
City Council Chamber
200 Old Bernal Avenue, Pleasanton, CA 94566

DRAFT

Wednesday, February 10, 2016

CALL TO ORDER

The Planning Commission Meeting of February 10, 2016, was called to order at 7:00 p.m. by Chair Ritter.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Ritter.

1. ROLL CALL

Staff Members Present: Gerry Beaudin, Director of Community Development; Adam Weinstein, Planning Manager; Larissa Seto, Assistant City Attorney; Jenny Soo, Associate Planner; and Kendall Rose, Recording Secretary

Commissioners Present: Commissioners Herb Ritter, David Nagler, and Greg O'Connor

Commissioners Absent: Commissioners Jack Balch and Nancy Allen

2. APPROVAL OF MINUTES

a. January 13, 2016

Commissioner Nagler requested that the third sentence of the third paragraph on page 10 be modified to read as follows: "Clearly staff is less supportive of it than what we you would like them to be...."

Commissioner Nagler moved to approve the Minutes of the January 13, 2016 Meeting, as amended.

Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Nagler, O'Connor, and Ritter
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Commissioners Allen, Balch

The Minutes of the January 13, 2016 Meeting were approved, as amended.

3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

Carrie Cox, Cox Family Stores: Tonight please permit me to quote from the September 2015 SEIR regarding the Costco option in the Johnson Drive Economic Development Zone. Item C; Issues for Concern: "The analysis in this SEIR indicates that development facilitated by the EDZ would generate air emissions that would result in a net increase of criteria pollutants which would conflict with implementation of the applicable air quality plan, and increased traffic which would affect levels of service for freeway ramps at merge/diverge areas within I-680. These impacts would be significant and unavoidable, even after incorporation of mitigation measures. As a result, issues related to air quality and transportation and traffic impacts are potential areas of controversy." Impacts significant and unavoidable to traffic and air quality. Is this what we want from our City? Last week an upset customer who is a citizen of Pleasanton commented, "Everyone talks about traffic but no one cares about air pollution. An extra 12,000 to 16,000 cars per day will make contaminated air." I attended the BAAQMD meeting on Monday night at the Sheraton Pleasanton Hotel. It was good to meet and have conversations with people who really care about pollution. Costco's gasoline sales will be equivalent to about 10 average gasoline stations. Will the City approve the pollution from 10 gas stations at that location? Can you imagine the number of delivery tankers full of 8,000 gallons of gasoline on our streets? I will do the math for you. It's 125 tanker trucks per month. The citizens of Pleasanton are frustrated and left wondering, does the Planning Commission care or is it just about tax revenue? Thank you for allowing me to speak.

Bill Wheeler, Black Tie Transportation: Thanks for letting us speak tonight. I'm here to talk about the proposed rezoning and development off Johnson Drive and Economic Development Zone. In spite of the statements of Mayor Thorne that this project will get a full public hearing, it seems like the project is proceeding without adequate public input. It is already being talked about as a "done deal." At the Chamber of Commerce meeting, I personally heard Dan Rosenbaum from Nearon say, "Costco has signed the lease. They are here." This statement was not refuted by your staff including Gerry. I'm asking you to really take a look at what they have outlined in the EIR, especially in the fiscal analysis where there are five different scenarios for what can be done in the Johnson Drive Economic Development Zone besides a Costco. Interestingly, your staff has rejected the one alternative that we think is a better choice than bringing a big box store into this area. This is the idea of a mixed use area with a campus style complex, retail stores and hotels. This alternative will not bring in nearly as much net revenue as

Costco, but would better suit the community. This is a good compromise solution for those who do not want the massive additional traffic and pollution but still want to see the area developed and improve the look of the neighborhood and significantly more jobs and additional revenue for the City. More importantly, it seems to be more in line with what the citizens of Pleasanton want in their community. What we've seen from the informal polling that we've done in the last few months is the Pleasanton community overwhelmingly doesn't want is "more"; more traffic, more big box, more congestion, more crime, more pollution. This whole situation with Lund Ranch should be instructive to you because it shows a monumental disconnect between what the City planners and the Council think the people want and what they really do want. Your decision and that of the Council and the case of this creates a nasty vibe between two neighborhoods that is tearing apart a sense of community as well as wasting everyone's time and a lot of taxpayer money with a referendum. If you've paid any attention to the national political scene, you would see that the people are really fed up with politicians and government officials that don't listen to what they want. Candidates on both sides are counting on that anger and the sense of rebellion it brings to making major changes in the way we are governed. That same anger seems to be boiling up in our own town of Pleasanton and it is time that you and the City Council start paying attention to what the people are saying. They don't see the sense of adding another big box retailer to an already crowded marketplace. They don't see the sense in securing a huge number of vehicles into an already overcrowded highway and city streets. They don't see the sense in letting a big corporation dictate what it wants without considering what the people who live here really want. We don't need more workshops to figure this out. What I want to know is that the Council has actually reviewed and looked at the viability of this project. Please look at this project with common sense and an understanding of what makes our community livable. There needs to be a whole lot more listening to what the people of Pleasanton are saying. As you are seeing with Lund Ranch, if you don't give the people a say in what is happening in the community they will find ways to take matters into their own hands in the ballot boxes.

Off script, I had a question this morning from a Councilmember asking what I want. Really, my want and my needs, I'm sure is a question because I've touched on many different answers and questions, but really I want you to look at it and see it the way we see it. The people who spend time looking at this EIR and going through the document and even looking at Gerry's great presentations, it just doesn't make any sense. It doesn't look like it's a viable solution for this area. Regardless of my business and feelings about my parking and other issues is that it is a difficult place to operate now with the current situation, with the additional cars and fuel stations next to our business makes it impossible. There is an economic study that's supposed to be happening right now. We haven't had any questions about it. I'm a \$14 million business. Behind me is a \$25 million business. There are numerous other businesses there that have over 500 employees in our market and in our area. A lot of the people are like me, the logistics companies, and need to get in and out. Those companies are going to leave this community and how is that leakage being assessed? So I'm hoping that you guys are seeing it and if you look at it, the workshop just keeps getting pushed off. You originally talked about December, January, February and March. I heard today that it's now April and that's not a fact, but it was just overhead that it might be pushed out. And, I don't understand why that workshop—it seems like what's going to inform you guys and get

you really into the document and see what's happening and what's going on before it is just moved forward. Thank you.

Commissioner Ritter asked staff to provide an update on the next workshop or event.

Gerry Beaudin: Staff is tentatively looking at April 12, 2016 as a joint City Council/Planning Commission meeting, but we haven't polled the Planning Commission on that and I don't believe the entire Council's been polled, but that's the date staff is looking at. So take that for what it is today. We'll definitely get ahead of the notice for interested parties and everyone else in the community who is interested in attending.

4. REVISIONS TO THE AGENDA

Adam Weinstein advised that there were no revisions to the Agenda.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved, or adopted 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.

Chair Ritter stated that a comment card was submitted for Item 5.a., Vesting Tentative Map 8257/Pamela Hardy, Ponderosa Homes II, Inc. and the item was removed from the Consent Calendar.

- a. Vesting Tentative Map 8257/Pamela Hardy, Ponderosa Homes II, Inc. Application for a Vesting Tentative Map to subdivide an approximately 4.2-acre property at 3430-3450 Cornerstone Drive into 30 lots for 25 new single-family homes (approved under PUD-111) and five common area lots. Zoning for the property is PUD - MDR (Planned Unit Development - Medium Density Residential) District.**

Jenny Soo presented the staff report and described the scope, layout, and key elements of the proposal.

Chair Ritter opened the public comment period.

Jan Webster: I could speak the way I sometimes feel on this subject kind of like Bernie Sanders or I could give it the Ben Carson method which I opted to do tonight, thinking that perhaps you would appreciate that from me. First, I wanted to really thank those civic servants such as Jenny Soo, Mark Candland who has obviously been to the Nordstrom School of Customer Service and I have found that working with the City of Pleasanton I'm practically always treated like a customer and I really appreciate that. Now, to get to my remaining 4 minutes, I don't want to get too much into my particular issue because it's not germane; my particular parking problem: I've owned at the Stoneridge Condominiums where I have two spaces for parking in my garage, two in my driveway, plus extra parking. I've owned a home in Birdland on Mallard where I had two places to park plus three in my driveway, plus two or three in the street. My issue is

once upon a time the Gardens at Ironwood were approved for senior housing with 172 units and 129 parking spots which includes delivery parking, handicapped parking, and guest parking and so forth and so on. All of the streets contiguous—Valley, Busch, Ironwood, Donahue, Ironwood Court are all posted “No Parking.” There’s no parking for any guests or anyone who is not a resident. Each unit is given one parking pass. If they have two cars they must park in a neighborhood two to three blocks away. We are not allowed to park in the church parking lot or the school parking lot even with the church or school’s permission or we will get notes on our cars “do not park here or we’ll call the police.” We get notices that we will be towed. These are notices I found on my car where I’ve parked in the school parking lot with the school’s permission. The school nor the church wants to give written permission because of liability reasons but the management at the Gardens at Ironwood insist on written permission so that is not obtainable, so my car would have to be parked in front of or near someone’s home where I received threats, vandalism, and I eventually sold my car. After 55 years of owning a car, I want another car but I have no place to park. During construction of this project, I cannot help but think existing parking lots are going to be torn up in order to allow construction of new roads, so what’s going to happen with the existing parking spots which I’m not allowed to park on anyway is really not germane to my situation. What is germane, and I think I still have enough time, is the letter I sent to very cooperative Jenny today where she said I must get permission from apartment management and/or the homeowners association behind the apartments in order to have the no parking restrictions on the public street known as Donahue Drive and the public street known as Ironwood Court removed. Apparently, Ponderosa Homes, a partner with Anheuser Busch Investors, owns the apartments and then the homeowners association created by Ponderosa Homes would be my adversaries. I obviously cannot take either one of those on. I’m just the unknown senior apartment dweller at this point in time, but I feel that the City should look into the power it has given to private enterprises such as apartment complex owners and homeowners associations to tell the public who can and who cannot park on the public streets surrounding the Gardens at Ironwood.

Ritter: Okay, are there any other speakers on that topic? Okay, we’ll pull it back to the Planning Commission. Do we have any questions for staff?

Nagler: A couple of questions—as I am just learning this issue, the City as a matter of policy doesn’t have a position one way or the other regarding whether there should be “no parking” signs on these streets, right?

Weinstein: That’s basically right. The request for “no parking” signs on Donahue in particular came from the two HOAs in this area; the HOA for the Ironwood community and the HOA for the Gardens. There was a letter we have from 2010 that indicates that request from the two HOAs per an agreement for the City to install “no parking” signs along Donahue. So that’s where the signs came from in the first place. I think from a traffic safety perspective we don’t have any issues with parking along that street. I think that the motivation on the part of the HOAs for installing “no parking” signs there was a fear that people getting out of their cars could hurt themselves on the swales that are adjacent to the street, so I think their motivation in asking the City to install signs was to reduce their liability in case somebody got out of their parked car along the street and fell into one of the swales. That said, we are definitely willing on the City’s side to relook

at this issue and to explore getting rid of the signs. But, I think the first step in doing so would be getting a letter from the two HOAs indicating that they do indeed want to get rid of the “no parking” signs. Just today, we received a letter from the Ironwood HOA indicating that they are absolutely not interested in getting rid of the “no parking” signs, so that’s where we are today. We are happy to look into it if we get indication or support for doing so from the HOAs.

Nagler: If I could just follow up on that, so then given the letter today from the Ironwood HOA, unless the City were interested in trying to push the conversation forward, you would in fact just drop it based upon that letter today, right?

Weinstein: I think it’s unlikely that the City would just go in single-handedly against the wishes of the HOAs and get rid of the signs since that was something they requested. And Gerry mentioned a good point, which is that per conditions of approval for this Vesting Tentative Map, Ponderosa must create a construction period parking and traffic management plan that will address exactly the issues that Mr. Webster raised, making sure there is adequate parking on the frontage site during the construction period so residents can park. And I also want to emphasize too that as part of the development project itself, Ponderosa is ensuring the provision of increased number of stalls designated for Garden residents. I think 22 stalls would be designated for Gardens residents on this site as compared to 15 stalls right now. So even during the project operational period, after the project gets constructed there will be more parking spaces for Gardens residents than exist today so the parking supply issue should actually get better with construction of the project.

Nagler: Aside from the spaces being contiguous with where Ponderosa is proposing to put up these homes, and the Gardens, the very good question that Mr. Webster is asking isn’t really relevant to this project, is it? Or to the approval of the project?

Weinstein: It’s sort of indirectly related. The development plan was already discussed quite a bit when this came to the Planning Commission last year and to the City Council. That was the time to talk about how much parking was being developed as part of the project, how that parking affected off-site uses, what the buildings look like, how big they were and so forth. This action that you are taking tonight is really just to verify that the Vesting Tentative Map is consistent with the development plan and then to make the findings required by state law.

O’Connor: I understand that parking issues that were brought up tonight are not directly part of our decision tonight, but I know we’ve heard before and we did hear when we had our hearings that parking here was inadequate and they were looking for a way to get even more parking, even for the 25 homes that are being built here. These are public streets we’re talking about, right; the ones where the HOAs have asked for “no parking” signs? They are public, so that would put the decision clearly in the hands of the City. I understand trying to cooperate with an HOA, they have quite a few members, but if we are severely lacking in parking, is there not some area/part of these streets/part of that area where we could squeeze in any more parking? The parking we’re talking about tonight is seven extra spaces above and beyond that needs to be there, which isn’t very many when considering the number of units that are in the Gardens as well as the new development and what’s there. Is there any way to take a

stand on some street parking somewhere? I don't know if it means away from the swales, but shouldn't there be some way to expand parking?

Weinstein: Yes, and we're happy to do that. We'll interject ourselves in this issue and we're planning on calling the HOAs and just talking to them about the issue because maybe there are some on-street solutions for parking. I think the point I want to make is not that the City can't go in and chop down the signs, but with all of our traffic endeavors, we try to get buy-in from the community. In this case, the two HOAs are sort of the representatives of the people who live there so we like to work with them on solutions, but we will contact the HOAs and just explore the issue with them further. If there are other segments of streets in the area that have no parking restrictions that we can do away with to get more on-street parking, that's something we'll look into as well.

Ritter: So this brings up the point that if at any time the public is upset about parking anywhere in the City, they can always come and publicly address it and then we can make it an agenda item and address those issues, correct?

Beaudin: I was just conferring with our Assistant City Attorney here. So it's an interesting topic. It's often tied to private development but it's not per se on private property because this is a public right-of-way. We have a City Engineer and we do have the ability to vet these issues through the Traffic Engineer and I'm certainly willing to carry that message and to try and facilitate this conversation. Ultimately, it is the City's public right-of-way and we do need to come to an agreement with the folks who are managing the upkeep of those areas right now. So maybe there are certain areas that are more appropriate or less appropriate for parking and some of the liability concerns that Adam mentioned—I'm willing to explore those. I'm hoping we can keep those separate from the Vesting Tentative Map discussion this evening and from the development application itself.

Ritter: We've closed the public comment period.

Webster: One quick correction—the homeowners association is not plural. Apartment renters do not have an association, only the homeowners.

Ritter: Thank you. In my 8 years on commissions, I've very seldom seen the City overturn a HOA's ruling, but it's not impossible. It's probably best, as you said Gerry, to start with the association and see if there's parking in that area. And you did confirm that Ponderosa has set up traffic mitigation during the project or is in the process, during construction and parking?

Weinstein: Yes, we have a plan in front of us that Pam Hardy and the applicant team is happy to talk about if the Commission is interested, but we have received the preliminary plan.

Ritter: Do you want to hear that? I think as long as it's in a plan and it's there, it sounds like we're pretty good. All right, moving forward, are there any more questions on the application to the Vesting Tentative Map?

Nagler: I want to make a motion, but before I make the motion though I think it's fair to say the Commission very much encourages staff to work with the HOA and interested apartment dwellers and see if there can be some addressing of what is clearly a parking issue. As we said in our discussion, we recognize the parking to be an issue even as we talked about the development itself. So whatever can be done we would encourage staff to pursue it. Understood? Okay.

Commissioner Nagler made the motion as recommended in the staff report including amendment of Condition No. 3.

Hardy: I haven't seen this condition. Can you give me a second while I read it. (reading it)...Darn, I don't think it is really what we were after. Did the City Engineer write this?

Soo: Yes.

Hardy: All right.

Ritter: Should we reopen this discussion? Jenny, do you want to explain what was meant by Condition 3?

Weinstein: So if I could jump in. I think it's exactly similar in terms of substance to the one that we sent to Pam Hardy from the City Engineer. What it essentially says is that there are easements on this site that have to be dealt with, gotten rid of as part of this development project to implement improvements that are part of the development plan. They are easements that are owned by PG&E. PG&E, as you can imagine, with the economy booming and with lots of development projects happening throughout the state, has a big backlog of easements and other work to wade through so they are taking longer than expected to process the removal of the easements for this particular project. And typically, we would require those easements to be gotten rid of at the time that the Final Map is recorded, and that is not really possible right now because PG&E is taking longer than expected. So, we're essentially giving Ponderosa extra time to do away with those easements and if, at the point of Final Map recordation, the easements are still not done away with, we won't issue building permits for buildings or any improvements that conflict with where those easements are located. So essentially it just gives Ponderosa extra time to work through the process with PG&E which is a standard process but because of development activity right now PG&E is taking longer than expected.

Hardy: Okay, I just caught the last sentence. I just got it.

Weinstein: Yes, we just moved the text around a little bit compared to the one Pam saw.

Hardy: Sorry, I'm saved.

Ritter: I guess when you do make revisions, we should check with the applicant so the vote stands and the item is approved. Thank you and Commissioner Nagler had some good comments about parking that should be talked about. Thank you Mr. Webster for your comments.

Commissioner Nagler moved that the Planning Commission finds that the proposed Vesting Tentative Map is consistent with the PUD Development Plan and the Negative Declaration previously prepared for the PUD and that none of the conditions in CEQA Guidelines Section 15162 calling for preparation of a subsequent Negative Declaration have occurred; make the tentative map findings as stated in this report; and approve Vesting Tentative Map 8257 subject to the draft conditions of approval as stated in Exhibit A, including amendment to Condition No. 3 as presented in the staff memo which states, "The project developer shall remove all private easements on the subject property which conflict with the proposed development sequentially with the recordation of the final map if possible. Under no circumstances will a building permit be issued for any structure that conflicts with any remaining existing private easement if, for any reason, it is not possible to remove all or some of the private easements by recording quitclaims immediately after the final map." Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners O'Connor, Nagler and Ritter
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Commissioners Allen, Balch

Resolution No. PC-2016-02 approving Vesting Tentative Map 8257 was entered and adopted as motioned.

6. PUBLIC HEARING AND OTHER MATTERS

No discussion was held or action taken.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

d. Matters for Commission's Information

9. ADJOURNMENT

Chair Ritter adjourned the meeting at 7:36 p.m.

Respectfully submitted,

Adam Weinstein
Secretary