



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, July 26, 2006**

### **CALL TO ORDER**

The Planning Commission meeting of July 26, 2006, was called to order at 7:05 p.m. by Chairperson Arkin.

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

Staff Members Present: Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Philip Grubstick, City Engineer; Janice Stern, Principal Planner; Mike Tassano, Acting City Traffic Engineer; Leslie Mendez, Assistant Planner; and Maria L. Hoey, Recording Secretary.

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

Commissioners Absent: None.

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

a. June 28, 2006.

Ms. Decker advised that per the Commission's request at the last meeting, staff has attached to the June 28, 2006 Minutes a transcription of the motion made for PAP-93, Dennis and Barbara Georgatos (PADR-1472, Stan and Stacey Knight) to determine the composition of the mediation group.

The minutes were approved as presented, with the amendments made at the July 12, 2006 meeting.

b. July 12, 2006.

Ms. Decker advised that the Minutes for the July 12, 2006 meeting do not include the verbatim section of Item 6.b., PUD-33, Jennifer Lin, Frederic Lin, and Kevin Lin. The rest of the Minutes have been provided at this time in case the Commission desired to review them in advance. She indicated that the Minutes in its entirety would be considered at the next Commission meeting

Commissioner Blank stated that he would like to make a minor correction to the Minutes at this time. He noted that the last line on page 6 states that he rejoined the Commission on the dais, but there is no indication of when he left. He requested that it be noted that he recused himself for Item 6.b., PUD-33, Jennifer Lin, Frederic Lin, and Kevin Lin.

Chairperson Arkin confirmed that the Minutes would be reviewed with the verbatim section at the next meeting.

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 none.

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

Commissioner Fox requested that Item 6.b., PUD-33, Jennifer Lin, Frederic Lin, and Kevin Lin, be continued to a future Planning Commission meeting.

Chairperson Arkin explained that a Commissioner may request the continuation of any item on the agenda. He then advised that Item 6.b., PUD-33, Jennifer Lin, Frederic Lin, and Kevin Lin would be continued to the next available Commission meeting.

5. **CONSENT CALENDAR**

There were none.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

a. **General Plan Circulation Network**

Consider refinements to the “working draft” General Plan circulation (roadway) network and provide comment prior to consideration of the draft General Plan circulation network by the City Council.

Ms. Stern noted that this discussion on the “working draft” of the Circulation Network is a continuation of the discussion that began on July 12, 2006. She stated that several Joint City Council-Planning Commission Circulation Workshops in 2004-2005, at which most of the current Commissioners participated, culminated in the selection of a “working

draft” circulation network. She added that the purpose of this meeting is to provide the Commissioners with the opportunity to comment on some potential refinements to the document.

Ms. Stern requested that the Commission focus its comments on major street extensions and street widening issues. She advised that the Commission’s comments would be included in the staff report that would be presented to the City Council at its August 15, 2006 meeting, at which time staff would seek direction from the Council on the “working draft” circulation network so it can proceed with the preliminary analysis of the network, using the Draft Preferred Land Use selected in April 2006. She further requested the Commission to provide comment regarding major extensions and roadway widenings and to defer the more detailed traffic questions until after the preliminary traffic analysis is prepared. She explained that the traffic analysis would provide the Commission with more information and details that would assist them in refining some of the intersections and land uses to achieve the desired results.

Ms. Stern indicated that the individual Commissioner comments were noted in the draft July 12, 2006 minutes and that these comments and any further comments would be forwarded to the City Council. She advised that Mike Tassano, Acting City Traffic Engineer, was present to answer questions.

At the request of Chairperson Arkin Ms. Stern provide a summary of the comments made thus far by the Commission:

- Commissioner Blank suggested that the “Happy Valley Bypass Road” be referred to as Sycamore Creek Way Extension for clarity.
- Chairperson Arkin did not favor a triple left-turn lane at Santa Rita Road and preferred that it remain two lanes. He also suggested a no-right-turn sign on Stoneridge Drive and Santa Rita Road.
- Commissioner Fox suggested that a triple left-turn lane might cut down the number of cars running the red light.
- Commissioner O’Connor was not in favor of eliminating the traffic signals at Blackbird Drive, Crestline Road, and Hansen Drive on Valley Avenue for safety reasons, considering that this is a school zone. He also noted the significant traffic bottleneck on Case Avenue when school lets out.

Commissioner Fox stated that it was her understanding that all Pleasanton roadway network changes assumed over the next 20 years were in the 1996 General Plan, and changes were stricken out in red. She noted, however, that there were items on the memo that were not on Table III-6, Critical Intersection Improvements, of the 1996 General Plan. She then pointed out, as an example, that the second to the last bullet on page 2 regarding the intersection of Santa Rita Road and Black Avenue, is not in the 1996 General Plan or stricken out. She requested clarification from staff.

Ms. Stern explained that these levels of improvements were included in the memo prepared for the August 30, 2005 Joint City Council-Planning Commission Circulation Workshop. She noted that the Background section of the memo described several

alternatives, and Alternative A is described as the existing and improved circulation system in Pleasanton with intersection mitigation and gateway constraints that are necessary to satisfy that. She added that they also included some things that were not in the existing General Plan as well.

Commissioner Fox inquired if staff could identify which items on the memo were not in the 1996 General Plan to help clarify whether what is not included on the memo were dropped or stricken out.

Ms. Stern advised that the information in Attachment 1 is exactly the same as what was presented in the traffic workshops as the “working draft” circulation network. She indicated that staff is not prepared at this time to do an analysis of what was and was not in the 1996 General Plan. She added, however, that if the Commission had any comments on concerns regarding a specific improvement, staff would pass them on to the Council.

Commissioner Pearce expressed her appreciation for allowing Commissioner Olson and herself to comment on this item as they were absent at the last meeting. She clarified that staff wanted the Commission to comment only on major street extensions and roadway widening issues in order to do the traffic analysis, to look at the bigger picture and not the specific level of detail. Ms. Stern confirmed Commissioner Pearce’s statement.

Commissioner Blank noted that some of the items are too detailed and appear not to conform to the concept of the General Plan; for example, the first bullet under “Significant intersection changes” that allows right turn only from Angela Street at Bernal Avenue during peak hours. He inquired if a General Plan amendment would be required should the Traffic Engineer find it necessary to make changes five years down the line.

Chairperson Arkin explained that these are not policies but a “working draft” that the traffic model will use.

Ms. Stern added that some of these items may not be included in the General Plan; however, some of them, such as the triple left-turn lanes, are actually included in the General Plan.

Commissioner Blank stated that some items such as the West Las Positas Boulevard interchange and the Stoneridge Drive extension are big issues that are specifically addressed. He expressed concern, however, about other items which are too specific, such as no right turns during peak hours, and inquired if the General Plan would have to go back to a vote of the people should the Traffic Engineer over time want to change some of these items.

Commissioner Pearce stated that she believed the level of detail that appears in Attachment 1 should not be in the General Plan. She indicated that she appreciated the detailed work being done for the traffic model but that she does not want to have to go

back and amend the General Plan should the traffic engineer need to make future changes. She added that she would prefer to discuss levels of service and preferred levels of service rather than specific numbers of lanes and detailed changes.

Commissioner Olson agreed with Commissioners Blank and Pearce that this level of detail should not be addressed in the General Plan. He requested clarification on whether the models will be run on these three alternatives.

Chairperson Arkin indicated that the City Council has already made its decision on this matter, and Ms. Stern confirmed that the preferred network the Council chose included improvements in both Alternatives A and B, without Alternative C.

Commissioner Olson stated that it was his understanding that the Environmental Impact Report (EIR) for the General Plan would include the Stoneridge Drive extension and the West Las Positas Boulevard interchange. He indicated that he was pleased to see them in Alternative C as part of the General Plan and inquired why it was not included in the preferred draft.

Ms. Stern replied that the EIR is required to analyze the existing General Plan, which includes items in Alternative C; however, the preliminary analysis on the network selected by the Council did not include the improvements in Alternative C. She added that if the Commission so desired, it could make a recommendation to the Council to include those items.

Commissioner Olson expressed concern regarding why those improvements are excluded when the models indicate that the City's traffic conditions in general will improve with those specific improvements.

Chairperson Arkin clarified that the process does not define absolutely or theoretically that the best circulation network will be acceptable to the community. He added that the Council has already weighed on this and that compromises have to be made.

Commissioner Olson noted that some of the emails he has received from the community refer to those specific improvements and expressed concern that they were not included in the analysis.

Ms. Stern reiterated that this can be recommended to the Council, and Council can consider the recommendation.

Chairperson Arkin stated that every individual Commissioner's comment and concerns will be consolidated into a staff report and presented to the Council.

Commissioner Olson concurred with Commissioner Blank that this level of detail should not be in the General Plan so the Traffic Engineers can make changes as necessary.

Commissioner O'Connor stated that it was his understanding that if the Commissioners were unanimous in some levels of details, such as the three left-turn lanes onto Valley Avenue, the Council would weigh that a lot more than their individual comments.

Commissioner Blank agreed that it would be good if the Commission could reach consensus on certain levels of detail for the model; however, he did not want to get into the level of specificity such as left-turns and right turns.

Commissioner Fox expressed concern regarding the intersection change on Santa Rita Road at Black Avenue rerouting traffic from the Santa Rita Road frontage to Francisco Street and eliminating the crosswalk. She noted that twice a day, some school traffic goes onto the side street and exits at Francisco Street but others turn left and go off at Black Avenue. She added that eliminating the ability to exit from Alisal Elementary School and rerouting traffic to the side street would be detrimental to the neighborhood character. She noted that this is the neighborhood that opposed the issue that went to the Council on the for-sale cars parked on Santa Rita Road. She added that the Alameda County 24-hour emergency response ambulance station, located on the corner of Santa Rita Road and Francisco Street, is critical to life safety and should not have to wait for school traffic to get out of that intersection in response to calls. Commissioner Fox also stated that she was not in favor of eliminating the north crosswalk at the intersection for safety reasons because people will continue to cross at that intersection even without the crosswalk.

The Commission then took straw votes on the major street extensions and roadway widenings.

1. Remove West Las Positas Boulevard interchange from the model:

*Vote: 4-1*

*Yes: Commissioners Arkin, Blank, Fox, and Pearce.*

*No: Commissioner Olson.*

Commissioner Fox recused herself from the dais.

2. Remove Stoneridge Drive extension from the model:

*Vote: 4-1*

*Yes: Commissioners Arkin, Blank, O'Connor, and Pearce.*

*No: Commissioner Olson.*

Commissioner Fox joined the Commission on the dais.

The Commission clarified that a "Yes" vote would mean agreement with the statement and a "No" vote would mean opposition.

3. Santa Rita Road at Valley Avenue widening for triple southbound and double westbound left turns:

*Vote: 4-1*

*Yes: Commissioners, Blank, Fox, Olson, and Pearce.*

*No: Commissioner Arkin.*

4. Santa Rita Road at Black Avenue – prohibit traffic from exiting the Santa Rita frontage road opposite Black Avenue. Reroute this traffic to the new signal at Francisco Street. Eliminate the north crosswalk at the intersection.

Commissioner Pearce requested Mr. Tassano to clarify this item before the Commission took a vote.

Mr. Tassano explained that the modeling is based on the anticipation that the level of service at Santa Rita Road and Black Avenue would begin to fail in the peak hours due to the inability of the east-west left-turn movements to go simultaneously, which results in the number of left turns coming out of the school and the post office going towards Santa Rita Road becoming too great to keep the levels of service at acceptable levels. He added that a possible mitigation to improve that level of service would be to prohibit those left turns and move that entire movement up to Francisco Street, which would be signalized for pedestrian safety.

Commissioner Fox inquired why this was not included in the 1996 General Plan intersection improvements.

Mr. Tassano replied that this would be a modification in looking at how travel patterns have changed since the 1996 General Plan and what new improvements are necessary to maintain the level of service.

Commissioner Fox commented that someone who picks up a student from Alisal School and then heads south to Pleasanton Middle School would not be able to exit on Santa Rita Road at Black Avenue but would have to take the side street up to Francisco Street, where they will need to turn left to go back through the Black Avenue/Santa Rita Road intersection and head south to Pleasanton Middle School.

Mr. Tassano clarified that anyone who wanted to go south from Alisal School would not have to go out on Francisco Street but would just have to turn left out of the driveway and go south on the frontage road and come out on Silver Street near Amador High School. He stated that a better example would be someone who wanted to go across to Black Avenue from Alisal School would need to go up to Francisco Street, then make a U-Turn and turn right on Black Avenue.

Commissioner Fox noted that there is no pick-up and drop-off from the back side of Alisal School because of Valley Business Park. She added that students coming from Busch Avenue would have to go to Santa Rita Road because Kolln Street is blocked on Valley Avenue. Mr. Tassano confirmed Commissioner Fox's observation.

Ms. Harryman noted that the Commission proceeded from the presentation of the staff report to the discussion and requested that before moving on, Chairperson Arkin confirm that there were no speakers in the audience.

**THE PUBLIC HEARING WAS OPENED.**

There were no speakers.

**THE PUBLIC HEARING WAS CLOSED.**

In response to Chairperson Arkin's inquiry if this change is being recommended by the Traffic Engineer, Mr. Tassano said yes.

Commissioner Fox inquired if the Traffic Engineer spoke with the Alameda County ambulance service. Mr. Tassano said no.

Vote: 4-1

*Yes: Commissioners, Arkin, Blank, Olson, and Pearce.*

*No: Commissioner Fox.*

Commissioner O'Connor requested the Commission to consider the proposal to remove the traffic signals at the three Valley Avenue intersections. He noted that there have been so many accidents and injuries in the area, even in crosswalks, because vehicles do not stop at the signs. He added that traffic lights provide the opportunity to constrain and open up traffic, and vehicles will stop when the light turns red.

Chairperson Arkin asked Ms. Stern to explain what went into the determination of "not compatible with community character."

Ms. Stern replied that the determination was made from the planning perspective, based on the concern that this was a fairly low key pedestrian residential area, and increasing the lights there would emphasize the traffic flow into the area and change it into a different area.

Commissioner Blank inquired if, should this end up in the General Plan, this would not have to be built unless the Traffic Engineer or the City elected to do so.

Ms. Stern replied that most General Plans have an implementation plan which indicates whether programs are planned for near-term, mid-term, or sometime in the future as resources become available. She added that this determination would depend on the list of priorities.

In response to Commissioner Blank's inquiry regarding when the implementation plan occurs, Ms. Stern replied that while the 1996 General Plan did not have an implementation plan, most General Plans today include a plan in the form of a matrix at



the end of the document that would indicate which department would be responsible for implementing the programs. She added that the 2006 General Plan would have one.

Commissioner Blank stated that it would be useful for the Commission to know if the programs are for the near-term, mid-term, or the future. He added that if these identifications have already been made, these should be part of what is presented to the Commission so the Commission can take these into account when considering the improvements.

Ms. Stern referred the matter to Mr. Tassano and inquired if most of the improvements were mid-term. Mr. Tassano stated that most of the improvements that have been identified are more clear-case improvements of what will be in the model rather than in the General Plan.

Chairperson Arkin noted that there are stop signs on Valley Avenue from Harvest Park Middle School to the Alameda County Fairgrounds and that these stop signs appear to be working well. He inquired if staff agreed with this assessment.

Mr. Tassano replied that the stop signs are working well now with an acceptable level of service. He noted that the important thing to consider regarding putting in or taking out traffic signals is that if the stop signs are left in place, the model would indicate what the intersections would look like in 20 years. He stated that he would normally be opposed to doing a model that shows a stop sign where most indications show it needs a signal. He added that this would be a good tool, knowing that the neighborhood is in favor of retaining the stop signs and not having signals, to see what the intersections with stop signs would look like 20 years from now in terms of back-ups and delays. He noted that the point is not necessarily whether or not it will be included in the General Plan but to look at a comparison of what the Commission wants or does not want to do.

In response to Chairperson's inquiry on why traffic signals were not being considered for the section closer to the Fairgrounds, Mr. Tassano replied that he was not aware of the reasons why Hansen Drive was chosen and not the Paseo Santa Cruz intersections; he noted that the section by the Fairgrounds has two signals at the ends and a stop sign in the middle.

5. ~~Valley Avenue at Blackbird Drive~~ – traffic signal not compatible with community character:

Vote: 3-2

*Yes:* Commissioners Arkin, Fox, and Pearce.

*No:* Commissioners Olson and Blank.

6. ~~Valley Avenue at Crestline Road~~ – traffic signal not compatible with community character:

Vote: 3-2

*Yes:* Commissioners Arkin, Fox, and Pearce.

*No:* Commissioners Olson and Blank.

7. ~~Valley Avenue at Hansen Drive~~ – traffic signal not compatible with community character:

Vote: 3-2

*Yes: Commissioners Arkin, Fox, and Pearce.*

*No: Commissioners Olson and Blank.*

Commissioner Olson commented that the Minutes of the January 11, 2005 Joint City Council Workshop included extensive discussion regarding how models are used and how the process works and should work. He indicated that there are some great ideas, some from current Commissioners, and inquired if any of these have been resolved at the Council level in past year or if they are still in the position of multiple opinions about what the model should do, how to interpret results, and planning for traffic flow.

Mr. Tassano replied that since January 2005, there have been great improvements on determining what to do and what approach to utilize. He stated that back then, staff tried a model with everything at the same time and then tried to discern what each did and what their benefits were. He noted that it appeared that the Council and Planning Commission wanted to take out items piece by piece and run the model, which would have taken a lot of time. He stated that the current approach will give a solid foundation to some general assumptions that Traffic Engineering believes need to be in place, and from there, work on additional improvements that may be necessary for certain locations.

In response to Commissioner Olson's inquiry if in this approach, the model begins with what the current levels of service are and where they are unacceptable, Mr. Tassano explained that to have any valid model and thrust for a future date, it will first have to be ensured that the model works. He added that from there, a lot of model validation takes place with the assignment of land uses, the number of vehicles on the road, and the amount of time it takes to get from one point to another.

Commissioner Olson requested that the City Council be given a copy of the January 25, 2005 Minutes the next time this item comes before the Council. He noted that it would be beneficial for the Council to review these Minutes because of the great ideas that were presented and because many of the Councilmembers and Commissioners at that meeting are still here.

In connection with the removal of the West Las Positas Boulevard interchange from the General Plan, Commissioner Fox stated that she recalls that one of the big issues in the neighborhood was that the neighbors did not want the area to appear like an interchange was ever going to be built there. She indicated that she thought the installation of a new traffic signal on West Las Positas Boulevard at Muirwood Drive, as shown on the second-to-the-last bullet on page 2 of Attachment 1, was tied in some way to the interchange. She requested that staff re-visit that item, should the interchange be removed from the General Plan, to determine if a stop sign would be sufficient at that intersection, considering that the amount of traffic would not be that much in the absence of an interchange.

Commissioner Blank commended Ms. Stern and Mr. Tassano for doing a great job with the staff reports, noting that they included a large amount of detail that assisted the Commission in its consideration.

No action was taken.

**b. PUD-33, James Tong, Charter Properties**

Application for Planned Unit Development (PUD) development plan approval to subdivide an approximately 20-acre site into eight-lots, consisting of seven single-family lots for custom homes and one lot for a City water tank. The property is located at 5 Windy Oaks Drive (formerly 1680 Vineyard Avenue) in the Vineyard Avenue Corridor Specific Plan Area and is zoned PUD-HR/OS (Planned Unit Development - Hillside Residential/Open Space) District.

This item was continued to a future Planning Commission meeting.

**c. PAP-96, Allen Aldrich, Appellant (PADR-1552, Victor Easley)**

Appeal of the Zoning Administrator's approval of an application for administrative design review approval to construct an approximately 1,020-square-foot detached single-story second dwelling unit in the rear of the existing residence located at 4767 Harrison Street. Zoning for the property is RM-1,500 (Multiple-Family Residential) District.

Ms. Decker advised that this project is an appeal of a Zoning Administrator decision, and because she had rendered the decision as Zoning Administrator, Ms. Leslie Mendez, Assistant Planner, will present this project. She added that the same holds for Item 6.d., Steve and Carol Stanton, Appellants (PADR-1542, Robert Sweeney Construction, for Jim Rhoades).

Ms. Mendez presented the staff report, describing the project as an appeal of a Zoning Administrator's approval of an approximately 1,020-square-foot second unit at the rear of the applicant's property located at 4767 Harrison Street. She noted that the project meets all the required setbacks, height, floor area ratio, and second unit regulations of the Municipal Code. She stated that a Zoning Administrator hearing was held on June 22, 2006, at which the Zoning Administrator approved the project, which was subsequently appealed by Mr. Aldrich, property owner to the north of the subject site.

Ms. Mendez stated that the appellant expressed three concerns: (1) No additional parking space is being provided as required per the Municipal Code and that the residents of the second unit would park on his property. Staff has indicated that no additional parking space is required for the main structure, as the size of the main structure will not be changed. She further noted that there are two proposed standard parking spaces and that the applicant will be required to provide a parking space for the second unit. (2) A portion of the shrubs lining Mr. Aldrich's property was removed by the applicant. Staff noted that this is a civil matter that will have to be settled by both parties.

(3) Mr. Aldrich objects to the two windows on the west elevation of second unit due to their proximity to the railroad tracks. Staff has included a condition that requires the project to meet the City's noise standards, which may require the windows to be double-paned or removed to be in standard conformance with the Building Code.

Ms. Mendez noted that a neighbor supported the project as it would upgrade the neighborhood. She added that the proposed project is attractively designed and is appropriately sited in a multi-family zoning district. She recommended that the Commission deny the appeal and uphold the Zoning Administrator's decision, subject to the Conditions of Approval as shown on Exhibit B of the staff report, with the modification that Conditions Nos. 3 and 4 regarding the two-foot planter strip be combined and the addition of new conditions that one unit always be owner-occupied and that the northernmost parking space be reserved for the sole use of the second unit.

Commissioner Fox noted that the property owned by the appellant to the north has two addresses and inquired if he had a second unit. Ms. Mendez replied that the property is zoned for multi-family consisting of apartments as well as a detached rental second unit.

Commissioner Olson inquired why one of units is required to be owner occupied and asked if the current unit is not owner-occupied. Ms. Mendez replied that the applicant recently purchased the house and is building the second unit for his mother-in-law. She explained that second units are mandated by State Assembly Bill 1866 and, while municipalities cannot disallow them, they can regulate the design and include site development standards. She continued that it is the City's policy to require one of the units to be owner-occupied to ensure that homes in single-family zoning districts do not turn into rental properties. She added that second units may be rented out as affordable housing.

Commissioner Pearce requested confirmation from staff regarding her understanding that the appellant is requesting two parking spaces for the main unit and one for the second unit; further, that one parking space for the main structure is sufficient since no changes were being made to that structure and that a second space is being added for the second unit to comply with Code requirements

Ms. Mendez said yes. She explained that the existing structure has a non-conforming parking situation like many of the older homes in the Downtown residential area and that staff is requiring the availability of one continuous unobstructed parking for second unit as required by Code.

Commissioner Pearce inquired if the windows for the second unit were facing the railroad tracks. Ms. Mendez said yes. She added that the appellant's opposition to the windows results from his claim that he was required to remove from his building those windows facing the railroad tracks because of the noise. Ms. Mendez added that she was not certain if the Building Code has been changed in this regard or if newer technology has since developed windows that provide better noise protection.

With respect to the issue of parking, Commissioner Blank requested clarification that the northernmost parking space was reserved for second unit and that there were two additional spaces.

Ms. Mendez replied that the northernmost parking space is closest to property line and that staff is recommending that this be reserved for the second unit because it is the space that will not be obstructed. She added that there is currently one *de facto* parking space on which cars were parked in tandem along the driveway, which is not to Code, and which staff is legalizing to be two parking spaces.

Commissioner Blank requested that language be added similar to that requiring a permanent parking space for the second unit to apply to the main structure to ensure that the parking space for the main structure is not used for storage.

**THE PUBLIC HEARING WAS OPENED.**

Victor Easley, applicant, 4767 Harrison Street, stated that he would like to build the second unit for his mother-in-law and that the appellant is opposed to the application because there is not sufficient parking. He added that staff has indicated that there is sufficient parking.

**THE PUBLIC HEARING WAS CLOSED.**

**Commissioner Fox moved to deny Case PAP-96, thereby upholding the Zoning Administrator's approval of Case PADR-1552, subject to the Conditions of Approval listed in Exhibit B of the staff report, as recommended by staff.**

Commissioner Blank proposed an amendment to the motion that new conditions be added requiring that one unit always be owner-occupied, that the northernmost parking space be reserved for the sole use of the second unit, and that language be added to ensure that the first parking space reserved for the main structure be used primarily for parking.

Staff requested that the motion include the modification by staff to combine Conditions Nos. 3 and 4 regarding the two-foot planter strip.

**Commissioner Olson seconded the motion.**

**Commissioners Fox and Olson accepted the proposed amendments.**

**ROLL CALL VOTE:**

AYES: Commissioners Arkin, Blank, Fox, Olson, and Pearson.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

Resolution No. PC-2006-38 was entered and adopted as motioned.

Chairperson Arkin informed the public that anyone who wishes to appeal the decision has 15 days to do. He then requested staff to notify the appellant of the appeal period.

**d. PAP-97, Steve and Carol Stanton, Appellants (PADR-1542, Robert Sweeney Construction, for Jim Rhoades)**

Appeal of the Zoning Administrator's approval of an application for administrative design review approval to construct an approximately 1,224-square-foot second-floor addition and an approximately 120-square-foot first-floor addition to the front of the existing residence located at 3227 Anastacia Court.

Ms. Mendez presented the staff report, stating that the project was an appeal of a Zoning Administrator's approval of an approximately 1,224-square-foot second-floor addition and an approximately 120-square-foot first-floor addition to the front of the applicant's property located at 3227 Anastacia Court. She noted that the project meets all the required setbacks, height, and floor area ratio, as well as the nine design criteria outlined in Chapter 18.20 of the Pleasanton Municipal Code. She stated that a Zoning Administrator hearing was held on June 22, 2006, at which the Zoning Administrator approved the project, which was subsequently appealed by Mr. and Mrs. Stanton, property owners to the rear (east) of the subject site.

Ms. Mendez noted that the appellants' concerns are addressed in the staff report and the staff memo that was previously e-mailed to the Commissioners and the Stantons. She added that the Stantons indicated that staff did not fully comprehend the second item on the memo regarding the discrepancy between the square footage of living area stated on first plan sheet and those stated at the bottom of pages A-2, A-3, and A-4. Ms. Mendez continued that Mr. Robert Sweeney, general contractor for the applicants, explained that the figures were a function of the computer program and that the calculation on page A-1 are accurate and consistent with County records. Ms. Mendez indicated that Mr. Sweeney was present to answer questions on the discrepancy.

Ms. Mendez stated that the proposed project meets all the required site development standards for the zoning district and that the design of the addition is attractive and fits well in the neighborhood of one- and two-story homes with varied architectural designs. She added that the Zoning Administrator had added conditions to the project that would mitigate the issues raised by the appellants and recommended that the Commission deny the appeal, thereby upholding the Zoning Administrator's decision approving the project.

Commissioner Fox inquired if the appellants own the property but do not live there. Ms. Mendez said yes. She stated that the house is being rented out.

Commissioner Fox further inquired if the renters had weighed in on the project. Ms. Mendez replied that the renter first notified the appellants and was concerned about the project and the effects of noise and dust.

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

Steve and Carol Stanton, 6882 Via Quito, appellants, are the owners of the home at 3116 Joanne Circle located directly behind the proposed project. Mr. Stanton presented overhead pictures of their house, identifying the bedroom, the kitchen, dining room, and family room, which are located directly across the proposed two-story additions with large windows and the large balcony, thereby negatively affecting their privacy. He stated that they consider this house to be their home rather than a rental unit and that they lived in the house from time to time.

Mr. Stanton then presented his concerns regarding the project and handed the Commissioners with a list of these concerns, which is included in the staff report as Exhibit D. He indicated that his main concerns were the balcony and the big windows on the second story. He stated that the suggestion to plant trees on a four-foot space would not be sufficient because the trees would need to grow 16 feet tall to address the privacy issue and it would take many years before that could occur. He added that the roots of the 16-foot tall trees would also spread out considerably and cause damage.

Mr. Stanton stated that the floor area ratio stated on pages A-2 and A-3 do not correspond to the living space and noted that the drawings were not complete and had mistakes.

Jim Rhoades, 3227 Anastacia Court, stated that most of the issues brought up by the appellants were addressed at the Zoning Administrator hearing and that he thought they had been resolved at that time. He noted that the trees would take away all the privacy concerns and added that he had approached eight of the neighbors, including the Stantons' next-door neighbor to the north, and all of them were receptive to the remodel.

Cheryl Bates, 3227 Anastacia Court, fiancée of Mr. Rhoades, stated that, with respect to the Stantons' concern regarding privacy issues, they had talked to the Stanton three years earlier to put a lattice up on the fence to provide privacy, as they could see into the Stantons' living areas by just standing on their own backyard and living room. She noted that the Stantons did not agree to the lattice. She added that they had lived in the area for eight years and that the Stanton house has had renters for at least six years. She continued that the proposed balcony would be overlooking a trellis on their property and would be looking directly into the Stantons' backyard or living areas. She stated that they have raised their son in this neighborhood and would like to make improvements for a growing family, as they plan to stay and live in this neighborhood that they love.

Robert Sweeney, 1469 Naples Way in Livermore, explained that the windows on the second-floor are standard second-floor bedroom windows that would provide egress for getting in and out of the bedroom. He noted that the balcony is a full four feet out and nine feet wide but that it is a radius balcony with not much square footage and can fit

probably one chair. He added that the balcony comes out of the master bedroom, not the bonus room, and would serve as a private retreat rather than a place for a lot of people.

Commissioner O'Connor requested Mr. Sweeney to explain how the balcony would be looking out on the trellis than on the backyard. He inquired if the trellis is below the balcony. Mr. Sweeney replied that the trellis is located below the balcony, eight feet out from the building, and the balcony is four feet away from the trellis, which blocks the view downward from the balcony.

Commissioner Fox inquired how high the turret was. Ms. Mendez replied that the peak height of the turret is 31.5 feet; however, per Code, it is measured from the medium ground level to the midpoint of a hipped or slanted roof, in which case, the height of the turret would be 28 feet, which is two feet under the 30-foot height limit.

In response to Commissioner Fox's inquiry if the height is not measured from the lowest to highest point, Ms. Mendez replied that that is done for accessory structures but not for primary structures.

Commissioner Fox noted that she had not seen a remodel with a balcony in past applications and inquired about the appropriateness of a balcony as well as volume in relation to other remodels and other issues.

Ms. Mendez replied that she would not address the appropriateness of a remodel with a balcony as that requires a judgment call. She explained that applications for second-floor balconies that meet site development standards and have no neighbor concerns are approved on the Zoning Administrator level. She stated that staff has received several of these applications in the past years and they were not brought before the Planning Commission because they were not appealed.

Commissioner Fox inquired whether applications for balconies are more common in residential-zoned areas similar to this case or in low-density residential sites where there are larger distances between houses. Ms. Mendez replied that the two applications she had processed were located in an R-1-6,500 zoning district, which is a smaller lot size than the R-1-7,500 zoning district of this case.

Mr. Stanton stated that the tower is unique in the whole tract and is out of place. He pointed out that it is higher than the normal roof and that the peak is directly in view from their backyard. He reiterated his concern regarding the location of the balcony, which would look directly into their "U"-shaped backyard and living area, and his suggestion that it be moved to the side. He added that the swimming pool next door would naturally generate noise, which would echo back off the two-story house and into the cove of their living area.

**THE PUBLIC HEARING WAS CLOSED.**



Commissioner Blank inquired if staff or another party independent of the applicant and appellant verified the floor area ratio and calculation and if this issue was brought up during the initial hearing.

Ms. Mendez replied that it is difficult to get the official square footage of any building because the numbers on the building permit records do not always match those on the County Assessor's data. She explained that when an application is submitted, staff requires the numbers to be accurate and to scale and takes the applicant's word for it. She added that staff double-checks these numbers when a neighbor or interested party raises concerns about them. She noted that in this case, staff checked the County records, and the numbers were slightly bigger than what was indicated on the plan which were taken from the building records. She pointed out, however, that the project still meets the required 40-percent floor area ratio when based on the County records.

In response to Commissioner Olson's inquiring regarding whether the balcony was planned to be off of the master bedroom, Ms. Mendez said that it was.

**Chairperson Arkin moved to deny Case PAP-97, thereby upholding the Zoning Administrator's approval of Case PADR-1542, subject to the Conditions of Approval listed in Exhibit B of the staff report, as recommended by staff. Commissioner Olson seconded the motion.**

Commissioner Fox proposed an amendment that the balcony be replaced by a standard window.

Chairperson Arkin stated that the balcony is very small and appears to be more of an architectural piece than anything else.

Commissioner Olson noted that the Fire Department would look positively at the balcony because it would be easier to get out of the house, particularly since it would be off of the master bedroom where people sleep.

Commissioner Pearce stated that the applicants have mitigated the privacy issues as well as they could be.

Commissioner Blank noted that there are no view easements or documentation of any entitlements and added that there would be more sensitivity to privacy issues if there were a view easement because there would be an expectation of privacy.

Chairperson Arkin stated that the Commission is generally more concerned with the view in cases where there is actually a view of the ridge.

## **ROLL CALL VOTE:**

AYES: Commissioners Arkin, Blank, Olson, and Pearson.  
NOES: Commissioner Fox.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

Resolution No. PC-2006-39 was entered and adopted as motioned.

Chairperson Arkin informed the appellants that they had 15 days to appeal the decision to the City Council.

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

### **Planning Commission Meeting of August 9, 2006**

Commissioner Blank noted that the Commission has been meeting consistently through December without a meeting day off and that there would be only three Commissioners present at the August 9, 2006 meeting, although that would still be a functional quorum.

**Commissioner Blank moved that the August 9, 2006 meeting be canceled.  
Commissioner Fox seconded the motion.**

Commission Olson inquired how this would impact the schedule.

Commissioner Fox noted that the City Council canceled its first meeting in August.

Chairperson Arkin added that the Council also canceled its first meeting in July.

Commissioner Pearce stated that while she would not be present at the August 9<sup>th</sup> meeting, she felt that the Commission should go forward if there were a quorum because the schedule is so backed-up. She indicated that she preferred to have extra meetings to avoid midnight meetings.

Commissioner Blank stated that his proposal was not based on what the Council did but because the Commissioners have been very involved with a lot of the projects and it would be good for continuity to have everyone's input, such as when the Commission continued a General Plan item to get the input of the absent Commissioners.

Commissioner Fox noted that the Commission has never canceled a meeting and has met through summer. She added that she is comfortable with canceling one Commission meeting because regardless of how many times the Commission meets, there will be backlog because the Council cancels more meetings than that.

Commissioner Pearce stated that she appreciated the Commission's decision to continue the discussion on the General Plan Circulation Network to get her input but added that from her perspective, she would like the Commission to feel free to go forward as long as there is a quorum and she would find a way to get her input to staff.

Commissioner O'Connor indicated that not all matters reviewed by the Commission goes to the Council and inquired if staff knew how backlogged the Council's calendar is.

Ms. Harryman stated that there are two items on the August 9<sup>th</sup> agenda to which she would like to call the Commission's attention: the Oak Grove Draft Environmental Impact Report (DEIR) and an appeal of a Zoning Administrator decision.

She stated that the Oak Grove DEIR would have to come back at the next Commission meeting and that if the Commission elects to cancel that meeting, it would automatically move to the August 23<sup>rd</sup> meeting, which would be the last time the Planning Commission can hear the presentation and take public comments. She noted that this would give the Commission only one meeting to go through a lot of material, although the Commission and the public can submit written comments on their own up until August 29<sup>th</sup>, which is the deadline for comments on the Draft EIR.

Chairperson Arkin commented that it might be better because people will be back from vacation as school will be back in session by then.

Commissioner Blank noted that there may be 150 people present for public comment.

Ms. Harryman indicated that the Commission will need to get through the hearing and close it, even if the meeting goes past 11:00 p.m. Alternatively, the Commission could just cut off the hearing at 11:00 p.m. She reiterated that the idea behind holding the public hearing is to give the public the opportunity to come and speak in front of the Commission before the end of the 60 days, but that if they are unable to do it in front of the Commission, they should be encouraged to do so in writing.

Commissioner Blank stated for the record that he does not agree with cutting off the public comment under any circumstance.

Ms. Harryman then stated that there is another appeal of a Zoning Administrator decision on the August 9<sup>th</sup> meeting agenda. She explained that there is a section in the Pleasanton Municipal Code that requires a decision to be made within 30 days and if the appeal is not acted upon during that time period, the Zoning Administrator's decision would be upheld and could then be appealed up to the Council. She pointed out that this is what would happen to that item if the August 9<sup>th</sup> meeting were canceled.

Chairperson Arkin inquired when the Home Depot item would come before the Commission.

Ms. Decker replied that there has been quite a bit of flexibility in terms of timing and that the Home Depot item has been moved to October. She explained that efforts to reduce the number of items for consideration on the calendar has lengthened the process for projects that were lined up in July and August up to the end of September. She added that there are items that have been scheduled on the August 23<sup>rd</sup> agenda that would need to be heard then, such as the Reznick Tract which is tied to the City's water tank, along with others that have been delayed for a couple of months and those that have been scheduled for the August 9<sup>th</sup> meeting.

The Commission then discussed different possibilities regarding the schedule of the Commission meetings such as starting at an earlier time and handling Commission business then, followed by the public hearing items which would start at the regular time of the meeting.

Ms. Harryman then suggested that the Commission take a vote on the earlier motion (Commissioner Blank's motion to cancel the August 9<sup>th</sup> meeting).

**ROLL CALL VOTE:**

AYES: Commissioners, Arkin, Blank, Fox, and Olson.  
NOES: Commissioner Pearson.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

The motion carried.

**General Plan Draft Conservation and Open Space Element**

Commissioner Fox cited a sentence from the Draft Conservation and Open Space Element staff report indicating that the Conservation and Open Space Element addresses open space land use designations only and stated that she thought the General Plan tried to preserve trees and resources everywhere, regardless of their zoning or land use designation, including unimproved public and private property that are not zoned as open space such as Agriculture. She requested staff for clarification in this regard.

Ms. Decker explained that the Conservation and Open Space Element is an attempt to provide a set of criteria for dealing with land to be conserved as open space as well as an element that actually describes what should happen to land designated by the General Plan as Open Space. She noted that the Element works towards protecting those lands and trees and resources that are maintained and held privately and have not been granted to a conservancy or homeowners association. She stated that there are two zoning districts under the General Plan designation: Agriculture and Public and Institutional. She indicated that with respect to other zoning districts, the City currently has a tree preservation ordinance which protects heritage trees and provides a process for such in new developments. She noted that land use zoning designations implement the General

Plan such that there is another set of criteria, for instance, for land designated as PUD-Open Space.

#### Materials for the August 23, 2006 Meeting

Commissioner Olson inquired if it would be possible to have the materials for the August 23<sup>rd</sup> meeting delivered to the Commission when they become available rather than wait for the weekend before the meeting. He suggested that this could be done for some of the documents on the Oak Grove development.

Ms. Decker replied that staff would be more than happy to provide whatever materials are available at an earlier date.

Chairperson Arkin noted that the Commission had requested a list of materials and documents on the Oak Grove development such as the full-size visual simulations and site visits and inquired if this can be worked on between now and the next meeting.

Ms. Decker replied that staff will work towards providing the additional documentation requested by the Commission. She stated that because the project is currently in the public review and comment period, some of that documentation may not be done or as completely as some of the Commissioners may have had in mind. She explained that whatever comments the Commission would make regarding the Draft EIR, including any request for additional documentation, would be addressed in the Final EIR stage.

#### DEIR Process for the Oak Grove Development

Commissioner Olson questioned the process and inquired whether it was possible for the Commission to outline additional alternatives for the project. He noted that he had read the minutes of prior meetings and discussions on the project which contained other ideas and alternatives addressing that project which are not included in the current package.

At this point, Commissioner Blank recused himself and stepped down from the dais.

Ms. Decker explained that what would be before the Commission at the August 23<sup>rd</sup> meeting would be the presentation of the remainder of the Draft EIR elements, after which the environmental consultant or staff would walk through the alternatives described in the Draft EIR. She reiterated that the Draft EIR stage is not a discussion of the actual project but an information-gathering stage during which the series of alternatives will be considered, ending with the environmentally preferred Alternative 4. She reiterated that the Commission will have other opportunities beyond the public review comment period to talk about the project itself and that a workshop will be held to discuss the actual and the preferred alternatives.

In response to Commissioner Olson's inquiry if the Draft EIR stage is that part of process where other alternatives can be added to the mix, Ms. Decker said no. She stated that at this stage, the environmental document is being considered in terms of the range of alternatives which are less environmentally sound versus what is environmentally preferred. She noted that the purpose of the Planning Commission meeting is to provide a public forum for the Commission and the general public to make comments on the document. She added that the presentation and discussion of comments is not limited to this public hearing forum and that staff will be accepting comments related to the Draft EIR from the Commission, the Council, and the general public until the end of the public comment period. She stated that the consultant will then address all these concerns in the Final EIR.

Commissioner Olson noted that he has read all the records and emails regarding the previous project for this site and questioned why other alternatives which are acceptable to the community cannot be considered at this time.

At this point, Ms. Harryman advised the Commission that they needed to wrap up the discussion on this item because under the Brown Act, staff is allowed to briefly respond to questions during Matters Initiated by Commission Members. She then stated that the Commission will have the opportunity at the August 23<sup>rd</sup> meeting to talk about the alternatives in the Draft EIR and what alternatives the Commission would like to see. She clarified, however, that this does not mean there will be responses to those comments or that the Final EIR will analyze the alternatives recommended by the Commission; the Final EIR will, however, respond to suggestions for other alternatives.

Commissioner Pearce indicated that every comment will have a response in the Final EIR.

Commissioner Fox requested that for the August 23<sup>rd</sup> meeting, staff provide the Commission with all the supporting documents referenced in the Draft EIR such as the Berlogar geotechnical report, noise studies, architectural or archaeological reports, soils analysis, and all reports that are specific to the site, as well as the Pleasanton Unified School District report on enrollment projections.

Chairperson Arkin reiterated his request to walk the site with staff.

Commissioner Blank joined the Commission on the dais.

#### Staff Review Board Meetings

Commissioner Pearce inquired if Commissioners could sit in on Staff Review Board meetings to give them an understanding of the process an application goes through before it comes before the Commission.

Ms. Decker replied that the Commissioners are welcome to attend the meetings. She added that it is at these meetings that staff from the different departments get a first look

at the projects and talk about the concerns the departments might have regarding the projects.

Ms. Harryman suggested that Commissioners inform Ms. Decker when they plan to attend to ensure that there is no quorum. She encouraged the Commissioners to attend the meetings and observe the process applications go through before they are forwarded to the Commission.

### Fire Sprinkler Ordinance

In response to Commissioner Blank's inquiry regarding the status of the Fire Sprinkler Ordinance, Ms. Decker replied that the item will come before the City Council at its August 15, 2006 meeting. She clarified that the staff report will not be on the ordinance itself but would be requesting direction from the Council on how to proceed in terms of information-gathering and the creation of the ordinance.

Commissioner Blank inquired if the Fire Department has been notified. Ms. Decker said yes.

## **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 Arkin adjourned the Planning Commission meeting at 9:15 p.m.

Respectfully submitted,

DONNA DECKER  
Secretary