



## PLANNING COMMISSION MEETING MINUTES

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**Wednesday, December 8, 2021**

*This meeting was conducted via teleconference in accordance with Governor Newsom's Executive Order N-29-20, approved AB 361, and COVID-19 pandemic protocols.*

### **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**

The teleconference meeting of the Planning Commission of December 8, 2021 was called to order at 7:03 p.m. by Chair Brown.

The Pledge of Allegiance was led by Commissioner Pace.

Staff Members Present: Natalie Amos, Associate Planner; Megan Campbell, Associate Planner; Emily Carroll, Assistant Planner; Ellen Clark, Director of Community Development; Melinda Denis, Planning and Permit Center Manager; Matt Gruber, Landscape Architect; Larissa Seto, Assistant City Attorney; Jenny Soo, Associate Planner; Michael Stella, Senior Civil Engineer; Mike Tassano, City Traffic Engineer; Sachiko Riddle, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Matt Gaidos, Ken Morgan, Jeff Nibert, Brandon Pace and Chair Justin Brown

Commissioners Absent: None

### **AGENDA AMENDMENTS**

Item 4 was moved to the January 12, 2022 Planning Commission Meeting at the request of the applicant.

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

- 1. Actions of the Zoning Administrator**
- 2. Approve the meeting minutes of October 13, 2021**
- 3. Approve the meeting minutes of October 27, 2021**

4. **P21-0132, P21-0133, PUD-142, Ramprasad Srirama, 3707 Trenerly Drive** – Applications for: 1) Minor Subdivision approval to subdivide an approximately 1.3-acre "L" shaped vacant parcel on the southside of Trenerly Drive and westside of Martin Avenue into two parcels measuring approximately 21,886 square feet (Parcel 1/A) and approximately 34,840 square feet (Parcel 2/B) in area; and 2) Planned Unit Development rezoning and development plan approval to construct an approximately: a) 4,837-square-foot, two-story home with a 900-square-foot garage and related improvements on Parcel 1/A; and b) 4,776-square-foot, single-story home with an 853-square-foot garage and related improvements on Parcel 2/B – **Moved to the January 12, 2021 Planning Commission Meeting**
5. **P20-1053, Hanna Naguib LLC, 218 Ray Street** – Application for Design Review to construct a new 1,069 square-foot two-story residential unit behind an existing commercial building located at 218 Ray Street. Zoning is C-C (Central-Commercial) District

Commissioner Allen requested continuing Item 5 to January 12, 2022, to allow public discussion regarding parking, parking lifts and in lieu fees for parking.

Commissioner Gaidos concurred with Commissioner Allen and announced the content of Items 4 and 5 for public information.

**Commissioner Pace moved to approve the Consent Calendar Items 1 through 3, and continuing Items 4 and 5 to the January 12, 2022 Planning Commission Meeting.**

**Commissioner Nibert seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Brown, Gaidos, Nibert, and Pace**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

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

The Meeting Minutes of October 13, 2021, were approved, as submitted.

The Meeting Minutes of October 27, 2021, were approved as submitted.

**MEETING OPEN TO THE PUBLIC**

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

Anurag Jain provided public comment on Senate Bill 9 and asked if the City would be coming up with a proposal or guidelines.

Chair Brown indicated the Planning Commission had discussed the bill and there would be changes to the Municipal Code. Director Clark stated the Council recently adopted local regulations for SB9 and encouraged Mr. Jain to reach out to staff.

## **PUBLIC HEARINGS AND OTHER MATTERS**

Commissioner Gaidos recused himself from the item due to a prior professional relationship with the property owners.

- 7. PUD-138 and Vesting Tentative Subdivision Map 8616, AVS Ranch** – Applications for the approximately 112-acre vacant lot known as APN 949-16-6 / Lot 98 of Happy Valley Specific Plan (HVSP) located on the east side of Alisal Street to the immediate north of Faith Chapel Assembly of God of Pleasanton (which is at 6656 Alisal Street) for: (1) Planned Unit Development (PUD) development plan approval for a 22-lot single-family residential development on an approximately 33-acre portion of the site, referred to as the Spotorno Flat by HVSP, and related on- and off-site improvements; and (2) a Vesting Tentative Subdivision Map to subdivide the 112-acre parcel into 25 parcels consisting of: 22 residential lots ranging in size from 44,188 square feet and 51,601 square feet; two common lots owned by a future homeowners' association; and an Open Space/Agricultural parcel with a conservation easement retained by the Spotorno family.

Associate Planner Jenny Soo presented the specifics of the item in the Agenda Report.

Chair Brown commended Staff for the thorough presentation and agenda report.

Commissioner Nibert asked about reference to the easement in the resolution. Ms. Soo explained that the easement would be dedicated to the City, with potential third party maintenance, and would prohibit development on the parcel but allow the Spotorno family to continue their agricultural activity in perpetuity. Commissioner Nibert then asked about the earthquake fault zone, geological consultant's recommendation to repair landslide and if the consultant would review the construction plans. Ms. Soo confirmed that the same geotechnical consultant would review the plans to ensure the repair was completed per the recommendation. Commissioner Nibert asked if the California Salamander's native habitat had been considered. Ms. Soo stated a study was completed to determine the project impact to the salamanders and the easement was established as a safe location. Director Clark explained the conclusion that there was potential for the salamander to be in the area but with correct mitigation there would be no impact.

Chair Brown asked about development of the future trails. Ms. Soo clarified that the trails would be built by the applicant and maintained by the HOA. Chair Brown then asked about the four way stop at Alisal Street and if a further traffic study was required. Ms. Soo stated the traffic study determined a stop sign and the Traffic Division would confirm the details. Chair Brown asked about traffic calming. Ms. Soo confirmed that traffic calming would be implemented on new and existing streets.

## **THE PUBLIC HEARING WAS OPENED**

Martin Inderbitzen, attorney representing the property owners, stated the project complied with the HVSP and General Plan and he encouraged moving the project forward.

John Spotorno, property owner and project architect, discussed efforts to develop the property and provided an overview of the proposed development. He requested the Planning Commission approve the project.

Robin Boggs provided comments on Item 7 and shared her concerns about traffic and safety.

Deborah Insel provided comments on Item 7 and shared her concerns about traffic and safety.

Sandy Richert provided comments on Item 7 and shared her support of the project and concerns about traffic and safety.

Michelle Price provided comments on Item 7 and shared her concerns about traffic and safety.

David Muller provided comments on Item 7 and shared his support for the project.

Marianne Spotorno provided comments on Item 7 and shared her support of the project.

Steve Mix provided comments on Item 7 and shared his concerns about traffic and safety and existence of salamanders.

Steven Van Dorn, Pleasanton Chamber of Commerce, provided comments on Item 7 and shared his support for the project.

Dell Kios provided comments on Item 7 and shared his concerns about traffic and safety and water.

Mr. Inderbitzen responded to public comments, indicating the traffic study addressed traffic concerns and mitigation agreements would address the biological analysis. John Spotorno explained capture of runoff and efforts to reuse the water, as well as following all regulations.

## **THE PUBLIC HEARING WAS CLOSED**

Commissioner Allen asked how safety would be improved and about the one-third mile trail from Alisal to Sycamore Creek. City Traffic Engineer Tassano confirmed that the additional one-third mile was the trail along Alisal. He discussed long-term safety concerns and potential improvements including a four way stop, traffic circle, speed bumps, construction traffic enforcement and turn restrictions.

Commissioner Allen asked if the project could be conditioned to build the one-third mile trail segment to improve safety and then the City would pick up the funding for other traffic mitigation. She discussed the prior mitigation to build a bypass road. Chair Brown asked if the one-third mile trail was an off-road trail or sidewalk. Director Clark confirmed that it was a decomposed granite path. He questioned whether the cost of the trail could be included in the project. Commissioner Nibert interjected that he had the same question and asked if it could be included as part of Condition of Approval 18. Ms. Clark stated that the City expected to construct the third-

mile trail on Alisal as laid out in the Happy Valley Specific Plan. She concurred that it may be a benefit for the trail to be constructed in conjunction with the project and suggested the possible trade off of fees to offset the applicant's construction costs. She stated the project increased traffic but were not the cause of safety concerns, which were preexisting.

Chair Brown agreed that the project was not causing the traffic concerns but could add to the problem. He stated he was supportive of the project but he would like to see additional commitments, conditions, regarding safety.

Commissioner Nibert added that he would also like safety improvements in the conditions of approval. He stated he toured the project at the same time as Commissioner Morgan but they did not discuss the project.

Commissioner Pace encouraged the Planning Commission to recommend the Council address traffic safety concerns.

Chair Brown asked about speed lumps. Mr. Tassano explained the petition / approval process for speed lumps.

Commissioner Morgan asked if cost was the only factor preventing building the one-third mile trail. Ms. Clark discussed constraints including a drainage channel, narrow right-of-way and private improvements that had been built within the right-of-way.

Commissioner Nibert asked about Condition of Approval No. 120 regarding installation of traffic calming measures. Mr. Tassano explained that the City usually ran the traffic calming program to help guide the residents. Commissioner Nibert then asked how the City ensured conditions of approval were met. Ms. Clark explained that milestones were typically established based on subsequent permitting and project entitlement. Commissioner Nibert pointed out the need for affordable housing and in lieu fees associated with the project.

Commissioner Allen stated she did not support the prior 39-unit project but supported the current proposal because it was consistent with zoning, maintained a semi-rural feel and she was impressed that it would be self-sustainable. She suggested mandating or upgrading Condition 18 so that the trail was required to be implemented as part of the project and prior to occupancy and that funding be negotiated between the City and applicant.

Commissioner Morgan added that he was supportive of the project because it met the Happy Valley Specific Plan, had large lots, and included the conservation easement. He indicated support for Vice Chair Allen's suggestion regarding the trail.

Commissioner Pace thanked Staff for its work on the project and the applicant's work with the community.

Chair Brown concurred and stated the project, as proposed, was in keeping with the existing community and within the HVSP.

**Commissioner Allen moved to approve PUD-138 and Vesting Tentative Subdivision Map 8616, with Condition 18 modified to state that the Happy Valley Alisal Trail was required**

as part of the project and prior to occupancy and that funding would be negotiated between the applicant and the City.

Commissioner Nibert seconded the motion.

**ROLL CALL VOTE:**

**AYES:** Commissioners Allen, Brown, Nibert, and Pace  
**NOES:** None  
**ABSENT:** Gaidos  
**ABSTAIN:** None

Resolution PC-2021-18 approving Case PUD-138 and Vesting Tentative Subdivision Map 8616 was adopted as motioned.

**8. Parklets** – Review a potential parklet program downtown and provide a recommendation to the City Council.

Associate Planner Megan Campbell presented the specifics of the item in the Agenda Report.

Commissioner Pace stated he had observed good use of the parklets. He asked about the feedback from the business owners. Ms. Campbell stated there was mixed response based on business types, and specific concern with closures on Main.

Commissioner Nibert discussed an article on San Francisco’s failures and how staff planned to avoid similar pitfalls. Ms. Campbell discussed proposed timing of removal of temporary structures and implementation of the permanent program and proposed fees. Ms. Denis explained that permits would renew annually to help ensure compliance. Ms. Seto discussed the code enforcement process and potential revocation for safety issues.

Commissioner Morgan asked if the program would sunset after COVID. Ms. Campbell explained that the temporary popups would sunset but the proposed program was meant to be longer lasting and not dependent on COVID. Commissioner Morgan asked the style of the parklets. Ms. Campbell discussed staff’s recommendation to not allow popup tents and retain open air structures, including shade structures and umbrellas. Ms. Clark discussed potential fire issues with enclosed parklets. Commissioner Morgan asked if there were any concerns about traffic safety. Mr. Tassano stated his concerns had been addressed.

Commissioner Allen asked about the proposed fee, indicating \$1000 seemed low. Ms. Clark discussed the proposed fee in an effort to not impose too high of a barrier to entry for the program, but which nonetheless recognized costs to the City. Ms. Campbell added that the program would increase tax revenue for the City.

Commissioner Nibert asked about consideration of grants or low interest loans to help restaurants build parklets. Ms. Campbell stated the City had considered it but was not currently recommending it.

Commissioner Allen discussed a grant received by the City of San Jose which was used to help businesses install parklets and asked if the City could do the same. Ms. Clark stated the City had received CARES Act funding which had been used to fill funding gaps from lost revenues during COVID.

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

Maurice Dissels provided comment on Item 8 and shared his concerns with his restaurant's survival if the program was not passed.

Steve Van Dorn, Pleasanton Chamber of Commerce, provided comment on Item 8 and shared his concerns with restaurant survival if the program was not passed.

### **PUBLIC HEARING WAS CLOSED**

Chair Brown asked about street light metering being charged to the restaurants. Ms. Campbell discussed the need to confirm feasibility and possible implementation of an annual fee. She mentioned the City of Livermore fee. Chair Brown then asked about eligible parking spaces. Ms. Campbell estimated over 100 spaces but anticipated less than 20 businesses would want a parklet. Chair Brown asked if a restaurant could have a parklet not directly in front of their business. Ms. Campbell stated parklets would generally need to be located in front of the subject business but could expand slightly beyond with sign-off from neighboring property owners and businesses. Chair Brown then asked about maintenance around the wooden parklets. Ms. Campbell discussed to the program would require cleanup underneath, on, and around the structures. Chair Brown asked if there had been thought about the mobility of the parklet structures. Ms. Campbell stated the structures were not meant to be removed and put back but a condition of mobility would be added in the case of emergency.

Commissioner Nibert discussed the letter from the Pleasanton Downtown Association and whether March 1 was reasonable. Ms. Campbell stated staff would make sure the businesses were aware of the requirements of the program. She acknowledged that businesses wanted to start as soon as possible but discussed the required steps. She discussed conversations with the businesses.

Chair Brown stated that some parklets would have to be resized and asked about constraints on inside decorations. Ms. Campbell stated interior restraints were related to ADA requirements and furniture would need to match existing outdoor dining.

Commissioner Morgan asked if there were barriers to stop cars from bumping into the parklets. Ms. Campbell explained the wheel stops, barriers, and proposed safety protections.

Commissioner Gaidos indicated support for the program. He suggested design standards for the permanent structures. He stated he was in favor of the current fee, which could be waived to offset construction and continued maintenance. He suggested staff look into lighting options.

Commissioner Nibert echoed comments by Commissioner Gaidos.

Chair Brown asked how far the electrical poles were from the proposed locations. Ms. Campbell stated its variable and in some locations, poles are proximate.

Commissioner Allen agreed with the previous comments. She suggested use of streetlights as a lower priority to allow staff to develop design standards. She suggested staff identify battery or solar options. She suggested the fee be higher to account for those businesses that would lose parking spaces. She stated she could support waiving the fee during the bad economy.

Chair Brown stated \$1000 seemed low and stated he did not want to encourage consumption of extra parking spaces. He stated he wanted to ensure the City covered its cost at a minimum.

Commissioner Pace stated parklets were everywhere in cities across the United States. He stated a parklet was part of the consideration when choosing to conduct business in Pleasanton. He stated he was broadly supportive and agreed it should be self-funded.

The Commission agreed to continue the meeting past 11:00 p.m.

## **MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION**

### **9. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)**

Commissioner Nibert reported on his attendance at the League of California Cities meeting and provided a handout to the Commissioners.

### **10. Actions of the City Council**

Ms. Clark provided a brief overview of the items listed in the report.

### **11. Future Planning Calendar**

Ms. Denis provided a brief overview of future items for the Commission's review.

### **12. Adoption of Planning Commission Schedule of Meeting Dates for 2022**

**Commissioner Pace moved to approve the Planning Commission Schedule of Meeting Dates for 2022 as set forward by Staff.**

**Commissioner Gaidos seconded the motion.**

### **ROLL CALL VOTE:**

**AYES: Commissioners Allen, Brown, Gaidos, Nibert, and Pace**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

### **13. Selection of Planning Commission Chair and Vice Chair for 2022**

Ms. Denis provided a brief presentation on the item.



**Commissioner Nibert moved to elect Commissioner Pace as the Planning Commission Chair and Commissioner Gaidos as Vice Chair for 2022. Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Brown, Gaidos, Nibert, and Pace**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**14. Selection of Sub-Committee Representatives for 2022**

**Chair Brown appointed Commissioner Nibert as the representative and Chair Brown as the alternate for the Bicycle, Pedestrian, and Trails Committee; and appointed Chair Gaidos and Commissioner Allen as the representatives and Commissioner Morgan as the alternate for the Heritage Tree Board of Appeals.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Brown, Gaidos, Nibert, and Pace**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**MATTERS INITIATED BY COMMISSION MEMBERS**

Commissioner Allen thanked Chair Brown for his service on the Planning Commission.

**ADJOURNMENT**

Chair Brown adjourned the meeting at 11:15 p.m.

Respectfully submitted,

Sachiko Riddle  
Recording Secretary