

PGPA-17, City of Pleasanton

Consider the Preliminary Draft Housing Element Submittal to the California Department of Housing and Community Development (HCD), including potential rezoning of sites for multi-family housing.

Chair Narum presented the process to be followed for the consideration of PGPA-17:

1. Housing Element Goals, Policies, and Programs
 - Presentation of the staff report
 - Commission clarification questions
 - Public hearing
 - Commission discussion
2. Sites
 - Presentation of staff report
 - Commission clarification questions
 - Public hearing
 - Property owners/representatives
 - General public
 - Commission discussion
3. One motion and vote for the entire Draft Housing Element

Janice Stern presented the staff report and indicated that staff will ask the Planning Commission to take an action to recommend approval of the Draft Housing Element (DHE) to the City Council prior to its submittal to the California Department of Housing and Community Development (HCD), the agency charged with reviewing the City's DHE. She stated that the DHE consists of the Goals, Policies, and Programs; the list of housing sites; and the background report prepared by staff. She stated that the Planning Commission will see this Draft again prior to adoption of the Housing Element at the end of 2011.

Ms. Stern then reviewed the Housing Element Update process for those Commissioners who were not directly involved in the Housing Element Update Task Force (HEUTF). She indicated that a number of community meetings have been completed, and she will be presenting a brief update of the community meeting held earlier this week; a 'check-in' has been done with the Housing Commission, the Planning Commission, and the City Council in April and early May; the document then went back to the HEUTF for its final recommendations on the Goals, Policies, and Programs as well as on the sites; last week, it went before the Housing Commission for its final recommendations; and tonight, it is coming before the Planning Commission to receive the Commission's recommendation to go forward to the City Council, who will then review the Draft and give its approval for submission to HCD. Ms. Stern indicated that the Planning Commission is not taking any formal action on the DHE at this point because the Commission does not have the benefit of the Environmental Impact Report (EIR) at this point, and formal action will be considered once the entire package returns to the Commission sometime in the October-November timeframe.

Ms. Stern stated that she will review the changes and comments received on the Goals, Policies, and Programs, as well as some additional comments from letters received very late into the process. She noted that the Commission may want to consider referring those letters back to staff for further analysis to allow staff to present to the City Council how to implement some of the ideas in those letters. Ms. Stern continued that she will discuss the List of Sites, after which the Commission will decide whether it wants to refine the list further or take the entire list through to the Draft Housing Element to be submitted to the HCD. She added that the Commission can refine the list when it returns to the Commission with the HCD comments, based on those comments and the EIR. Finally, Ms. Stern stated that she also will discuss some of the work related to scoring sites on the Tax Credit Allocation Committee (TCAC) criteria which was a commitment the City made as part of the Settlement Agreement.

With respect to the last week's Housing Commission action, Ms. Stern stated that at the last HEUTF meeting, there was lot of discussion on the sites, including those presented by Dave Stark, a HEUTF member, regarding second-unit monitoring requirements, terms used regarding affordability, the value of housing education through regional partnerships, and the need to undertake extensive public outreach with respect to the zoning updates regarding emergency shelters and supportive and transitional housing. She noted that these comments were passed on to the Housing Commission at its meeting last week, and the Housing Commission accepted Mr. Stark's comments and incorporated them into the DHE, which is appended to tonight's Planning Commission staff report. She added that staff also incorporated a couple of comments from a letter submitted by Becky Dennis of Citizens for a Caring Community, and referred still other comments to the Growth Management Subcommittee. She noted that the Housing Commission also directed staff to modify Policy 26 to clarify an intent to keep all income-restricted units in perpetuity, and a couple of edits were made on Goals 5 and 11 relating to removing the term "at build-out" because it is a loose term and one not easy to define.

Ms. Stern then briefed the Commission on the community meeting held on Monday, June 20, 2011. She stated that the purpose of that meeting was to provide an opportunity for the neighbors to weigh in on some sites – one in the Downtown, two on Sunol Boulevard, and one on Stanley Boulevard – which were not included in the community meetings held in March. She indicated that there were about 25 attendees, and a number of general comments were made about the Housing Element process, about densities, and about the percentage of units which were going to be built for affordable- to low- and very-low income households. She noted that there were several neighbors from 4202 Stanley Boulevard; Site 21, who had concerns about parking and who felt the traffic congestion on Stanley Boulevard was very bad several times during the day, and had concerns about how a higher density development was going to fit in over in that area. She added that there was also a written comment about Site 18; the Downtown site, regarding traffic and parking issues, with a suggestion that the area be developed as a park.

Regarding the **Goals, Policies, and Programs**, Ms. Stern stated that most of the programs in the Draft were carried forward from the 2003 Housing Element; but there are new and amended programs resulting from new legislation relating to:

- Meeting requirements related to emergency shelters and supportive and transitional housing: Staff recommends that these rezonings be completed within a year which will provide an opportunity for the City to receive public input and suggestions with respect to how the City will implement these requirements and which will allow the City to make a commitment to adopt regulations related to these requirements within the year.
- Addressing the Settlement Agreement:
 - Identify the need for special needs housing for large families, for the disabled, and for other extremely-low-income groups that need specific goals developed for them. The City will consider those needs when it approves projects.
 - Consider the use of the Low-Income Housing Fund to help develop three-bedroom units affordable to low- and very-low-income large families.
 - City assistance to non-profit housing developers, requiring the City to convene a meeting of housing developers and landowners to help and assist in a housing development through a non-profit partnership.
 - An annual review of the Housing Element to discuss progress in meeting the City's housing needs.
- Other recommended amendments which have emerged from the Housing Element Task Force and from earlier meetings with the Housing Commission, which include:
 - Second Unit Ordinance development regulations, to determine if there are ways that these can be liberalized to encourage more second units.
 - Condominium Conversion Ordinance, to ensure that tenants are adequately protected from any displacement during conversion.
 - Growth Management Ordinance, a large project being undertaken by a subcommittee consisting of some Councilmembers and senior staff members.
 - Rezoning and General Plan amendments, necessary to accommodate the City's housing need, a program which staff intends to complete before the adoption of the Housing Element.
 - Assessing the level of effort to overcome any infrastructure constraints that could limit affordable housing.
 - Lower-Income Housing Fund, to considering priorities for strategically utilizing the Fund's several million dollars amassed in the 1980's and 1990's.
 - Universal Design features, to require these as feasible to meet the needs of persons with disabilities and to help with the idea of aging in place, with today's demographics changing with the aging population, to look for ways to keep people safely in their homes.

Ms. Stern stated that staff also received **additional comments** from Becky Dennis of Citizens for a Caring Community. Ms. Stern indicated that she will discuss a few points and requested the Commission to consider referring the balance of those points back to staff to look into further and to develop some recommendations before taking the Draft to the City Council in July:

- Specific edits that the Commission may wish to consider, such as adding “*including those with special needs*” at the end of Goal 5. Ms. Stern noted that this could be made and would be in line with the other Goals.
- Prioritization of certain residential projects or inclusion of commercial development in growth management. Ms. Stern recommended that the Commission refer those suggestions to the Growth Management Subcommittee, to consider as it develops any changes to the Growth Management Ordinance. She added that this would also cover a number of the suggestions made.
- Increases in the percentage of units affordable to very-low- and low-income households, or increases in the Lower-Income Housing Fee as it applies to commercial projects. Ms. Stern noted that Program 16. 2 is to review the City’s Inclusionary Zoning Ordinance (IZO), which could conceivably look at increasing those percentages, and that Program 17.1 is to review and modify the Lower-Income Housing Fee to be consistent with the true cost of affordable housing. She added that she believes some of the points related to those issues could be addressed by the Programs already included in the Draft Housing Element.
- Ms. Stern recommended that the Commission refer this letter back to staff to review and analyze these suggestions and make recommendations to the City Council when it considers the Draft July.

Ms. Stern concluded by stating that staff also received a letter today from East Bay Housing Organizations (EBHO) regarding several concepts that came out of a recent discussion with affordable housing providers. She noted that some concepts are somewhat complicated to discuss at this point and recommended that the Commission refer the letter back to staff for analysis and subsequent recommendation to the City Council.

Commissioner Blank noted that Ms. Stern mentioned that the Draft would be forwarded to the City Council and then to HCD, after which it would return to the Planning Commission. He inquired what would return to the Planning Commission.

Ms. Stern explained that said the City is required to submit a draft to the HCD, who has 60 days to provide the City with comments. She stated that these comments are usually multiple pages, and while staff is hoping to hear that the City has addressed all the requirements, there will most likely be comments that need to be addressed. She noted that amendments will then need to be made to the Draft, and if these changes are substantial, staff will bring the document back to the Housing Commission and the Planning Commission.

Commissioner Blank inquired if those comments were considered regulatory.

Ms. Stern replied that they are obligatory if the City wishes to get its Housing Element certified.

Commissioner Blank stated that it was mentioned that the Draft would not necessarily come back to the Commission if the HCD comments were minor, but would if the changes were major. He inquired, assuming the Draft would come back to the Commission, what the scope would be so the Commission can determine what it should be thinking about, tonight as opposed to when it comes back, as it is not known if the Commission would be able to make changes then.

Mr. Dolan stated that after the City receives the HCD's comments, the City will not have officially adopted the Housing Element as part of the General Plan. He explained that this would require a formal hearing process. He continued that in terms of characterizing whether comments were considered regulatory, there will inevitably be some discussion and negotiation if the City is not on the same page, and some judgment on the part of the City as to how much of this should the City incorporate if the City does not agree. He added that it is about whether or not the City feels it can get certified and whether or not getting certified is a great enough value to do some things that the HCD may suggest but that the City may not necessarily want to do. He noted that the City will be in a much better position if its Housing Element is certified, and that is the City's goal; however, the City will still have a hearing process on a Draft that the City can continue to amend up to the point where there is an official public hearing, just like in any General Plan amendment.

Commissioner Blank noted that assuming the Commission does not amend anything tonight, it cannot really make any changes when the Draft returns from the HCD because then the Housing Element might not be certified. He inquired if there is anything the Commission should look at, any suggestions of areas the Commission should make changes in tonight, or areas that are not very important because the HCD will final those anyway.

Mr. Dolan stated that it is possible that the Commission may want to change something later on that it has not commented on tonight, but that could put the City in a bind. He noted that the HCD will focus in on a few areas and the City will have a big discussion about those areas.

Commissioner Blank stated that he needed some clarification regarding what staff wanted the Commission to do with regard to Goal 5. He noted that staff had recommended that the Commission make some edits such as including special needs in the Goal, but staff also mentioned sending some of the suggestions to the Growth Management Subcommittee and returning the letter to staff for further review and action.

Ms. Stern explained that staff was simply asking the Commission to determine if there were fairly obvious edits it would want to make now; however, if the Commission so desires, it could also refer the entire letter with all the suggestions back to staff for further review.

THE PUBLIC HEARING WAS OPENED.

Gloria Bruce, East Bay Housing Organizations (EBHO), stated that EBHO is a membership advocacy coalition promoting affordable housing and has been doing a lot of work with staff and other community stakeholders in Pleasanton for some time. She noted that Peter Cohen, EBHO's Policy Director, could not attend tonight's meeting, and she was here in his stead. She indicated that EBHO would like to offer itself as a resource in helping the City and staff move towards the mutually desirable goal of making this an inclusive community that provides homes for people with special needs, for seniors, or for those with lower income that has been left out of the market. She stated that she knows there were some complicated ideas in EBHO's letter, which was submitted today following yesterday's meeting, and hoped that staff would have the time to review it. She indicated that essentially, EBHO hopes that the Housing Element, in order to be realized and to make these sites really feasible for inclusive development, will look at some packages of incentives, at the idea of joint development between for-profit developers and mission-driven non-profit developers, and at other tools in addition or complimentary to the IZO, which is an important tool but certainly not the only one, and which, on its own, will not allow the City to meet its affordable housing needs. She added that EBHO will continue to work closely with Ms. Stern and City staff, as well as with Ms. Becky Dennis.

Becky Dennis, Citizens for a Caring Community (CCC), stated that her comments are coming from the frame of the CCC and of affordable housing advocates within the community of Pleasanton. She indicated that she would really like to see the City take charge of the whole issue of affordable housing and do a good job on it. She noted that the goal is to house all those who work within the community, and the City's IZO will not provide all the housing that it is expected to provide for people of all incomes. She added that she would love to have the Planning Commission send a recommendation to the City Council that it really considers adding some tools in addition to the 15 percent required by the IZO because if for-profit and non-profit partnerships are formed, developments and communities can be created with 60 percent affordable housing consisting of 20 percent low, 20 percent very-low, and 20 percent moderate incomes, mixed in with the above-moderate and market rate housing. She noted that this is what past Regional Housing Needs Assessment (RHNA) approvals have been and what the City has been asked to do over the years.

Ms. Dennis stated that the City's sewer capacity is the City's buildout, and expressed concern that, as an affordable housing advocate, there would be no remedy should the City get to the end of its sewer capacity without reaching a balanced growth. She noted that, just like the housing cap, the City will not have enough room if commercial approvals for jobs and not tied to housing. She added that Pleasanton would not want

to be burdened with housing that is really the responsibility of its neighboring communities any more than Pleasanton should burden them with its needs and the needs it has created.

Commissioner Pentin noted that the Commission just received CCC's letter and that he had the chance to try and compare the Goals, Policies, and Programs with CCC's suggested changes. He asked Ms. Dennis if she was able to present the same changes to the Task Force or Housing Commission before it came to the Planning Commission or if this was recent development following the publication of the Draft Housing Element.

Ms. Dennis replied that she started preparing the draft during the Housing Element update process, but the Task Force was focused on the Sites issue and at its last meeting when this was on the agenda, the members they did not have time to discuss it. She indicated that she then submitted the same letter prepared for the Task Force to the Housing Commission who made some changes to refer to the Pleasanton workforce and to refer certain things back to the Growth Management Subcommittee of the Council. She added that she also received helpful feedback from the meetings she attended as well as from the meeting with staff and the non-profit housing developers. She indicated that she then re-wrote the letter so it would make more sense in terms of what the Commission received.

Commissioner Pentin stated that he found some very valid, suggested changes in the letter and some that required some wordsmithing. He asked Ms. Dennis how comfortable she would be, should the Commission not have the time tonight to go through the document and try to make those comparisons, if the Commission sends the document back to the Growth Management Subcommittee.

Ms. Dennis replied that she is comfortable with this but that the Growth Management Subcommittee is not as accessible as the Planning Commission. She stated that if the Commission is interested in anything in particular, she would like them sent on the record to the Growth Management Subcommittee to deal with. She added that should the Commission not like some things, she would also like to know its reasons for not liking them.

Commissioner Pentin asked Ms. Dennis if the CCC has any burning desires for certain items it would like the Commission to discuss.

Ms. Dennis noted three items: (1) that the City promote the idea of for-profit and non-profit development working together. She indicated that there are some sites on the list that are big enough where this can be done, where the City can make a significant dent in its housing obligations and create some lovely communities at the same time. She added that she would hate to see those sites developed at only 15 percent which she feels would be a huge waste of resources. (2) that as commercial development is approved, sewer capacity be reserved for housing of low- and very-low-income families in Pleasanton and in the workforce. (3) that jobs be linked to housing

as the City's form of growth management as commercial development is approved, which is something that varies over time. She indicated that she would like those to be together and tracked together.

Ms. Dennis indicated that if these are done, new ground will be broken as far as the City of Planned Progress, and a framework will be created where the City can solve its Housing Element approval process, and over time.

Tom Pico, former City Mayor, echoed Ms. Dennis' concerns regarding the IZO not being adequate to provide the level of affordable housing the City will need, especially with the limitation placed by the sewer capacity. He stated that the City lost its cap on housing, which was one of the growth limits that was put in place, but the City has another growth limit in the sewer capacity and the expansion agreement which can only be modified by a vote of the people. He noted, however, that the vote of the people does not mean anything to a judge. He urged the Commission to look forward to more than just this General Plan update as this is not the first time, nor will it be the last time, that the State demands more housing and adjusts zoning. He stated that the City should really look at what its true sewer capacity, how close the City is to that limit, and how many more units the City can absorb. He noted that sewer capacity is ultimately limited by wet weather capacity outflow through the pipeline, which is at capacity as Dublin San Ramon Services District (DSRSD) has already allocated everything to the different cities, so there is no more for Pleasanton to get. He stated that he believes the City will get to that limit sooner than many people realize and will not be able to provide for inclusionary kind of zoning that it wants.

Mr. Pico indicated that the reason he is at this meeting is to talk about the rezoning of the Axis Community Health property (Site 17), which is adjacent to his property. He inquired if the recommended zoning density for the site is 23 units per acre or 30 units per acre, or if it is still open.

Chair Narum replied that the Commission would discuss the Sites after the discussion on the Goals, Policies, and Programs. She noted that the Task Force recommended it to be 23 units per acre.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank thanked everybody for submitting comments and letters; however, some came in as late as yesterday and today, and while he has had the chance to skim them, he would feel more comfortable with referring them back to staff.

Chair Narum indicated that she felt the same way and would like staff to have a bit more time to provide their input and comments.

Commissioner Pentin agreed with Commissioner Blank and Chair Narum. He added that if the Commission sends it back to staff or the Growth Management Subcommittee, he would like to put some emphasis on the three main things mentioned by Ms. Dennis,

especially because of the fact that the City does have a cap on its sewer capacity, linking housing to jobs, and providing the opportunity for a partnership between non-profit and for-profit market rate housing organizations.

Commissioner Blank questioned if the City has other infrastructure capacities that have not been identified, such as electrical, traffic, or fresh water capacities.

Mr. Dolan replied that both staff and the Growth Management Subcommittee have started to brainstorm on those issues because losing the housing cap and having these rezoning are quite a change over what has been done recently. He noted that the City has a new situation and the needs to explore its existing ordinance, and also in the context of the lawsuits and the outcome of those lawsuits.

Mr. Dolan stated that with respect to traffic, the City has level-of-service standards it uses which will not necessarily change. He noted, however, that the one that keeps coming up is sewer because there is a finite capacity with the current infrastructure. He indicated that staff wants to be sure and be very accurate about how far out into the future the sewer capacity actually becomes a problem. He noted that it is not an immediate problem; the City has not gotten to that point, and it will not be in the next ten years, and might not be in the next ten years after that. He stated, however, that the City does have a finite amount and has to plan accordingly for some future finite limit. He added that in the not too distant future, the City will have a public dialogue with respect to how far it is, based on certain growth rates the City anticipates. He indicated that this is why a lot of these comments and suggestions are being recommended by staff to be referred to the Growth Management Subcommittee as it must be a part of the conversation.

Mr. Dolan stated that he wanted to reassure Ms. Dennis that the affordable housing component of the Growth Management conversation will most definitely be included. He indicated that Steve Bocian runs the City's housing program and is one of senior staff persons in the Subcommittee, and the Councilmembers themselves are very tuned in to this issue as well. He noted that some of the suggestions made are quite specific and make assumptions about what the outcome of the Growth Management Subcommittee will be, and since the Subcommittee is not quite there yet, it is difficult to deal with specific wording of policies and programs. He added that he thinks themes will be incorporated, but it seems premature to get that specific at this point, and that is why staff has asked that these be forwarded to the Subcommittee.

Commissioner Pearce requested Mr. Dolan to talk about the Growth Management Subcommittee because a lot of people do not know what it is, what it does, and what its timeline is.

Commissioner Olson requested Mr. Dolan to discuss its composition as well.

Mr. Dolan replied that the Growth Management Subcommittee consists of two Councilmembers and three senior staff people; and its primary goal is to initiate the

dialogue on what changes, if any, need to be made to the City's Growth Management Ordinance and system in response to the loss of the Housing Cap and the adoption of a new Housing Element. With respect to its timeline, Mr. Dolan stated that it is as soon as possible, because the community is now living in a new world and has the benefit of a slow market; but the Council's goal is very much to have something in place before the next cycle of development. He indicated that there are no specific dates yet, but there is an urgency to the dialog that the City get something down. He added that the Subcommittee has not yet gotten to point where something can be discussed in a public forum, but at that point, he will have a better handle on deadlines. He noted that this will be a short-term effort rather than long-term.

Commissioner Olson inquired if a Legal staff representative is included in the Subcommittee.

Mr. Dolan said yes.

The Commission then proceeded to discuss the Sites.

Ms. Stern displayed a map of the 17 sites currently on the list that was moved forward from the Housing Element Task Force. She noted that these are the same sites shown to the Planning Commission back in April, with a few exceptions: two sites have been taken off the list, which are the Church property at the end of Valley Trails Drive and the Goodnight Inn on Santa Rita Road; and four sites have been added, which are the two sites suggested by a Planning Commissioner on Sunol Boulevard/Sonoma Drive (Site 19) and Sunol Boulevard/Sycamore Road (Site 20); the Downtown site across from the Civic Center (SF Site 18); and the Wagner site at 4202 Stanley Boulevard (Site 21).

Chair Narum advised that Commissioner Pentin has a conflict with regard to Site 19, the Sunol Boulevard and Sonoma Drive site, and will not participate in any discussion relative to that site.

Ms. Stern then presented the **List of Sites** with suggested densities which were recommended by the Housing Element Task Force. She indicated that there is one site recommended at 40 units per acre: Stoneridge Shopping Center (Site 3); the Task Force felt that substantial density could be accommodated at that location, especially with BART nearby. She continued that there were a few sites where the Task Force recommended a slightly lower density that meets the City's moderate housing need at 23 units per acre: Irby-Kaplan-Zia (Site 6); Nearon Site (Site 9); CM Capital Properties (Site 13); Axis Community Health (Site 17); Downtown (SF Site 18); and the two smaller sites which are somewhat difficult to develop with higher density and which are surrounded by development, Sunol Boulevard and Sonoma Drive (Site 19) and Sunol Boulevard and Sycamore Road (Site 20).

Ms. Stern noted that the total number of sites adds up to 3,000 units. She pointed out that as discussed in an earlier Commission meeting, the City needs to identify sites for

at least 2,000 units consisting of about 330 units at 23 units per acre and almost 1,700 units at 30+ units per acre. She noted that the number on units is running a surplus at this point and the discussion is whether or not the Commission wants the list to ride through to the EIR process and through the HCD review in order to receive its comments and then make a decision based on that.

Mr. Dolan noted that obviously there is a big surplus. He stated that it would be hard to imagine that ultimately, when the rezonings are done, the City would rezone significantly more than it needed to; however, the City would like to reserve some of these because this is not the only Housing Element and RHNA assignment the City will have; the City will have them on a regular basis as it moves forward.

Mr. Dolan stated that his thinking on this has evolved. He noted that he spent a few of the Task Force meetings encouraging the members to try and narrow the list down and to provide more input as it moves forward ultimately for the City Council. He indicated that he now believes that this does not necessarily have to be done because all the discussions about which sites should stay and be removed were predicated on "what if" scenarios, many of which had to do with the reaction of the HCD to individual sites. He noted that at this time, he does not see any harm in leaving the list large, getting the feedback from HCD, and then making those decisions. He recommended leaving the list large at this point, with a few exceptions of any sites on the list the Commission could not support under any circumstances. He commented, though, that he does not know if there are any that would fall under that category as most of these sites have been pretty well vetted, with the exception of the ones that were added towards the end, but for which a public outreach meeting was held this week. He added that all the sites have been determined by most people who have reviewed them as good housing sites, so it is a matter of picking the right combination among them. He stated that he thinks the decision to narrow the list down might be easier after the City has heard from the HCD because its comments might make those decisions easier; for example, if there are certain themes of sites the HCD is not supportive of, that dialogue would change significantly rather than just trying to guess its reaction at this point.

Additionally, Mr. Dolan stated that he thinks it is all right to talk about any variation on the density on individual sites. He indicated that on some of the sites, the Task Force considered 23 units versus 30 units to the acre, and he indicated that this is useful information as it moves forward.

Commissioner Blank agreed with Mr. Dolan's recommended approach and indicated that he was not sure it made a lot of sense to make any recommendations on the sites before hearing back from the HCD. He indicated that he was curious about why Site 16, Vintage Hills Shopping Center, was taken off the list and inquired if that was done as a result of a Task Force vote.

Ms. Stern said yes; there was a specific vote on that. She added that there was a lot of discussion about the amount of high-density housing around that immediate area, as well as about the viability of the shopping center itself which has languished for many

years and is finally getting some life back in it. She indicated that some members wanted to give it a chance.

THE PUBLIC HEARING WAS OPENED.

Comments from the Property Owners/Developers/Representatives

Pat Costanzo, representing Kiewit (Site 11), stated that Kiewit has operated as a business in Pleasanton for 45 years and asked the Commissioner to support the Housing Element's recommended ten-acre allocation for its site. He displayed a map showing where the best ten-acre location would be on the property, which is at the corner of Valley Avenue and Busch Road, with the remaining property adjacent to the east allowing for an overall well planned mixed-use community as development of the property proceeds.

Mr. Costanzo stated that at the last Task Force meeting, a desire was expressed that if the Kiewit site and the adjacent Site 14 were allocated density, building not start until the Specific Plan is completed. He indicated that while Kiewit believes its property and the ten acres could be developed earlier than that, it agreed to wait as long as there is a set timeframe for the Specific Plan to be completed, and if that timeframe was not met, Kiewit would have the right to develop then. He added that the recommendation at that Task Force meeting was to start the Specific Plan by the first quarter of 2012 and have it completed by the second quarter of 2013, with the Specific Plan and the project entitlement being processed concurrently during the 18-month period.

Mr. Costanzo noted that there were two issues that came up through all the hearings: the first related to too much density in this area. He noted that based on a Google aerial map which he displayed, there is only one true high density in the area, an apartment complex; the other surrounding high density sites have only 8 to 15 units to the acre, a senior housing is located across from the Kiewit property, and the other property is the Legacy Partners (Site 14). He concluded, therefore, that there is a fair allocation if these two sites are zoned as recommended and that it is not overburdening the area.

Mr. Costanzo stated that the second issue refers to traffic concerns. He noted that at the last Task Force meeting, Mike Tassano, City Traffic Engineer, presented a traffic analysis showing that developing all the proposed sites in the area will not trigger any level of service (LOS) past LOS D. He added that this is also looking at the whole holding capacity for the Kiewit site, which has over 500,000 square feet of R&D that is certainly not being developed right now. He stated that he is respectfully simply pointing out that by giving Kiewit this density, the issues that were raised would not be really issues. He requested that the Commission support leaving the ten acres on the site.

Steve Dunn, Legacy Partners, representing Site 14 located at 3000 Busch Road, east of the just discussed Kiewit property. He indicated that Legacy Partners has been very involved in the process from the standpoint of all the concerns mentioned by Mr. Costanzo, including supporting the same language that would condition development of the site after the specific plan process is completed, but within a reasonable time. He commended the Housing Element Task Force and is supportive of its work. With respect to the 30 units per acre density for the property's 12 acres, Mr. Dunn stated that they would also be willing to reduce that density to 23 units to the acre as spreading the units a little bit more on the site would be better planning and the right thing to do. Regarding traffic, he stated that the site has a private access out to I-580 through El Charro Road; therefore, the site will not cause additional traffic should Legacy develop sooner. He indicated that their proposal is a very positive mixed-use development; it is ready to go with utilities already on site as well. He added that they are anxious to go through the East Pleasanton Specific Plan process and listen to comments from the community, the Planning Commission, and the City Council.

John Pringle, E&S Ring, representing Auf der Maur/Rickenbach (Site 8), introduced Rob Steinberg, the creator of the vision for the site. Mr. Pringle stated that the Draft Housing Element identifies Site 8 for 5.3 acres of high density housing at 30 units per acre. He explained that their vision for this site incorporates and needs 11.5 acres of the site to be designated as high density residential. He presented a site plan that shows 40,000 feet of retail and noted that this site is unique in comparison to all the other sites because of its access to the Downtown, its readiness for development today with all the utilities already in place, and the substantial commitment from both Auf der Maur and Rickenbach to improve the site with sidewalks and other things. He added that there no other site close to the Downtown that will allow the construction and development of a village. He then asked Mr. Steinberg to describe the vision for the site.

Rob Steinberg stated that their vision for this site is for a sustainable mixed-use neighborhood with the goal of creating an open, inviting neighborhood village with a mix of uses, retail, commons, and residential. He indicated that it would include retail on the corner and three residential clusters with different types of products using traditional materials and forms seen throughout the City, connected by a village center and a plaza that would have commons, pools, and gardens which would tie the community together. He noted that internally, the streets would have a neighborhood residential character with homes that have front porches and stoops that open up to the street, with retail that is transparent, and with plazas where the retail can spill out to the street. He added that the internal streets would terminate on a commons that would have meeting space, a fitness center, and a community center area with a retail neighborhood square where restaurants could spill out to, where people could have music and family activities. He stated that what is unique about the site is its ability to mix retail and residential; however, they would need a relatively high density to support the retail and to make this kind of integrated community. He indicated that they have this very unusual opportunity and would appreciate the Commission's support.

Commissioner Blank stated that he realizes this plan is not a development, per se, although he sees a fairly substantive work effort on Mr. Steinberg's part, certainly different than what he would imagine for the property. He asked Mr. Steinberg if they have outreached to the community or the local area in terms of this vision.

Mr. Steinberg replied that the concept plan was developed over three months ago, and they have spoken with community members who have attended the Task Force meetings. He added that they have reached out to a few of the surrounding neighborhoods, although they have not talked to the synagogue representatives next door. He stated that they certainly have more to do, but the feedback they have received so far has been tremendously positive. He added that traffic concerns have been expressed in the context of the overall future East Pleasanton development.

Commissioner Blank stated that in the recent past, this property has been associated with one of the third rails of Pleasanton politics and encouraged Mr. Steinberg to do as much outreach to the community with respect to this project concept.

Mr. Steinberg noted that Frank Auf der Maur, who is in the audience, and his partner, Conrad Rickenbach, selected them to develop the property because their vision was to make this site an integral part of the community. He indicated that he was aware that the site created a lot of concerns with the potential Home Depot proposal.

Chair Narum asked Mr. Tassano if the traffic analysis he presented at the Housing Element Task Force meeting for this property included the 5.3 acres or the full amount of the housing site.

Mr. Tassano replied that only the housing portion was included in the initial analysis; the retail portion was not. He added that the entire site will be included in the EIR analysis, which is currently underway.

Chair Narum commented that that would give a better sense of the traffic.

Commissioner Pearce asked Mr. Tassano how many housing units were included in the analysis.

Mr. Tassano replied that there were 159 multi-family homes.

Commissioner Pearce noted that would be for the 5.3 acres, as opposed to doubling it.

Commissioner O'Connor noted that the Commission had looked at this site before when it was proposed for an all-retail, big-box store. He asked Mr. Tassano, in his expert opinion, if the City traded off housing for retail, what the balance of the retail would be with five acres of residential, and which would have less impact.

Mr. Tassano replied that housing would have less impact.

Commissioner O'Connor inquired, if housing is added and retail is reduced, if the total traffic impact would be somewhat less or quite a bit less, and how 11 acres at 30 units per acre would compare to a much larger retail center.

Mr. Tassano replied that the total traffic impact would be less, depending on the density, but he did not want to speculate on the "quite a bit less." He gave as an example, 159 multi-family units generated 100 trips at for the PM peak, and in comparison to what is in the General Plan at build-out, 210,000 square feet of retail generates 780 trips. He indicated that what can be developed on that site is much different, but it depends on how much space the multi-family homes take up and what is remaining there.

Commissioner O'Connor commented that using 11 acres and doubling the capacity, it would be about 200 trips versus 780 trips.

Mr. Tassano confirmed that was correct. He added that approximately 40,000 square feet of remaining retail was included in the traffic analysis, which would be significantly less than what the General Plan build-out assumption is for that property.

Commissioner O'Connor noted that it is less than a third of what was the original retail size.

Scott Trobbe, Pleasanton Gateway (Site 7), acknowledged all the hard work and immense amount of time and effort put in not only by the Task Force assigned to handle the situation but also by staff. He noted that there has been a tremendous amount of late hours and lots of detail put into this, and they have done a remarkable job trying to gather this all together, presenting options, and discussing this tonight. He stated that from his perspective, he has been involved in virtually every meeting and its site has garnered a lot of visibility. He noted that while he has reached out to some of the neighbors, what is important is that he knows where they both stand, which is the start of a consensus in moving forward. He indicated that he respects the decision and placement of their property by the Task Force and the work it has done as a group of qualified people; and having been a developer for over ten years, he knows that consensus is a good thing. He indicated that as some neighbors have expressed concerns about the site, he is here tonight to say that to the extent that the Commission has additional units and additional acres above what the City needs, he is fine with the extent that the Commission wishes to look at the site and change its chemistry. He noted that this is something he wants to put forward and something the neighbors want to see, and he wants the Commission to be aware that to the extent that it works for the City, it works for them as well.

Commissioner O'Connor asked Mr. Trobbe if his reference to changing its chemistry means moving a 30-unit-per-acre development down to 23 units per acre.

Mr. Trobbe replied that the City must come up with a plan that is going to get the Housing Element certified by the HCD, and to the extent the Commission wants to look at and change some of the densities within the ten acres, it is totally fine with him. He

added that how the Commission comes up with that chemistry obviously needs to pass muster with the HCD, but he is open to discussion.

James Paxson, Executive Director of Hacienda Business Park, thanked the Housing Element Task Force on behalf of the Park for its work in regard to the Sites on the list and expressed his support for the sites selected and the work done. In terms of vetting the list, he encouraged the Planning Commission's consideration of those same sites as well and to keep them on as the task moves forward. With respect to the Sites, Mr. Paxson noted two points: (1) a plan was shown to the Commission two weeks ago showing the work done with the Hacienda Task Force on the BART site. He stated that he thinks the type of things coming forward from the Housing Element sites will allow the City to continue on some of that work that was done on the Hacienda Task Force, and the Commission should be encouraged that there is an opportunity to move those goals forward with these additional sites. (2) one of the things all of the sites will have, by virtue of their being located in the Park, is a lot of amenities to support new residents, including transit support, security, child care support, and other programs built in for anybody who moves into these sites.

Comments from the General Public

Tom Pico stated that he and his wife want to go on record that they are not opposed to the rezoning of the Axis property (Site 17) and that they support the idea of higher density housing in Downtown Pleasanton. He expressed concern regarding parking, noting that it would be nice if they could be able to park on their streets some days, as it is difficult to park on Railroad Avenue during the day right now, and it is becoming increasingly more difficult to park at the end of afternoon and during the evenings with the Firehouse Theater and other activities happening in the Downtown. He acknowledged that his choice to live Downtown has its "penalty" for some of the great things about the Downtown. He indicated that he did not know what parking limitations there are, but the City has a parking in-lieu fee program for the Downtown, and he suggested that all new housing, especially high density housing, be required to provide on-site parking for those units rather than paying into the in-lieu parking fee program, which would make it significantly more difficult for residents to park in the area.

Nancy Allen stated that she is concerned about increasing the units on the Auf der Maur/Rickenbach property (Site 8) from 159 to 338. With respect to community input, she indicated that Chair Narum reached out to her several weeks ago and she also discussed the property with her neighbors at Danbury Park and the Ponderosa area. She noted that there is already a significant concern about the East Side, and many people have attended the meetings and spoken out stating that 800 of the 2,000 allocations, or 40 percent of these current units, being located in this area is over the top. She added that to now consider late in the process to add another 159 units would make it almost 1,000 of 2,000 units being in one area, with all three sites within about one-half mile of one another. She stated that the burden goes well beyond traffic; it goes to schools, to infrastructure, and to parks; all because this area for the most part

is three miles from a freeway and three miles from BART, and there are no full services available here.

Ms. Allen stated that what she loves about the idea is the multi-use community, the idea of some retail, of high density that has been approved at 159 units which is fair and appropriate; and if they want to do some low density or even more retail there, it would be great because the neighbors around could support that and would like to provide some input on the type of retail they want to see. She noted, however, that to go to doubling the density in that area when this area already has a high proportion, and the City already has more units than it needs today, does not seem appropriate. She requested that, if, for some reason, the Commission decides that it wants to go that way, another community meeting be called with the neighbors from this area because these sorts of numbers were not presented early on at any of the community meetings, and aside from herself and some others she knows from earlier meeting, no one knows that it is being considered now to add more units to this area that people have been very concerned about, and it just does not seem fair. She indicated that she would like to see a plan that supports the base plan that was proposed for the organization for this property, a plan that lays out what they can do with 159 units, because she thinks that there are great things that can be put together that they can make happen.

Wesley Lum, stated that he is representing the residents of Pleasanton Gateway (Site 7) who would like to minimize the negative impacts of the development as much as possible. He indicated that many of the residents have gone through the anger and analysis process, and while not quite there yet, will end up with acceptance, a big step in right direction and being open to the number of units and changing the chemistry of the proposal. He pointed out that most of the residents in the area are owners of high value properties with an average property price of \$1 million, and they were quite discouraged initially that decisions were being made without much input from the community; however, they are now encouraged that their input has been listened to and carefully evaluated. He added that he believes they are an established community; the site went up in 2003 and has developed into a beautiful model of a gateway subdivision, how a Pleasanton development should go, and he would hate to see it spoiled by improper planning or flaws with traffic, safety, and schools.

Mr. Lum stated that in moving forward, his community is prepared to do whatever they need to do as a community to protect their families and children. He indicated that if traffic studies do not prove out to be what they are, they are prepared to hire safety guards, have check points at the two ingress/egress points of their community if people are speeding through their community and threatening the safety of their children. He added that they want to support the Commission's goals through a win/win situation that does not negatively impact the quality of life within Site 7. He noted that reducing the number of units is a great step in giving them that comfort level and makes it easier to minimize the negative impacts to their community. He acknowledged the hard work of the Commission and staff, noting that this is not an easy task and that in an ideal environmental at least one year would be needed to do this planning properly. He

indicated that he is very confident that everyone will all be moving forward and reach goals that will be amenable to all the parties.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pentin disclosed that he met with the representatives of Kiewit, Legacy Partners, and Pleasanton Gateway.

Commissioner Olson disclosed that he exchanged emails with the representatives of Pleasanton Gateway and with Auf der Maur/Rickenbach.

Commissioner Blank disclosed that he exchanged emails with the representatives of Pleasanton Gateway and some others.

Commissioner Pearce disclosed that she met with the representatives of Pleasanton Gateway, Auf der Maur/Rickenbach, and Kiewit.

Chair Narum disclosed that she met with representatives of Pleasanton Gateway, Auf der Maur/Rickenbach, Kiewit, and Legacy Partners.

Commissioner O'Connor disclosed he has met with representatives from Pleasanton Gateway and Auf der Maur/Rickenbach.

Referring to Ms. Allen's comments regarding Auf der Maur/Rickenbach (Site 8), Commissioner Pearce inquired whether or not, if the Commission were to theoretically decide to retain the 5.3 acres, it would necessarily preclude a future discussion about this project designating 11.5 acres for residential.

Mr. Dolan replied that it might not because the HCD discussion is almost an accounting game of achieving a certain number of acreage at a certain density. He added that this could probably be developed as such, but the objection is not to the accounting game but to the total number of units, and it all depends on what the Commission ends up zoning the remainder. He noted that if the Commission zoned just 5.3 acres at high density, then there is a left-over chunk for what was envisioned to be commercial, and if retail is placed in the corners, the remainder will most likely not remain as commercial but probably will ultimately be lower density residential. He indicated that whether or not that project could fit exactly would depend on what density is put on the remainder.

Commissioner Pearce stated that she understands the objection to be more regarding the public outreach and potential change rather than the number of units that was not discussed in the multiple communities meetings held by the Task Force. She acknowledged that ultimately, there may be an objection to the number of units, but the objection she has heard currently is regarding the public outreach. She indicated that she understood there are already zoning designations on this parcel, but wanted to understand the community's concern regarding public outreach, given that 11.5 acres was not in chart that has been presented multiple times to the community. She added

that she also wanted to know if this would preclude the Commission from discussing this property when comes back to the Commission and theoretically changing the zoning designation to high density residential after having additional community meetings.

Mr. Dolan reiterated that he did not think it would preclude the Commission from having that discussion. He indicated that the statement is correct that the community has not been put on notice of this kind of change, like all the other properties have had the benefit of. He indicated that the 5.3 acres could never be expanded to 11.5 acres without going through the full, legal rezoning hearings with all the notification; however, the reality is that once feedback is received from the HCD, staff will have a fairly compressed timeframe to move on, digest the comments, incorporate them as staff sees fit, and proceed with the rezonings. He noted that staff will do what is legally required in terms of public hearings, and there may be the opportunity to do more community outreach, but the timeframe will not be very long.

Commissioner O'Connor inquired if the converse is true, that if this were submitted to the HCD with only 5.3 acres and the HCD is agreeable, the Commission would be able to go back later on and add more acreage after holding community meetings.

Mr. Dolan replied that the HCD will only be interested in whether the City has met all the requirements for what a Housing Element needs to contain and that the sites are reasonable and that the City has met the acreages. He noted that the HCD has take over a lot of the City's discretion, but it will not care about what the City does with the remainder.

Chair Narum stated that the Commission could also designate all 11.5 acres at 30 units per acre and forward it to the HCD, and in the meantime have potentially some outreach. She noted that this would give the City some flexibility should the HCD deny some of the other sites.

Mr. Dolan stated that the Commission could do that.

Chair Narum added that then this would not require the City to rezone it.

Mr. Dolan said that was correct. He noted that he does not know what the Council will do, but it appears like the Commission will be sending the Council a larger list, and the decision on which ones get rezoned will be done after the feedback from the Council is received.

Commissioner Pentin inquired if, for purposes of the EIR, evaluating the property at 5.3 acres versus 11.5 acres needs to be considered.

Mr. Dolan replied that staff is putting the worst case scenario into the EIR. He noted that this is easy to do because what is being proposed in all of the properties, with the exception of the BART and the Mall properties, would be less than what could be built in now in those properties under the General Plan.

Commissioner Blank stated that he would be a little concerned with sending this forward with doubling the acreage given the fact that there has not been very much public input on it as was done with the other sites. He noted that he felt this was all coming in at the last minute.

Chair Narum stated that in defense of the owners, they were trying to get back up to the 11.5 acres at all the Task Force meetings.

Commissioner Olson stated that his sense is that there is a reason for this, as the judge had indicated that these must be economically viable. He indicated that his understanding for this property is that the economics work better with 11.5 acres, and if retail is put there, which is a great idea, the higher density will push retail and make it work.

Commissioner Blank stated that the 11.5 acres did not get through the Task Force, so the public belief is that it was going forward with 5.3 acres. He indicated that the process feels weird if the Commission changes it after the public has weighed in on it. He noted that if this is doubled, and with all the other sites in the southeast area of Pleasanton, there would be a thousand units there. He inquired if any thought was given to distribution in terms of considering the pros and cons of having all this affordable housing in one half of the City and not the other.

Mr. Dolan stated that balancing affordable housing throughout the community was one of the major themes of dialogue of the Task Force. He added that at almost every meeting about Sites, it was noted that while there is not a lot of high density in the area now, it would be a big chunk in a fairly concentrated area.

Commissioner Blank stated that he did not participate in the Task Force meetings, but if balance was a key metric by which a variety of decisions was made with input from the public, he felt the Planning Commission moving forward with doubling the number, which may be economically feasible, would amount to undoing the balance put in place by the Task Force.

Commissioner Olson noted that relative to balance, these properties are where they are and it is partly due to where the space is available.

Commissioner Blank stated that said sounds like the Task Force wanted to limit the number to achieve balance.

Commissioner Pentin stated that it does not look like the Task Force took all these properties and used all the available space. He noted that the Pleasanton Gateway was pared down from 26 acres to 10 acres, and Kiewit from 50 acres to 10 acres. He pointed out that there is now this one property that looks viable and pencils out, but in order to do it, the acreage must increase from 5.3 to 11.5, and it makes sense in that regard. He added that with regard to making it more concentrated in one area, it is where the land is available.

Commissioner O'Connor noted Chair Narum's statement that the owners tried to bring up the acreage from 5.3 to 11.5 at all the Sites meetings and asked Chair Narum and Commission Pearce, who were at all the Task Force meetings, how much discussion raising the 5.3 acres to 11 acres got at the meetings.

Commissioner Pearce replied that the Task Force had a number of meetings regarding the Sites and went site by site on a number of suggestions. She recalled that there was some discussion about this site at a later meeting and believes a vote was taken regarding whether or not the Task Force wanted to increase it to 11.5 acres. She noted that it was not met with a majority vote at that time and that the 5.3 acres was the proposal presented at the community outreach meetings she attended.

Chair Narum concurred that this was her recollection, as well.

Commissioner O'Connor noted that if the Commission did recommend 11.5 acres, this does not mean that when it returns from HCD the City must rezone all 11.5 acres, but it just gives the City more flexibility.

Mr. Dolan stated that was correct.

Commissioner Blank commented that the City would still have the same flexibility if the Commission left it at 5.3 acres.

Chair Narum stated that it bears mentioning there was one piece of this that happened at the last minute at the last Task Force meeting. She referred to the Kiewit (Site 11) and Legacy Partners (Site 14) representatives agreeing to participate in the East Pleasanton Specific Plan process and not develop until that was done, assuming the Specific Plan was completed within a reasonable timeframe. She added that the Task Force also looked at the Vintage Hills Shopping Center, also in that part of town, which was taken off at the last meeting. She noted that the whole process was very fluid and kept moving because there was so little time with ten members in the room coming in from different directions.

Commissioner O'Connor noted that when the Commission was discussing the site for all retail, many people came out and attended the meetings because of the major impact from a traffic standpoint. He pointed out that there was discussion on widening of streets and adding turn lanes and acceleration lanes. He indicated that while he understands housing has some school impact that retail does not, he thought that

majority of all the complaints raised the last time involved traffic impacts. He added that he thought the Commission heard school impacts from higher density, but it is expected there will be less children in these types of development compared to the lower density and single-family homes that were built in the past.

Mr. Dolan agreed that it is a lower yield per unit, but there will be more units and consequently a definite increase in the number of students.

Commissioner O'Connor clarified that there would not be as many students from developing 300 multifamily units compared to building 300 single-family homes.

Mr. Dolan said that was correct.

Commissioner O'Connor noted that if the site were developed with 159 units and the rest of the site were developed as retail, there would be a much larger traffic impact, and that was what all the comments were about the last time.

Chair Narum stated that the Commission should remember that the City needs to get to a certain number of units and that there will be different numbers of students in various parts of the town. She noted that it would be the same concern in Hacienda Business Park when that is completed.

Commissioner Blank requested clarification that the Commission could either leave it at 5.3 acres and increase it later to 11.5 acres, or increase it to 11.5 acres and choose not to develop all of it.

Mr. Dolan said that was correct. He added that the zoning decision will be made after the feedback is received.

Commissioner Blank noted that if the Commission is going to encourage this property, then it could possibly encourage all the other properties and make changes site by site, which could unravel a lot of work that has already been done.

Commissioner Olson stated that he felt it was in a state of unravelness now because the City does not know what the HCD will return with.

Chair Narum informed the Commission that the Task Force was not unanimous and did not agree 100 percent in this list. She indicated that she does not agree with everything on the list and believed that Commissioner Pearce was not either.

Commissioner Pearce indicated that the Task Force did not actually vote on the entire list because the members knew it would not be unanimous.

Commissioner Blank stated that he does not want to devalue the work of the Task Force by saying that it was not unanimous and, therefore, we can make changes.

Commissioner O'Connor inquired if there were other property owners who have come forward and asked for more density or more acreage.

Chair Narum replied that this was the only site. She indicated that there was one tonight that would like to be at 23 units per acre from 30 units per acre.

Commissioner O'Connor stated he also thinks that although it is not a zoning, if the Commission recommended the 11.5 acres, it would at least put it on the radar for possible further discussion when it comes back to the Commission. He added that if the Commission left it at 5.3 acres and then when it returns, the Commission talks about increasing it to 11.5 acres, there will be the same public response that this is brand new, and no one has heard about this.

Commissioner Pentin added that it also gives staff an opportunity to do some outreach within the timeframe.

Commissioner Pearce suggested that there be similar outreach done on this site as was done with the other sites.

The Commissioners agreed.

Commissioner O'Connor noted that the property owners could start this in the meantime without waiting for the HCD's comments.

Commissioner Olson stated that at the last meeting, he had decided primarily in response to the neighborhood reaction on Site 7 and did not feel it should be included on the list. He indicated that he has since changed his mind on this for three reasons: the first two of which are rules he felt he needed to follow on all of these sites, which is that the City has a developer who is engaged and wants to develop the property; and the site is very well located relative to I-680. He noted that he violated those two rules by indicating initially that he was opposed to including Site 7 on the list. He continued that the third reason is that after the last meeting, he met with the neighborhood group and encouraged them to meet with the developer, which has occurred. He added that from what he has seen now, they are moving toward a consensus on both sides, and, therefore, he would like to go on record that he is supporting including Site 7 on the list.

Commissioner Pearce piggybacked on Commissioner Olson's comment, stating that after hearing from the developer and the neighbors regarding the density of the site, she wanted to know if the Commission would entertain reducing three of the acres to 23 units to the acre, thus giving the developer more of an opportunity to feather the density and giving the residents an opportunity for lower density and less housing. She noted that it looks like they are coming together, and this might promote further discussion and consensus on a site that was originally the subject of much concern.

Chair Narum and Commissioner Olson supported this suggestion.

Commissioner Blank noted that the downside to doing this by is reducing in one area, more pressure is put on another area. He reiterated that he feels this devalues the work of the Task Force.

Commissioner Pearce stated that as a member of the Task Force, she appreciates Commissioner Blank not wanting to devalue her and ten other people's work; however, this was not a unanimous decision by the Task Force, but a variety of decisions that were attempted. She noted that many of these were discussed and a majority was not able to agree upon it. She added that she thinks a couple of them had merit and warranted additional discussion.

Commissioner Blank stated that if the majority agreed on something that Commissioner Pearce disagreed with, this might be taken as one person taking the lead and coming to an individual decision.

Commissioner Pentin noted there are two City Councilmembers who will hear this one step further and can still weigh in.

Commissioner Pearce stated that she thinks that if there are ideas worth discussing and hashed out by the Planning Commission and the Commission does not do so, it is missing an opportunity to reinforce the Task Force's work. She indicated that after hearing the discussion about Site 7 and thinking about how much further the developer and residents have come, her only discussion was to encourage this and build upon what the Task Force has done. With respect to offsetting the potential reduction on Site 7, she proposed that the Commission give more density to the CM Capital property (Site 13). She noted that the reason CM Property was at 23 units to the acre was because of its proximity to the neighbors; but if there is equity between the two sites in terms of density, CM Property will have actually gained some density.

Commissioner O'Connor noted that the number of units on the total sites is about 50 percent more than what is needed, so there is quite a bit of a buffer if the Commission wants to tweak a few.

Chair Narum cautioned that the Commission needs to be careful down the road about paring down sites because there may be nothing left when it comes time to address two more rezonings.

Commissioner Pearce added that this is necessary in the event the HCD comes back with problems with some of the sites.

Commissioner Blank inquired if the HCD will return with commentary on each of the specific sites.

Mr. Dolan replied that if the HCD will express any problem it might have with a site. He indicated that the comment will come in the form of its not believing that the site is viable and therefore, if its units were counted, HCD will consider the City not meeting its

minimums unless there are enough extra units. He noted that an extreme example of this would be wetlands or something that would prohibit the site's development.

Commissioner Blank inquired if there were sites that the HCD might question.

Mr. Dolan replied that there might be a few. He stated that they might speculate on how soon the property could be developed or if the City is really talking about this planning period.

Commissioner O'Connor inquired if having to demolish an existing building on the property would be one of the criteria.

Mr. Dolan replied that the HCD might be skeptical of that. He added that he does not believe the HCD has any hard and fast criteria it has published, but based on his experience on their dialogue, on occasion it will question whether or not something will turn.

Commissioner O'Connor inquired if the HCD would discount the East Side area because the City is waiting on a Specific Plan to be developed and it is not giving the property owners the right to develop outright.

Mr. Dolan replied that the HCD might do that; however, he believes this situation is made much more sellable because the timeframe is within the planning period.

Commissioner Olson stated that he likes the idea proposed by Commissioner Pearce of reducing the density on Site 7 and increasing the density on Site 13.

Commissioner Pentin inquired if Commissioner Pearce was proposing reducing the density on the entire Site 7 to 23 unit or just on three acres.

Commissioner Pearce replied that her proposal is to reduce the density on three acres on Site 7 to 23 units to the acre, and to increase the density of three acres on Site 13 to 30 units to the acre. She added that she was flexible on the number of acres to be increased on Site 13.

Commissioner Pentin indicated that he was good with three acres.

Commissioner Blank stated that he liked the idea of doing the three-acre swap.

Chair Narum indicated she was agreeable to that.

Commissioner Olson inquired where the Commission was on the Auf der Maur/Rickenbach (Site 8) and indicated that he thinks the Commission should go with the 11.5 acres.

Commissioner Pentin and O'Connor agreed. Commissioner Pentin added that this is good for the purpose of the HCD and the EIR, as the Commission will be massaging this anyway when it returns.

Commissioner Olson agreed.

Commissioner Blank stated that he personally was not comfortable with doing this but that Commissioner O'Connor's comment had a good point that by doing this, clear notification is provided that this is within the realm of possibility.

Chair Narum stated that she would like to send a strong message to the owners that they will need to get started on the outreach in the meantime and before it returns for the final rezoning. She noted that if this is not done, she will not be happy about considering keeping the site at 11.5 acres.

Commissioner Pearce stated that she had brought up an issue with the Task Force regarding the Downtown site (SF Site 18). She noted that this site had been taken off the list, and at a meeting that she missed, the site was put back on the list to compensate for the loss of another larger property, the Valley Trails site.

Chair Narum interjected that the two Councilmembers who are members of the Task Force were not at the meeting where the Task Force voted not to include the site, and they came back and wanted it back on. She noted that many of the members went along with this, and a small minority held their ground who did not think it made sense.

Commissioner Pearce stated that at the last Task Force meeting, she proposed that the site be removed from the list for a variety of reasons. She indicated that she believes once a site was voted out, it was gone. She further indicated that she believes there is a lot of valuable opportunity at that site as a gateway to the City, and as part of a potential new library with City Hall right there. She noted that when the Task Force members went through each of the sites, many sites got a majority of people agreeing, but there was none on Site 18. She stated that she would like to see if she could get support from the Commission to remove that small site it from the list at least for this round.

Commissioner O'Connor requested if the Commission could also discuss Sunol Boulevard and Sonoma Drive (Site 19) and Sunol Boulevard and Sycamore Road (Site 20) in that same context. He stated that he does not think he had seen them before and noted that they have "n/a" on the list under score. He inquired if they were discussed at length at the Task Force meetings or if they were last-minute add-ons.

Commissioner Pearce stated that they were later add-ons but they were discussed at a couple of the Task Force meetings; the property owners were contacted and the feedback received was that they were generally favorable.

Chair Narum indicated that one of the criteria the Task Force used was that if a property owner was not interested in rezoning, the Task Force immediately took the site off the list. She stated that as the process moved on, the owners of the Auto Mall site on Old Santa Rita Road which was on the list subsequently indicated that they had other plans and were no longer interested and requested that the site be removed. She noted that the property owner being supportive was a very important criterion to the Task Force.

Commissioner Blank inquired if anyone represented the Downtown property (SF Site 18).

Chair Narum said no, and this was another anomaly about this site. She indicated that no letter or communication indicating interest was received from the property owner.

Commissioner Blank inquired if staff reached out to the property owner.

Ms. Stern replied that staff had sent a letter to all the property owners.

Commissioner Olson inquired if for Sites 18, 19, and 20, the City does not know if the property owners want to develop or rezone.

Chair Narum replied that the City has property owners for Sites 19 and 20 who have indicated interest.

Commissioner Blank clarified that Site 18 does have a property owner but did not provide a response.

Commissioner O'Connor noted that Sites 18 and 19 are fairly small and that he found both of those sites were strangely placed to put residential on them because the entire street is commercial.

Commissioner Blank cautioned that the Commission was going down a slippery slope in starting to remove sites.

Commissioner Olson stated that it was not because part of the process is for the Commission to do just this in order to arrive at a refined list.

Commissioner Blank stated that he believes he heard Mr. Dolan indicate early on that sending more to the HCD does not hurt because the Commission could always change it later, as opposed to sending fewer and then having a change of heart later.

Mr. Dolan replied that this is exactly what he said but that he also said it would be useful as well if there was a sentiment that the Commission felt strongly about a site being removed.

Commissioner Pearce and Chair Narum both reiterated their strong feelings.

Commissioner O'Connor stated that this was also the reason he brought up Sites 19 and 20.

Chair Narum clarified that the reason Sites 19 and 20 were added was because it was specifically geared to spread the sites throughout the City as much as possible.

Commissioner O'Connor stated that he agrees with Mr. Dolan that more is better and that he prefers to leave all three sites on and getting that flexibility when the City hears back from HCD. He indicated that the reason he brought it up is because he just finds it strange locating residential in the commercial location with a six-lane road.

Commissioner Blank stated that he has not gone through all the pros and cons of Site 18 and inquired what the basis is for deciding to remove Site 18 except for Commissioner Pearce's recommendation.

Chair Narum indicated that she and Commissioner Pearce were consistent in all the meetings that they thought it was not an appropriate site, at least for this go-around.

Commissioner Pentin stated that it seems to him that there is no harm to leave it on, and the Commission could remove it later before the rezoning takes place. He added that down the line, there may be a very interested owner who may want to develop.

Commissioner Olson asked Mr. Dolan if one of the requirements when sending this to the HCD is that the City indicate if a particular property owner is willing to rezone and/or if the City has an engaged developer for that property.

Mr. Dolan replied that this is not a specific requirement, but staff will include any letters of interest it has to document the sites' viability.

Commissioner Olson commented that chances are, if a site does not have a letter of interest from the property owner, the HCD may return it with a 'no.'

Commissioner Blank stated that he does not think so. He added that he agrees with Commissioner Pentin that leaving it on solidifies what the Commission has said in connection with Site 8 of doubling the size and notifying everybody; and when it returns from the HCD, hold a hearing on the property with a staff report and all the details, and after considering all the information, the Commission might want to save it for future use or do something different. He indicated that he does not see any harm in leaving Site 18 on as well.

Commissioner O'Connor stated that the City should wait to receive the numbers back on what the HCD thinks is viable, and it throws out some of the larger sites as not viable, it would leave the City with a limited list to choose from; and if it leaves them all on as viable, then the Commission can review the sites and make its recommendation.

Commissioner Olson agreed with Mr. Dolan and thinks the Commission should err on the part of a larger list.

Commissioner Pearce requested that the record reflect that the two Planning Commission Task Force members are not in favor of keeping Site 18 on the list.

Commissioner Blank moved to recommend the Draft Housing Element, including Goals, Policies, and Programs and Potential Housing Sites to the City Council as a draft to be submitted for the 60-day review by the California Department of Housing and Community Development (HCD); to refer to staff the letters received by the Commission for further analysis and recommendation to the City Council, with copy to the Planning Commission; to reduce the density of three acres on Site 7 from 30 units per acre to 23 units per acre, and to increase the density of three acres on Site 13 from 23 units per acre to 30 units per acre; and to increase the potential acreage for multi-family development on Site 8 from 5.3 acres to 11.5 acres.

Commissioner Pentin seconded the motion.

Commissioner Olson proposed an amendment to the motion to add the phrase “and to the Growth Management Subcommittee” after “City Council.”

Commissioner Blank and Pentin accepted the amendment.

Commissioner O'Connor proposed a further amendment to the motion with respect to the proposal raised by former Mayor Pico that new housing, especially high density housing, be required to provide on-site parking for those units rather than paying into the City's in-lieu parking fee program.

Commissioner Blank and Pentin accepted the amendment.

Commissioner Pentin noted that there was discussion that the East Pleasanton Specific Plan be completed prior to development of Sites 11 and 14, with a sunset on the Specific Plan by the second quarter of 2013, after which the sites could develop should the Specific Plan not be completed by then.

Ms. Stern advised that this was part of the Housing Element Task Force recommendations and, therefore, is not required as part of the motion.

Chair Narum also proposed an amendment to the motion that the City forward all the sites to the HCD, with the caveat that the intent is for the City to ultimately rezone only the actual needed acreages after feedback is received from the HCD.

Commissioner Blank and Pentin accepted the amendment.

Commissioner Pentin inquired if, since the letters are being forwarded to the Growth Management Subcommittee and the City Council, the Commission needs to address the matter of linking jobs to housing in relation to the public comment made that the 15-percent requirement in the IZO is not sufficient to address all of the City's affordable housing needs.

Ms. Stern replied that this is already included in the letters.

Commissioner Pentin noted his abstention in regard to Site 19.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: Pentin (Site 19 only)
ABSENT: None

Resolution No. PC-2011-19 recommending the Draft Housing Element to the City Council and the Growth Management Subcommittee as a draft to be submitted to the HCD was entered and adopted as motioned.

Chair Narum asked Commissioner O'Connor if he supported the motion, with the amendments.

Commissioner O'Connor replied that he did.

Chair Narum requested that the record reflect that there was unanimous Commission support for its recommendations.