



## PLANNING COMMISSION MEETING MINUTES

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**Wednesday, December 15, 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 15, 2021 was called to order at 7:02 p.m. by Chair Brown.

The Pledge of Allegiance was led by Commissioner Nibert.

Staff Members Present: Shweta Bonn, Senior Planner; Ellen Clark, Director of Community Development; Jennifer Hagen, Associate Planner; Julie Harryman, Assistant City Attorney; 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**

There were no agenda amendments.

**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**

**Commissioner Nibert moved to approve the Consent Calendar.  
Commissioner Pace 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.

## **MEETING OPEN TO THE PUBLIC**

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

There were no members of the audience wishing to address the Commission.

## **PUBLIC HEARINGS AND OTHER MATTERS**

- 3. Housing Element Update –** Review and provide a recommendation on a list of potential sites under consideration for future rezoning for residential development and inclusion in the environmental analysis as part of the Sites Inventory for the 2023-2031 (6th Cycle) Housing Element Update

Commissioner Pace clarified that he previously recused himself but the City had reanalyzed the distance between his home and the site, and determined he no longer needed to recuse.

Associate Planner Jennifer Hagen presented specifics of the item in the Agenda Report.

Commissioner Allen stopped the presentation to ask if staff was using the lowest assumption of units when evaluating sites. Ms. Hagen stated the lowest end of the density range was used for high-density sites but the average was used for low- and medium-density sites.

Ms. Hagen continued the presentation.

Chair Brown stopped the presentation to ask if the whole parcel was shown in the slide even if only a portion of the parcel was up for consideration. Ms. Hagen confirmed and showed him where to access more precise visuals.

Ms. Hagen continued the presentation.

Commissioner Pace clarified that the sites were being selected because of the State mandate and he understood the consequence of building high-density housing. He also thanked staff for their work on the project.

Commissioner Nibert requested the timeline be displayed. He then asked the thought process behind the sites selected as the alternative for the Steelwave site. Ms. Clark explained that the sites had ranked lower and there was unknown owner interest. Commissioner Nibert asked if the City was still trying to contact those owners. Ms. Hagen confirmed that efforts continued. Ms. Clark added that some owners had reached out between when the report was written and this meeting which had elevated some sites.

Chair Brown asked about the property ownership on Sunol Blvd. Ms. Clark stated there was multiple properties with various owners.

Ms. Hagen reviewed the timeline. Chair Brown asked if the Commission's recommendation would go to Council before CEQA scoping. Ms. Hagen anticipated Council consideration at the end of January and CEQA scoping starting at the end of February.

Commissioner Nibert asked the nature of the public meetings in April 2022. Ms. Clark explained the meetings would occur in February and March and would be policy discussions. Commissioner Nibert stated the EIR and public meetings should go hand in hand so they could work together and inform one another. Ms. Clark explained the CEQA review was based on the sites and the policy items were more related to programs, funding and housing facilitation, rather than location specific items that would create direct environmental impacts of the type analyzed in the EIR.

Commissioner Allen clarified for the public that there was a 50% buffer in the sites inventory for the EIR process. She explained that a project on the list might not necessarily be rezoned or built. Ms. Clark confirmed that the current list of sites was more expansive and environmental analysis, State's review and public feedback were likely to narrow down the list.

Chair Brown stated a site removed in the 6<sup>th</sup> cycle could be included in the 7<sup>th</sup> cycle.

Commissioner Allen clarified for the public that the Commission retained all properties on the list in order to receive feedback from the Housing Commission and public. Ms. Clark explained the two-step process.

Commissioner Allen discussed the Commission's prior request to increase density on six of the sites and asked why only three had been increased. Ms. Clark explained that staff considered proximity to transit and potential height and suggested the highest density for a more limited range of sites.

Commissioner Morgan stated he appreciated the large buffer. He asked if a Housing Element without a buffer was an option. Ms. Clark explained that the EIR was an analysis document not the approving document. Commissioner Morgan confirmed that the Commission was being asked to determine which sites looked promising for further review. Ms. Clark stated some cities had decided to build a buffer into their adopted sites inventories, to help to address new State laws around "no net loss".

Chair Brown discussed the proposed options in the staff report. He asked if Option 2 was the less risky plan. Ms. Clark clarified that Option 2 included Steelwave; neither was inherently riskier and so it was a matter of preference. She explained why staff had not recommended including Steelwave. Chair Brown discussed community feedback on Mission Plaza and Valley Plaza and asked if there was feedback regarding the Richert Lumber hardware store and rock yard as being community assets. Ms. Clark stated the Housing Commission had also expressed reservations about the lumber store. She stated residential zoning provided the opportunity for housing but it was ultimately the property owner who would determine if it wanted to develop housing.

## **THE PUBLIC HEARING WAS OPENED**

Robert Gonella spoke about the item and expressed his opposition to rezoning the Valley and Mission shopping centers.

Jeff Schroeder spoke about the item and expressed his desire to keep Lester on the list. He stated that higher density projects were less feasible because of their higher cost of construction.

Bridget Metz spoke about the item and expressed her desire to have Steelwave included in the recommended sites.

Ralph Martin spoke about the item and expressed his desire to have Valley Plaza included as a mixed-use site.

Becky Dennis spoke about the item and expressed her concerns with the Steelwave site.

Jocelyn Combs spoke about the item and expressed her support for a permanent buffer in the inventory.

## **THE PUBLIC HEARING WAS CLOSED**

Commissioner Gaidos agreed with including the Oracle property. He stated the Commission was being asked to determine potential housing locations or lose funding. He discussed the importance of the community engaging in the Housing Element process. He indicated support for removing Sites 17 and 18 (Valley and Mission Plazas). He stated it was inevitable that the Steelwave site would be developed into housing and supported leaving it on the list. He expressed concern with the PUSD District site on First Street and stated he would like it removed or changed to low density, due to concerns about traffic. He discussed the comments regarding Ponderosa Homes.

Commissioner Allen stated she wanted to remove the Mission and Valley Plaza because it was a vital business center serving thousands and the community wanted to keep it. She strongly encouraged removing the Steelwave property because keeping it on would divide the community and usurp the planning process. She discussed Steelwave, Kiewit, and Boulder equating to 2,300 units which was too much for the area. She suggested increasing the density at Merritt to provide more affordable by design housing similar to Irby Ranch or Danbury Park. She stated she would like to remove a portion of the Kiewit property from consideration. She stated she agreed with Ms. Clark's assessment for Signature Center. She stated she would rather build out and rezone less acreage at a higher density. She discussed the consultant that guided the Planning Commission to go beyond 30 units per acre.

Commissioner Nibert asked about the densities assumed for the various sites and the possibility of a specific plan for certain areas. Ms. Clark confirmed that the densities could be adjusted. She stated she had a hard time reconciling Mr. Schroeder's comments about the feasibility of high density projects, which was contrary to the information consistently provided by the consultant, and not borne out by the recent examples of projects being approved and built in Dublin. She explained that the City had three years to change the zoning after adopting the Housing Element,

which would allow time to develop specific plans. Commissioner Nibert suggested specific densities and projects for some sites should come later.

Chair Brown stated he understood Commissioner Nibert's comments regarding determining specific densities prior to CEQA analysis.

Commissioner Nibert agreed with holding off on Steelwave and concerns regarding bifurcating the Planning process.

Commissioner Pace stated he felt the tension with obtaining the State's required number. He stated the mandate would impact the community by increasing density in existing neighborhoods or in places where there was not existing residential. He stated it might be better to develop in places where there was not a lot of existing residential and where people did not already have a notion for what their neighborhood should look like. He stated he believed Steelwave could move forward as there was time built in to work on it and make it what the community wanted. He would like to disrupt existing neighborhoods as little as possible and be on the higher side of the density minimums.

Commissioner Morgan stated he would like to ensure services that were currently useful to the community were not removed. He suggested removing Mission and Valley Plaza, Site 12 (Pimlico North) and Richert Lumber. He suggested additional community involvement to ensure other sites that were providing valuable serve were excluded. He suggested including high density in the Merritt project so that high density was not concentrated in one area. He agreed with Commissioner Pace about the importance of on-site parking. He stated he liked the concept of providing a range of densities and letting the developer determine density levels and height for economics.

Chair Brown discussed issues with planning of East Pleasanton and the specific plan process. He agreed with the need for infrastructure to develop housing. He stated he did not want to circumvent the community process but it had been started and stopped and developers deserved the right to develop.

Chair Brown recalled that Commissioners Morgan, Gaidos, and Allen were in favor of removing Sites 17 and 18 (Valley and Mission Plazas). Commissioner Nibert stated he was sympathetic with the property owner but felt the properties should be removed from the list. Commissioner Pace stated he would go with the majority.

Chair Brown restated Commissioner Gaidos' concern with the proposed number of units on the corner for Site 25 (PUSD-District). He concurred that traffic at the First Street intersection was always backed up. Ms. Clark stated the impacts would be reviewed during the CEQA process. Mr. Tassano explained that the intersection was in the Downtown Specific Plan which was exempt from level of service, therefore unable to make improvements. He stated the road realignment was anticipated for next Fall.

Chair Brown asked if the other Commissioners wanted to remove Site 26 (St. Augustine). Commissioners Gaidos, Allen, and Pace agreed with staff's recommendation.

Chair Brown brought up Site 13 (Pimlico-North). Commissioner Allen stated she supported removing Site 13. Commissioner Nibert also supported removal.

Chair Brown asked if there were any thoughts on Site 10 (ValleyCare). He recommended leaving it in and Commissioners Allen and Nibert agreed.

Chair Brown stated he would like to retain Site 20 (Boulder Court). Commissioner Morgan asked if there were any public comments on that site. Ms. Hagen stated there were no specific comments from the community meeting. Commissioner Allen suggested retaining Boulder Court as long as Steelwave was removed. Commissioner Pace brought up the point of shared pain versus concentrated pain. He asked if the City's obligation would be satisfied if Sites 13, 17, 18, 20, 21, 26, and 28 were removed. Ms. Hagen stated there would be a bare surplus of 1,173 units, which was about 400 units below the recommended buffer. Commissioner Allen asked the number of units if Sites 13, 17, 18, and 26 were removed. Ms. Hagen stated that was 1,800 over the recommended buffer. Commissioner Allen suggested retaining Sites 20 and 21 and removing Site 28. Commissioner Pace asked the number units if Sites 13, 17, 18, 26, and 28 were removed. Ms. Hagen stated that was staff's original recommendation within the agenda report and would put the City 237 units over the 50% buffer.

Commissioner Morgan suggested consideration of sites with lower density where the density could be increased. Commissioner Nibert stated he did not understand why they would recommend less than what staff had recommended.

In response to Chair Brown, Ms. Hagen clarified that Site 13 (Pimlico-South) was proposed for removal.

Commissioner Pace discussed the need to include the East Pleasanton to meet the required numbers. He stated he understood the impact and strong feelings about developing the East Pleasanton. He suggested Kiewit be included. Ms. Clark stated the Kiewit site was somewhat different from Steelwave in that it had existing infrastructure and was within the City limits. Commissioner Morgan stated the Ironwood project seemed nicely done and the Kiewit site was being proposed as something similar. He indicated support for retaining Kiewit. Commissioners Allen and Nibert agreed with retaining Kiewit, at least through the environmental analysis.

Chair Brown stated Old Santa Rita and Owens Drive properties needed reinvestment and redevelopment. He asked if the EIR process would be complicated and costlier if Steelwave was included. Ms. Clark stated it would make it somewhat more complex in that development assumptions would have to be made. Chair Brown agreed that too much development in one area of town should not occur all at once.

Commissioner Gaidos stated there was not a lot of open space to be developed. He indicated support for retaining Kiewit Sites 21a and 21b and making PUSD-District Site 25 low density. He stated he saw Steelwave as a solution to the problem and was unsure why there would be a big fight.

Commissioner Nibert asked about the public email regarding East Pleasanton Specific Plan and quantity of office and industrial space to make the development feasible. Ms. Clark stated construction of El Charro Road connection was the most expensive portion of infrastructure. She

discussed the prior East Pleasanton development proposals, about which there was still no agreement.

The Commission discussed whether or not to include Steelwave and determined to leave it out.

**Commissioner Pace moved to recommend staff's initial recommendation for the Housing Element Sites Inventory to the City Council.**

**Commissioner Allen seconded the motion.**

Commissioner Gaidos asked that PUSD-District Site 25 being changed to low density be added to the recommendation. Chair Brown stated the traffic analysis would determine density. Commissioner Nibert stated he would like to see the EIR before determining density and recommended no change at this time. There was no consensus to modify the motion.

**ROLL CALL VOTE:**

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

Chair Brown stated he would have liked to retain Steelwave for environmental analysis. Ms. Clark stated the City Council would be informed of that and Commissioner Gaidos' suggestion on PUSD-District Site 25.

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

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

There were no reports from meetings attended.

**5. Actions of the City Council**

None.

**6. Future Planning Calendar**

Ms. Clark gave a brief overview of future items for the Commission's review.

**MATTERS INITIATED BY COMMISSION MEMBERS**

Commissioner Nibert shared his opinion on the State's calculation of RHNA numbers and up zoning increasing property value.

The Commission acknowledged the work of the Commission and wished everyone happy holidays.

## **ADJOURNMENT**

Chair Brown adjourned the meeting at 9:58 p.m.

Respectfully submitted,

Sachiko Riddle  
Recording Secretary