delete Condition No. 28 of Exhibit B-1 regarding payment for the loss of existing non-heritage trees on the site.

**ROLL CALL VOTE:**

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

**Resolutions Nos. PC-2007-21 recommending approval for the Negative Declaration, PC-2007-22 recommending approval for Case PUD-93-02-09M, and PC-2007-23 recommending approval for Case PCUP-182, were entered and adopted as motioned.**

Chairperson Fox called for a recess at 9:28 p.m.

The hearing reconvened at 9:38 p.m.

**c. PUD-62/PGPA-13, Windstar Communities, Inc.**

Work Session to review and receive comments on applications for General Plan Amendment and Planned Unit Development (PUD) rezoning and development plan to construct a mixed-use high-density residential/commercial development containing 350 apartment units and approximately 12,000 square feet of commercial/retail space at the property located at 6110 Stoneridge Mall Road (adjacent to the future West Dublin/Pleasanton BART station). The current zoning for the property is PUD-C-O (Planned Unit Development – Commercial-Office) District.

Mr. Otto summarized the staff report, and described the background, scope, and layout of the proposed project.

Eric Heffner, applicant, noted that he had been involved in this particular location for the last six years and added that they were able to enter into a 95-year ground lease with BART in March, 2006.

John Rennells, Principal Property Development Officer, BART, noted that he had been involved in this project for ten years. He wished to support BART's private property development partners in this project, Cornerstone Equity Partners, and noted that they were funding an additional half-level of parking in the garage. He believed that was critical for the implementation of the station.

Mr. Heffner described the background of this transit-oriented development (TOD) and believed that mass transit was more important given the current price of gas. He displayed examples of similar communities, including Platinum Corner in Anaheim, kitty-corner to the Los Angeles Angels Stadium, and one near the Los Angeles International Airport. He noted that property in Truckee had not progressed very quickly and displayed another workforce housing project in Irvine.

Chek-Fong Tang, lead architect, 350 Frank Ogawa Plaza, #100, Oakland, displayed a presentation describing the proposed project in detail. He noted that they had recently gotten approval for the Pleasant Hill BART project, as well as one on the San Diego trolley project and an infill project in San Francisco. He noted that the intent of the project was to enliven the connections to the existing uses in Pleasanton as well to as the regional mall, especially creating a gateway into the City. He noted that 220 parking spaces would be proposed where the CalTrain right-of-way currently lies. He displayed the pedestrian promenade and emphasized the connectivity to the retail frontage along the most active part of Stoneridge Drive without neglecting any side of the building. He displayed proposed podium gardens, as well as the ground level garage that backed up to the 12,000-square-foot retail space. He noted that the parking ratio was 1.8 cars per residential unit, a fairly suburban ratio. He noted that they were also working on the Walnut Creek and McArthur BART stations. He described the variety of housing units, from one- to three-bedroom styles for families. They followed staff's suggestion of articulating and layering the massing of the project. He noted that residential scale elements would complement the retail base along the edge. He noted that the intent of the promenade was to activate it and to tie the BART garage to the pedestrian activities. He added that there were areas that would not be viable for retail but that balcony conditions facing the promenade would be appropriate. They had seriously considered the security conditions and noted that units facing out to the promenade would also create a defensible space.

Mr. Tang noted that tiles became a maintenance issue and added that precast materials and brick facing would be sturdier. He noted that the project addressed the freeway in a positive way and noted that they were working on play areas and tot lots areas. They wished to bring this vision to reality in the near future.

In response to an inquiry by Commissioner Blank regarding whether the power lines were 230 KV, Mr. Eric Girod, BKF, noted that he did not know the exact voltage of the electrical lines but that they were the main electrical conduits that came from the substation and power the tracks and future BART station.

In response to an inquiry by Commissioner Blank regarding whether the right-of-way from CalTrans would be used for a park and ride, Mr. Heffner clarified that there was no easement on the site from CalTrans. He noted that they would like a future easement for a flyover from eastbound I-580 to northbound I-680. He noted that they fully respected the City's gateway and would like to begin construction in the first quarter of 2008 so the station could open in 2009.

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

There were no speakers.

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

## Land Use

Commissioner O'Connor noted that he did not have any concerns with the mixed use or the number of units.

Commissioner Pearce believed that this was a good site for a TOD, and looked forward to the mixed use on this site. In terms of proposed commercial uses, she believed an urban grocery store for residents and BART commuters would be appropriate. She suggested the addition of a pharmacy and dry cleaners as well.

Commissioner Blank believed the position of the buildings was fine and agreed with Commissioner Pearce with respect to a mix of commercial uses. He believed the vehicle access points were acceptable and would like to see more clarity in terms of the plans to be reviewed after the workshop. He expressed concern about extremely high voltage lines in a residential area. He inquired whether any of the rentals will be set aside for low- or moderate-income individuals. Mr. Heffner noted that they intended to build the residences in compliance with Pleasanton's Affordable Housing Ordinance. He noted that the impact of the electrical line was the same as that of a hair dryer. Commissioner Blank would like to see more data on that assertion.

Chairperson Fox agreed with the mixed-use approach but was unsure whether 350 units would be appropriate because 70 units did not have any open space. She would prefer that each unit have a balcony or some kind of open space and would like to see a reduction in the number of units to accomplish that. She wanted to ensure that the urban grocery store was not a convenience but a full-service store so people did not have to drive off-site to a grocery store. She agreed with Commissioner Pearce's opinion that common retail uses such as a FedEx or UPS store should be included.

Commissioner Olsen inquired whether Windstar operated the other facilities. Mr. Heffner replied that they would hire a property manager. Commissioner Olsen believed the 350 units should be exempt under the Pleasanton housing cap. He inquired whether loss of the land for the flyover would affect the development. Mr. Heffner noted that some TOD developments had 1.1 or 1.2 spaces per unit on TOD development. He noted that they had considered a FlexCar program as well. Commissioner Olsen added that he liked the urban grocery store.

Commissioner Narum noted that she lived thousands of feet from the freeway and was concerned about the noise impacts of the freeway on the units. She expressed concern about the 350 units being fit into too small of a space and suggested that fewer units be designed into the program. She suggested that stores that would not compete with the mall be included, such as small boutique or service stores that complement the mall.

## Site Plan

Commissioner Narum believed there should be a tot lot and was concerned that there may not be enough room for tot lots and play areas. She generally accepted the layout.

Commissioner Olsen liked the layout and spoke in favor of a tot lot as well.

Chairperson Fox described the changes to the site plan that she would like and would not place any lawn area near the freeway. She would support removing all the three-bedroom apartments and having all the micro-recreational areas combined into one recreational lawn in the center of the site. She could not speak to the ingress/egress points at this time and wanted to ensure there were several ways to get onto and out of the site. She believed the three recreational areas should be consolidated into one lot.

Commissioner Blank believed the general site layout was acceptable and was concerned about freeway soot and exhaust as well as noise. He liked the kiosk use and believed the vehicle access points were fine. He believed the on-site recreational facilities were fine. He liked the tot lot and believed there should be several large self-enclosed amenities without needing drive to the park.

Commissioner Pearce believed the safest place for a tot lot would be in the center of the site away from the freeway.

Commissioner O'Connor believed there should be at least one tot lot and believed the open space grass area in the noisiest part of the complex would not be a popular recreation space. He would support moving the green space inside the complex but did not want it to be enclosed too much.

Mr. Heffner noted that the green space was near the power lines and that was a constraint to putting buildings there. He noted that would be a good place for dogs to be walked.

Mr. Tang noted that a large-scale apartment project with a central open space creates a loss of identity. He did understand the Commissioners' comments about a larger open space. Acoustically, they tried to make a buffer on the freeway side by including the green strip.

Commissioner Narum would like to see a more detailed visual to provide more perspective on the open spaces.

## Traffic, Circulation, Parking, Grading

In response to an inquiry by Commissioner O'Connor regarding whether the residents would be able to park in the BART lot, Mr. Rennells replied that they would if they paid the parking fee.



Commissioner O'Connor expressed concern about the number of parking spaces being 117 fewer than what is called for in the Pleasanton Municipal Code for prior projects. He did not believe that one car per residential unit would be realistic. He did not believe traffic circulation would be a problem and noted there was an EVA.

Commissioner Pearce stated that while the TOD ideally wanted people to have one car, she did not believe it was realistic, especially in the two- and three-bedroom apartments that would house young families who would need to drive their children to school. She would like to see the statistics for other TODs that the applicant has done. She noted that while she liked the car-sharing idea as an amenity, she noted that people would want to drive during the week. She believed that pursuing a parking agreement with Stoneridge Corporate Plaza would be positive, especially if the flyover were to be built. She would favor vehicle-counter signs for the parking garage.

Commissioner Blank generally accepted the parking, noting that one person may take BART and one may drive to work in Pleasanton. He noted that the Pleasanton Municipal Code (PMC) and the Parking Code did not recognize TODs and believed the parking would be fine. He was not worried about the flyover occurring in the near future.

Chairperson Fox would like to see more underground parking in order to allow more room for amenities and open space. She was concerned that because Pleasanton was at the end of the BART line, many commuters cannot park in their nearest lot. She noted that underground parking with key cards would be effective in keeping outside BART parkers out of the residents' lot. Mr. Heffner noted that there would be 24/7 security and added that residents could have parking stickers. The parking garage would be secured with assigned parking spaces and would not be open to BART patrons.

Commissioner Olsen agreed with Commissioner Blank and noted that it was time to commit to TOD. He believed the parking scheme was fine.

Commissioner Narum agreed with Commissioner Olsen and Commissioner Blank but would like to see supporting data for TODs. While the PMC did not address TODs, she believed the Commission had the obligation to be open-minded based on good data. She supported the agreement with the Pleasanton Corporate Park.

In response to an inquiry by Commissioner Olsen regarding an underground garage, Mr. Heffner noted that the water table presented an obstacle.

Chairperson Fox believed that many people who work in Silicon Valley would not take BART because of the lack of a BART station.

Commissioner Blank took issue with that assertion and noted that it would not make sense for people to move into a TOD if they did not take BART to work or worked in Pleasanton. He noted that either assertion could be made until some good data were presented.

### Green Building, Landscaping, Signage

Commissioner Narum appreciated the effort to make the architecture and design look unique. She was concerned that there would be many complexes that would look like they were built in the early 2000's.

Commissioner Blank believed the resembled Dublin or Los Angeles and that it should have a more Pleasanton-specific character.

Commissioner Narum would like to see a more detailed simulation of the green space as seen from an apartment.

Commissioner O'Connor noted that the photo from the Truckee project did look like it belonged in Truckee and would like to see more Pleasanton character in the design.

Commissioner Pearce noted that while she did not want to see all metal and glass in the design, she would like the design to acknowledge its location.

Commissioner Olsen liked staff's suggestion to use more brick. Commissioner Pearce agreed with that suggestion.

Commissioner Olsen believed the more green building points the project could accumulate, the better.

Chairperson Fox believed the elevations looked somewhat stark, like a hospital. She was not as concerned about the view from the freeway but believed the view from the Pleasanton city streets should be more attractive. She suggested that the design be peer reviewed by Larry Cannon. She noted that she did not like the stark white color but did not particularly like the brick either. She noted that along Third Street in San Mateo, there were several four- to five-story apartments with trellises which thought were attractive. She would like to see one less story on the buildings. She believed the park in the center looked out of place. She did not consider a four-by-four-foot space to be a balcony and would like to see normal-sized balconies. She liked the glass- or Plexi-shielded balconies on Dublin Boulevard in Dublin. In terms of noise, she had questions about the proximity to the freeway. She had no comments on landscaping and signage at this point.

Commissioner Blank supported the green building practices very strongly, which often creates flexibility in other issues. He would like to see the maximum number of points attainable. He would like to see vibration standards from the freeway addressed more strongly. He did not believe there was enough landscaping on the site, which he believed was an important respite from the urbanization on the TOD.

Commissioner Pearce agreed that the more landscaping and green points, the better for the project. She did not believe the project needed to be peer reviewed by Larry Cannon,

and noted that it was a specific kind of development. She believed this site should have a Pleasanton-specific urban edge without a lot of trellises.

Commissioner O'Connor would not object to having one more level going up with the parking garage. He believed that balconies were a very important feature of an apartment and noted that people often put their bicycles and barbeques there.

Commissioner Blank agreed with that assessment and noted that it was a market-driven amenity. He believed an apartment without a balcony would be more difficult to rent.

Commissioner Narum noted that a balcony would also add to the architectural interest of the building. She believed it was a market-driven decision.

Commissioner Narum believed it was important to ensure that the site was friendly to people bringing bikes on BART. Ms. Decker noted that would be examined by staff and that lockable bike racks would be included.

Chairperson Fox would like to see the inclusion of anti-flip provisions if any units became condos.

Mr. Heffner noted that the company was strongly in favor of building green. He noted that an additional floor on the garage would change the type of the construction and that more density would benefit the TOD. He noted that the 95-year ground lease with BART stated that the units must be rented. He agreed with Commissioner Blank's comments with respect to the vibration and that the units should be checked. They had included two-by-eight-foot balconies in the Anaheim building. He did not favor residents putting barbeques on the balconies as a fire hazard and visual nuisance. He noted that each courtyard had outdoor barbeques, courtyards, and Jacuzzis. He noted that there were also full-service workout facilities in the project. Their projects were also designed to accommodate satellite TV to keep individual satellite dishes off the balcony if possible.

No action was taken.

## **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**

Chairperson Fox adjourned the Planning Commission meeting at 11:37 p.m.

Respectfully,

DONNA DECKER  
Secretary