



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, May 13, 2015

(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Meeting of May 13, 2015, was called to order at 7:00 p.m. by Chair Allen.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Piper.

1. ROLL CALL

Staff Members Present: Steve Kirkpatrick, Acting Director of Community Development; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Dan Sequeira, Senior Civil Engineer; Jenny Soo, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, David Nagler, Greg O'Connor, and Gina Piper

Commissioner Absent: Commissioner Herb Ritter

2. APPROVAL OF MINUTES

a. April 22, 2015

Chair Allen requested that the first sentence of the last paragraph on page 7 be modified to read as follows: "Chair Allen stated that the ~~Task Force is doing a good job~~ the meeting was productive."

Commissioner O'Connor requested that Chair Allen's name be added to the vote for Item 8.d., Selection of one Planning Commission Representative to the Civic Center/Library Master Plan Task Force.

Commissioner Balch moved to approve the Minutes of the January 28, 2015 Meeting, as amended.

Commissioner Piper seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, Nagler, and Piper.

NOES: None

ABSTAIN: Commissioner O'Connor

RECUSED: None

ABSENT: Commissioner Ritter

The Minutes of the April 22, 2015 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

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

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.

There were no Consent Calendar items for consideration.

6. PUBLIC HEARING AND OTHER MATTERS

Mr. Weinstein stated that Natalie Amos, project planner for the first two items on the Agenda, would not be able to present the staff reports and that he would be making the presentations with the assistance of Steve Otto.

Continued from April 22, 2015:

- a. **P15-0142, Larry and Robert Dondero**
Application for Design Review approval to construct an approximately 4,503-square-foot, two-story commercial building at 725 Main Street. Zoning for the property is C-C (Central-Commercial), Downtown Revitalization, Core Area Overlay District.

Mr. Weinstein presented the staff report and described the scope, layout, and key elements of the project.

Commissioner O'Connor stated that the building previously approved for the site received a parking credit. He noted that it had a totally different design but had pretty much the same square footage that was all going to be useful space within the building. He pointed out that the current proposal is a 4,500-square-foot building but utilizes areas for dining that, if enclosed, would result in a much larger building. He added that the dining area would put an additional demand on parking and inquired how that would fit into the parking requirement. He further inquired if the Planning Commission has the flexibility to look into that when it considers the parking requirement or to grant a variance based on the original building that was torn down.

Mr. Weinstein replied that adding more parking is something the Planning Commission could take into consideration but is not necessarily something staff would recommend. He confirmed Commissioner O'Connor's statement that the parking requirement staff had identified for this project does not take into account the outdoor dining space. He noted that there are competing objectives in regard to providing parking Downtown; the City wants the Downtown to be a really walkable environment and does not necessarily want everybody driving to the Downtown. He indicated that staff realizes that parking is necessary to maintain the viability of the Downtown, and, therefore, seeks the balance and the desire of allocating those uses that are being proposed and to ensure there are not a lot of parking lots Downtown which create voids in the urban fabric that could detract from the Downtown.

Steve Otto added that the Pleasanton Municipal Code does not require parking for outdoor dining areas; it specifically talks about square footage of the building itself, which is one space for every 300 square feet.

Commissioner O'Connor inquired how much flexibility the Commission has. He noted that no parking is being provided for this particular structure but that at some point, the City will need to invest some dollars some place to give more parking. He indicated that most of what the Commission has seen are small outside patio areas which could accommodate additional seating; however, this proposal has almost 2,000 additional square feet, which is a sizable amount of space if enclosed by walls with a roof over it.

Commissioner Nagler stated that he would like to take this further because it really matters for the future development of the Downtown. He asked staff to verify his

understanding that the idea of giving a credit for the building that was previously there is based on the assumption that the Downtown created those 12 parking spaces previously, and therefore, it would be unfair for the new developer to have to recreate those same 12 spaces.

Mr. Weinstein replied that the intent of the policy here is really just to promote the redevelopment of Downtown with high quality buildings and to give developers an incentive to replace older buildings with a higher degree of architectural and pedestrian interest.

Commissioner Nagler inquired what the basis is for the ratio of one parking space per 300 square feet.

Mr. Weinstein stated that parking is an art and not a science; it is about making sure there is sufficient parking but not too much parking at the same time. He explained that one space per 300 square feet is a generic parking ratio that is embedded in the City's Municipal Code and imposed on projects. He indicated that this ratio has been used over the years and allows for sufficient parking in the Downtown without having too much of it. He noted that Commissioner Nagler had a good point that this ratio would probably not provide enough parking for certain retail spaces or restaurants. He noted, however, that because it might also be too much parking for other uses, this ratio is an average that is reasonable for this sort of use. He added that the Code was modified 15 years ago to relax the parking requirements for restaurant uses to match those of retail and to try and incentivize restaurants Downtown.

THE PUBLIC HEARING WAS OPENED.

Robert Dondero, Applicant, stated that he and his brother own the property at 725 Main Street that has been referred to by many names including the hole on Main Street, the Union Jack's Pub, and the Ugly Green Fence. He indicated that he is a 25-year resident of Pleasanton and lives in the Downtown. He pointed out that for him, this project is far beyond just a building; it is a project of passion and love on which he and his brother have spent a lot of time to try and come up with something really nice and appealing to everybody. He added that he really believes in this plan and that a good plan will speak for itself. He then turned the floor over to the project architect.

Phil Volkmann, Project Architect, stated that he has been working with the Dondero brothers on this project for the last 18 months. He indicated that when they began this project, they had a vision in their mind of what kind of building they wanted: an inviting place where the community could come down for entertainment on a weekend. He noted that they first discussed building types and construction costs, and then got into the idea of a building that a restaurant or restaurants would be interested in, a building that undulated so it connected at the pedestrian level.

Mr. Volkmann stated that the City's zoning regulations are very flexible that allowed them to have that balcony float out over the public way as long as it is 12 feet off of the

sidewalk level. He indicated that when they looked at the back of the lot, they saw that the parking designed for the previous building did not really work in terms of ingress and egress. He continued that they then stretched the building to the back and picked up that upper terrace deck to bring attention from the street level to draw people for entertaining in the evening time. He noted that they developed a tower to have this lantern sort of effect at night that would light up the street and make the building come alive and interact with the public.

Mr. Volkmann stated that they studied the Downtown Specific Plan to make sure they had a traditional building that moved into the 21st century. He added that they are excited about their project and look forward to it moving forward.

In connection with Commissioner O'Connor's earlier comment regarding enclosing the space, Mr. Volkmann stated that in any community, enclosing the lower dining space and bringing it out would subject it to parking requirements at that point. He added that if somebody came in to do a renovation and enclosed the upper deck, that would also become a conditioned space at that point, and then again and would have to meet the parking requirement for that additional square footage.

Commissioner Balch stated that looking at the architectural plan of one of the earlier plan layouts, he noted that the path of travel is on the neighboring or adjoining property to the north.

Phil Volkmann confirmed that there is an existing recorded easement that runs across the back of the property which is used for exiting.

Commissioner Balch then referred to Space B up front that projects out into the path of travel and noted that there is a tree and a wall. He inquired what the distance is between the tree and the Patio B wall.

Mr. Volkmann replied that they will have the minimum requirement of six feet. He indicated that they hired a civil engineer, the civil plan has been done, and all those spaces have been checked to make sure there is adequate space for accessibility around it. He added that this will be checked again during construction.

Commissioner Balch inquired if that is measured from the grate or from the tree trunk.

Mr. Volkmann replied that they would typically measure it from the grate to avoid any issues arising from a wheel that rolls over a grate.

Mr. Otto explained that if the grate is there and it is level, the grate can be used as part of the required four-foot clearance up to the opening of the hole in the tree well. He noted, however, that oftentimes the grates may not be level, and for safety reasons, the measurement is taken from the edge of the grate.

Robert Byrd stated that he has lived in Downtown Pleasanton since 1952 and has built a new building Downtown and restored old ones. He indicated that he currently owns and manages commercial property Downtown, one on Main Street and one on St. Mary's Street, so he knows Downtown as well as anybody does, and he knows of no property north of Neal Street suitable or available for new parking within acceptable walking distances of the vast majority of north-side Main Street business customers. He requested this leadership organization to discuss the fairness to existing north-side business and property owners of selling in-lieu parking fees to new north-side property owners, knowing there will be no new parking on the north side. He added that if there will be new parking, then the responsible thing for leadership to do is tell the existing business and property owners where this new parking will be at the time the in-lieu parking fees are sold, so they could plan for their own success and livelihood in the future. He pointed out that this is the way real partnerships are supposed to work.

Mr. Byrd stated that based on facts and the parking study, parking Downtown is near saturation. He indicated that the majority of people arrive Downtown by automobile, and people like to sit outside when they dine. He pointed out that the proposed project has 2,000 square feet of outside dining, and this so-called parking credit for this outdoor space is just another way to get around not supplying the project's fair share of parking. He reiterated that there is not going to be any parking on the north side and that leadership should indicate where the parking will be before in-lieu parking fees are given out to other people, or free parking to the project on the corner of Main Street and Neal Street.

Al Bronzini stated that he owns the property immediately to the south of the proposed new building. He indicated that he purchased that property in 1983 and operated his own retail furniture store at 719 Main Street for 10 years until 1994, ending a 46-year career as a furniture retailer, then leased his building for 14 years to an antique dealer, importers of furniture from Europe. He noted that although he is not a resident of Pleasanton, he is very passionate about the success of Downtown Pleasanton, and acquiring quality tenants for his location has always been a top priority. He stated that his current tenants are Rick's Picks and J'aime Bridal.

Mr. Bronzini stated that he was heavily involved in the reconstruction of Main Street, so he knows a lot about what went on to make Main Street what it is today. He added that he served as president of the Pleasanton Downtown Association (PDA) in its early days and as block captain during the construction period.

Mr. Bronzini stated that a week ago, he met with Mr. Dondero, who showed him this magnificent rendering of their proposed project, and to say that it is impressive would be putting it mildly. He noted, however, that he did have a concern about the potential risk of damage, given that the buildings are going to be so close together, probably a zero clearance situation. He added that he was concerned about the foundations of his building because he does not know if that soil was compacted enough to hold after the demolition of the Union Jack Pub, which had a basement which was known to be there until the demolition. He indicated that he brought this to Mr. Dondero's attention, and he

was assured that proper engineering procedures and work would be done to ensure that the integrity of his building would not be compromised.

Mr. Bronzini stated that he has read the staff report and has never seen one quite so comprehensive and complete. He indicated that it is evident to him that the Dondero family wants to build this project and will do every reasonable thing to make it come to fruition. He added that he is sure that Downtown would like to have it and noted that he certainly would like to see it as well, after living 32 years with bars and boarded up fences. He stated that he supports this project wholeheartedly and understands there are some details that have to be worked out with City staff. He urged the Commission to work in a positive manner and with a very positive attitude toward an expeditious approval of this beautiful project.

Robert Dondero stated that he walks his dog up and down Main Street on a daily basis, and he sees things a little differently from Mr. Byrd as far as the parking goes. He indicated that he talks to people and businesses Downtown, and they don't really see a parking problem. He pointed out that during his walks, he sees about 25 parking spaces available within that area, consistently on the north end of town; he offered to walk with the Commissioners on any night they pick.

Mr. Dondero stated that he thinks the businesses Downtown would agree that this project is going to help them and a lot of the community. He indicated that he has really worked hard with the neighbors, and of the people who have seen the project, not one has said anything negative about the project or about parking issues; Mr. Byrd's comment is actually the first negative comment he has heard.

Mr. Dondero agreed that big Downtown events like First Wednesdays will obviously take away hundreds of parking space, and people park in front of his house on Second Street; but he understands that this is part of the package that goes with living Downtown. He pointed out that there is a fine line between supporting businesses, wanting them to upgrade, and having people there, such that if there are no businesses Downtown, existing businesses will not upgrade their buildings. He stated that he is disappointed, as a Pleasanton resident, that the Downtown is a bit behind in comparison to Danville, Livermore, Walnut Creek, and Lafayette, for example. He noted that when he moved to Pleasanton 25 years ago, Pleasanton Downtown was the leader, the place people went to and what every other downtown wanted to be like. He stated that over the years, Pleasanton has lost a little of that, and he is trying to bring that back with this project. He added that Downtown parking will probably have to be addressed down the road, but that time is not here yet.

Mr. Byrd stated that the Downtown has a parking study and it says there is a parking problem. He indicated that he goes Downtown everyday, and putting in another restaurant will bring everybody Downtown, and they will not be able to find parking. He pointed out that Barone's and everyone else is using them, and saying there is no parking problem Downtown is nonsense. He noted that there is no parking problem Downtown during the day when no one is there, but when everybody comes down for

dinner at restaurants, there is no parking spot available. He asked the Commission to accept Mr. Dondero's offer to go walking around Downtown and ask those people Downtown instead of just listening to two people talk here, and find out what they really say about the parking situation Downtown. He questioned the statement that the proposed project is going to use only three more parking spots, since that building has a restaurant that will use tons of parking spaces; and the City is not going to supply more parking on the north side of town because there is no place to put them.

Mr. Byrd stated that he has no problems with the project, that he would like to see the applicant build the project; but he would like to see the City hold up its end of the bargain and supply the parking. He pointed out that the City is not doing that, and that is the problem.

Larry Dondero stated that he is the other half of the application and that the one thing that has not been mentioned as far as the parking goes is that restaurants are there in the evening where business probably starts at 5:00 p.m. through 10:00 p.m. He indicated that the rest of the properties that have daytime uses and are retail would be pretty much shut down by that time, and with parking being an asset, it would be a good thing to be able to blend both types of businesses to constantly use these parking spaces.

Mr. Dondero stated that he thinks having a parking problem is one of the best things a city can have because that means it has commerce, it has viability, it has things happening in town. He pointed out that this happens to a community that is moving and working, and he would be worried if the city did not have that parking problem.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor noted that one of the speakers tonight questioned where the public parking is going to go. He stated that he knows the City has some railroad corridor parking and a lot more of farther south and central to Downtown, but inquired what is happening farther north. He indicated that he knows the City owned all of that public right-of-way but does not know if there are plans to pave that.

Mr. Otto replied that the City did purchase from Alameda County the railroad corridor up to Ray Street which includes behind Cole's Market, and the City also has an option to purchase the north side portion of Ray Street when the soil contamination on that portion of the corridor is cleaned up. He stated that there are plans that show conceptual layouts of parking spaces to go in those locations along the trails, as well as public art, benches, and things like that, but he is not aware of the actual timeframe for that. He indicated that the City has used all of its funds from the in-lieu parking fee. He added that the Municipal Code specifically does say that the parking fee is not required to be used in one specific area; it does not say that if the fee is for a site in the north part of Downtown, parking has to be built in the north side. He indicated that the fee can be used for parking anywhere in the Downtown.

Commissioner O'Connor inquired if the City will be using its funds to build that parking space at some point.

Mr. Weinstein said yes.

Chair Allen stated that she ran into someone from the PDA and understood that it actually has a task force to prioritize strategies for Downtown parking, and there seemed to be more traction around that. He asked Mr. Weinstein if he is aware of what is going on there.

Mr. Weinstein replied that parking has primarily been the issue in the Downtown, and it is something people, including the PDA and City staff, are constantly talking about. He stated that staff is continuing to evaluate new opportunities as they come up to acquire parking beyond the parcels that Mr. Otto mentioned. He noted that staff has reviewed a lot of them, but they are often very expensive and the City has ultimately rejected purchasing them for that reason. He stated that staff will ultimately be working on addressing parking on the demand side as well. He noted that it is not just about increasing the parking supply but also about getting people Downtown in other ways, parking at other places, and giving them information to know where that parking is because there actually is parking in Downtown that a lot of people do not know about. He pointed out that it is not just a matter of buying more parcels and developing those with parking; it is also about making existing parking and its location a little more transparent to people visiting the Downtown.

Commissioner O'Connor asked staff to confirm his understanding from Mr. Weinstein's comments that not only the City but also the PDA recognize that the Downtown has parking issues and that more parking is needed Downtown.

Mr. Weinstein confirmed that was correct.

Commissioner Balch recalled that when the Commission approved the building that is being built on the corner of St. Mary's Street, the conversation at the time was that there was enough parking; it just was not where people wanted it per se, that it was more of a walk around from the survey the City had done. He asked staff if that is still correct.

Mr. Weinstein replied that was correct. He stated that there was a parking study that was done a couple of years ago that did show there was sufficient parking in Downtown. He noted that the Downtown is not incredibly large, so it is walkable from one end to the other: north to south and east to west. He agreed that at certain peak times of the day, there is no parking exactly where people want it. He noted that it is a balancing act: the Downtown is not necessarily a place where people can park right next to the business they are going to, but one where people may park a couple of blocks away and then walk to their destination.

Commissioner Balch inquired how often that survey is done.

Mr. Weinstein replied that it is not something the City undertakes regularly. He noted that the last one was done a couple of years ago, and there are no current plans to do it again. He reiterated that parking and increasing parking availability and giving information to people to make them aware of where parking is are things that staff is thinking of at all times, so it might be something that the City will look at again in the near future.

Commissioner Piper asked staff to address Mr. Bronzini's concern about the structural integrity of his building.

Mr. Weinstein replied that there are standard requirements, which are also included as conditions of approval for this project, listed in Attachment A of the staff report. He explained that the conditions require that building construction, including excavation, adhere to standard building, geotechnical, and engineering requirements, which would address those concerns, including whether or not the soil on site is adequately compacted.

Commissioner Piper inquired if this would then not be a concern.

Mr. Weinstein said that was correct.

Commissioner Balch referred to the encroachments of the first and second floors on the public right-of-way and asked staff to help him understand that this is done throughout the City and that this project is in line with those as well.

Mr. Otto replied that the Code does allow projections such as balconies to go into the right-of-way as long as a License Agreement is signed with the City to indemnify the City under certain conditions. He added that there are specific requirements as well, as mentioned earlier by the project architect. He explained that it needs to have a 12-foot clearance below the projection and up to within two feet of the face of the curb; it needs to be open, and any posts need to be set at least seven feet from the property line. He noted that portions of the balcony of the buildings at 350 Main Street and 400 Main Street go into the public right-of-way. He added that a prior building that did this and was approved had a similar request to extend into the right-of-way, but it was not in the Downtown.

Commissioner Balch noted that the ground-floor dining area encroaches into the walkway. He inquired what the standard requirement is for using someone else's land for one's business or building.

Mr. Otto replied that the City requires an Outdoor Dining Permit for an outdoor dining area encroaching into the right-of-way, and it should meet certain criteria: maintenance of a four-foot clearance for a public walkway; adequate clearances in the public walkway area from the entry doors for the business so fire egress requirements are not blocked; acceptable design of the dining tables and chairs; and an insurance policy provided to the City.

Commissioner Balch inquired if in theory, the restaurant business' permit could be revoked if it did not comply with City requirements.

Mr. Otto said yes. He explained that oftentimes, the Code Enforcement Officer has to go out and tell the business owners that they are encroaching a little too far and they have to push back the barrier.

Commissioner Balch then referred to the second floor, which is unique as a true dining area over a public area because there are really no people walking below as there is a dining area below as well to most of the overhang, and so there really are no people eating over a public walkway below.

Mr. Otto replied that was correct.

Commissioner Balch stated that he saw conditions of approval for that and inquired if this is going to be similar to what was just discussed about for the first floor because the permit cannot be revoked.

Mr. Otto replied that a permit projection such as a balcony requires a license agreement with the City.

Commissioner Balch requested confirmation of his understanding that a first-floor encroachment permit onto the sidewalk could be revoked if certain things are not complied with, but this cannot be done with a permanent structure on the second floor.

Mr. Otto confirmed that was correct, that it needs to meet the standards that are established in the Municipal Code.

Commissioner O'Connor asked Commissioner Balch if he is talking about the second-floor structure being built or about its use.

Commissioner Balch replied that he is talking about the use. He asked if there would be a call-back if the use becomes non-compliant with some requirements.

Mr. Otto replied that there is no concern about non-compliance because there is no clearance to worry about.

Commissioner Balch asked if the City would have a recourse if, for example, the Foothill High School Senior Prom is on the second floor and the students get rowdy, or if someone drops something from the second floor onto someone walking below.

Ms. Harryman stated that there is a standard condition regarding noise, parking, and some other issues, although it is for a Conditional Use Permit but not for Design Review. She noted, however, that one of the requirements is the indemnification provision so that if someone were to get injured because someone drops something off

the second floor and it fell onto someone walking underneath or onto a car and damaged a car down below, then that restaurant or whoever signs the agreement would have to defend and indemnify the City from any claims resulting from that. She added that this is exactly the same as what the City requires for outdoor dining permits on the ground floor.

Commissioner Balch inquired if the City can revoke this permit on the second floor.

Ms. Harryman replied that the City could certainly do it for the first floor, but it has not had this for the second floor as this is the first time this is being done. She indicated that staff would look at this as it would any other Code Enforcement issue. She noted that it would be a little harder to tell someone that he has to tear something down or that he cannot use it, but Code Enforcement does do that from time to time.

Commissioner O'Connor inquired if the City would restrict the use by making the business owner pull tables back away from the railing.

Ms. Harryman replied that this is the point she was trying to make, that there are things the City could do if there were problems, such as putting up some sort of glass exterior behind the railing, although it is not going to prevent anyone from tossing things over the balcony. She explained that the main thing staff looks to are conditions that protect the Americans with Disabilities (ADA) Act such as egress, as well as not leaving litter or something slippery that would cause a hazard to pedestrians. She noted that again, this refers to the lower ground because the City has never had to address a second floor, but staff could certainly include issues of concern in that agreement.

Commissioner Nagler noted that Condition No. 17 states: *"No outdoor dining is part of this approval. Prior to installation of any outdoor seating or tables, the applicants and/or tenant shall submit an outdoor dining permit for review and approval. Plans showing the location and design of the outside dining furniture shall be included with the outdoor dining application."* He stated that this obviously refers to the ground floor, but the condition is not floor-specific, and should the Commission approve the project, it would assume that the condition applies to both stories.

Mr. Weinstein replied that the condition would apply to both stories.

Commissioner Nagler stated that in the earlier conversation, staff has been referring to an outdoor dining permit applying to the ground floor when in fact the condition does not specify the floor.

Commissioner Balch stated that he foresees the ground floor possibly now as a walking path because the bollards are moveable; and there are people dining over a walkway. He noted that if there were a problem on the ground floor, the City has some significant teeth to make sure it is in the public's interest, and asked if the City has similar teeth for the second-floor usage. He pointed out that hopefully it never happens, but the second

floor might now simply be a usage for people to loiter on versus actual dining, and he wanted to make sure staff has what it needs here.

Mr. Weinstein replied that it is a really good question that strikes at the heart of the sort of overlap between regulations and addressing behavior and staff's interactions with the applicants as problems arise. He stated that oftentimes, staff works with applicants on problems that do not have a direct correlation with a Code requirement. He indicated that staff recently worked on addressing lighting levels at the U-Haul on Sunol Boulevard that really had very little to do with Code requirements as they relate to light spillover; however, in response to neighbor complaints, staff was able to work effectively with the applicant at that location to reduce the lighting levels even though staff really did not directly have a lever to do so in the Code. He stated that he thinks this is a situation that is probably unlikely to occur, and one that could really occur in any restaurant with windows that open, although the trigger might be for the second floor. He indicated that staff is really confident that should that sort of issue arise, staff could work with the applicant to address it. He added that a restaurant that has drinks coming over the second-floor balcony would not be a very popular neighbor, and staff would get pressure from the neighbors to address the situation as well.

Chair Allen asked staff if they have talked with any other cities that might have designs like this, such as a building in Napa that was recently renovated and has a design similar to this, or if there is anything in Walnut Creek with an open second floor overhang.

Mr. Weinstein replied that some among staff have worked in other cities as well and with buildings like this, and it is not something that has come up as a problem. He stated that this is not a particularly common type of building here in Pleasanton and even in places like Walnut Creek and Napa. He added that it is not seen all that much although it does appear, but it is just not something that resonates as a problem.

Commissioner O'Connor stated that it is a great-looking building; he loves the design and would not make any changes to it. He indicated that the only thing that caught his eye is Condition No. 7 regarding transom windows. He noted that he has not seen any transom window changes in the plans he has, but he is looking at the neighboring buildings and Downtown and does not see that the neighbors have transom windows. He stated that he loves the way this building looks and would like to leave the windows the way they are. He noted that there are some transom windows up top, but that is a different architectural piece altogether.

Commissioner Balch stated that he likes the design a lot as well and that it is well thought-out. He noted that the parking concern raised is consistent with any type of project in the Downtown the Commission has considered, whether on the south side or in the middle where the current one being constructed. He added that it gives him hope that parking will be addressed because the City did acquire the railroad easement and is continuing to keep that in mind and moving forward. He indicated that he is

concerned about the overhang, from an abundance of caution, but that it is a sharp-looking building and he would change anything in the design.

Commissioner O'Connor stated that parking is a bigger issue for this building as they are supplying 1,800 square feet of outdoor dining. He pointed out that there is a demand for that, and more people are going to occupy this restaurant. He indicated that he is not suggesting that the same exact fee should be provided per 300 square feet, but the building that was torn down required 12 spaces, and this one needs only three. He stated that he does not want to come up short when it is time to build something Downtown in the railroad right-of-way or elsewhere, and he does not want to end up where the City does not have the money so it never gets built. He indicated that he hopes there are more renovations and improvement in Downtown, but there is a lot more demand today and there will be a need for parking places for these cars. He noted that both the City and PDA are concerned about the demand for parking; he did not think adding three spaces will be enough but he is not sure requiring all nine spaces is the right thing to do either. He indicated that the Commission has seen some other projects that have gone through, and the City has not always asked for the right amount of parking or in-lieu fees to get where it should be. He stated that this practice needs to be stopped and that either parking or the in-lieu fees be required so parking can be built someplace.

Commissioner Balch asked if the net parking credit the applicant is getting is three.

Commissioner O'Connor confirmed that the net is three right now; the extra square feet of outside space is not being counted because it is not within the building.

Commissioner Nagler inquired if the applicant is getting credit for the 12 spaces on the notion that the Downtown has somehow already accommodated for those 12 spaces.

Commissioner Balch said yes, based on the areas they would need to eat, and the net of three.

Chair Allen stated that the building would receive 15 spaces excluding the outdoor dining.

Commissioner O'Connor stated that an extra six would be required for the outdoor dining area, if based on 300 square feet; it would then be 21 instead of 15.

Commissioner Balch inquired if this refers to the second floor area since the outdoor dining on the first-floor patio is 500 square feet. He noted that the upper level terrace is 1,300 square feet, which would make a total of 18.

Chair Allen noted that would be an additional five.

Commissioner O'Connor said yes. He noted that parking was not required in some of the other buildings but instead of an outdoor dining area per se, as opposed to terraces,

the applicant gave the Downtown a plaza which is not reserved for a specific restaurant; anybody could go in and not have to order something.

Ms. Harryman noted that the Municipal Code specifically excludes patios, decks and terrace, porches, and exterior balconies if not enclosed on more than three sides. She indicated that she did not want to get into a long discussion when the Code is specific on that topic.

Commissioner O'Connor noted that the Commission does have some discretion on the credit it is going to give.

Ms. Harryman said yes, but that it is the other section that is cited in the staff report that talks about the Commission having discretion if the replacement structure will be an architectural improvement compared to the existing structure that is removed; the Commission would then have the discretion to remove and contemplate all of the spaces required, which would have been 12.

Commissioner O'Connor inquired what the timeframe is on this.

Ms. Harryman replied that it is silent as to the timeframe.

Chair Allen asked for clarification that the Commission does have the flexibility and can consider the outdoor dining in its deliberation.

Ms. Harryman replied that the Commission does not have the flexibility for the outdoor dining area.

Commissioner Piper thanked the applicants for their willingness to bring forward such a beautiful project that will bring so much vitality to the Downtown. She stated that she is excited about it and thinks it is fabulous. She added that she is also excited about bringing back Pleasanton as the leader.

Commissioner Nagler stated that the uniqueness of this building and its accessibility to the street and the expense that is obviously going to be incurred in constructing this building is a kind of catalytic structure that could cause others to make different decisions down the road in contemplating either building or remodeling other structures. He indicated that it is a terrific project coming to Downtown. With respect to parking, he stated that he is completely sympathetic to the total impact of the utilization of the building, to the fact that most people will drive and have to park somewhere. He agreed that this is a much larger issue than one particular building going up and generating "x" number of cars, and the in-lieu parking fee right now seems to be more theoretical than useful because there is no project for it to actually fund, such that it could be seen by a developer as a cost of doing business as opposed to contributing to the creation of parking. He commented that this is a conversation separate and apart from any particular building going in or any particular demand on parking that may be created by a development Downtown; it is a conversation about how to look at the entire Downtown

area. He noted that the parking lot behind the Firehouse Arts Center is only full when there is an event at the Center or a big event Downtown; otherwise, it is virtually vacant. With respect to the point made that people want to go to this restaurant and there is not enough parking spaces right out in front, he stated that is what people expect but it might not be a reasonable expectation or one that can be met as the Downtown area is planned.

Commissioner Nagler stated that the other thing the Commission talked about was that a new civic center being relocated is going to stimulate a conversation about what Downtown should be for the next 50 years, which inevitably would include a conversation about parking. He noted that it is in that context that the Commission can probably actually address a looming parking issue with a very large discussion and significant decisions. He agreed with the comment made by the applicant that the City will want parking to be a problem Downtown, and given the totality of the town, the City is not there yet.

Chair Allen stated that she loves the building site and is excited about the vibrancy it will add to the Downtown, but she would also love to have the parking problem addressed because the City needs to take action, and sometimes things need to be broken before being forced to take action in terms of building more parking structures. She indicated that she is in town about 50 percent of the time; she walks the Downtown every single day, she bikes Downtown, she drives Downtown, and is probably there three to four hours a day, so she is very familiar with parking and can almost always get a spot within two blocks. She added that she does not see anything serious yet but hopes this will make it serious.

In terms of the parking in-lieu fee, Chair Allen agreed with Commissioner O'Connor's concern and appreciates the guidance about that. She stated that she believes this building will add more parking need than what has been considered for other buildings, like for like. She indicated that she had a discussion with Mr. Weinstein earlier about parking in-lieu fees because she believes that potentially, there should be two more parking spots required because page 8 of the staff report states that the site originally contained two parking spots that were to be retained as part of the previously approved design review application when the building was demolished; and when the agreement was made originally to allow this building to receive full credit of 12 spots, it assumed that two parking spots would be retained. She noted that those two parking spots have been removed and have been used for part of the building, which includes both outdoor and indoor spaces. She indicated that the math in terms of looking at the credit for three parking spots makes sense, but those two parking spots should be added to the three for an in-lieu requirement of five spots.

Commissioner O'Connor referred to Commissioner Nagler's earlier statement that the applicant was getting a credit for the 12 spaces because the City already found them someplace else; however, two of them were on-site and are now gone, so there are really only ten spaces elsewhere, and those two need to be replaced.

Chair Allen agreed.

Commissioner O'Connor continued that as a commercial property owner, he does not want to have a parking problem; he does not want to have too much because he does not want to waste space on a parking lot. He noted, however, that it is his biggest worry because if he does not have enough parking for people to come in and go to each one of his tenants, one of his tenants will have to downsize the intensity of his use. He further noted that without parking, one does not get any business.

Commissioner Balch stated that in the calculation staff did here, it says 4,503 square feet minus 3,666 square feet represents a net of 837 square feet, which is divided by 300 to equal three parking spaces. He commented that it would seem like Chair Allen's point of the two parking spaces being on-site would have been factored into this calculation.

Commissioner O'Connor countered that what Chair Allen is saying is that it comes down to three additional parking spaces for the new building, plus the two parking spaces that occupied the lot with the 3,666-square-foot building.

Chair Allen added that the second part of her argument is that at the time the permission was originally granted to allow these credits, the assumption and agreement was that those two parking spaces would be maintained, and they have not been maintained and are no longer there, so they have been lost.

Mr. Weinstein stated that these are all good points and that the Commission is struggling with the parking issue. He explained that staff's recommendation for this sort of credit fits very closely to what is called for in the Municipal Code, which does not indicate that existing spaces that are being demolished as part of a new project be taken into account; it is simply taking the proposed square footage and then subtracting from that the existing square footage and using that delta to figure out the parking demand for the project. He reiterated that because this is a Design Review application, there is not a lot of discretion to add additional parking. He stated that staff is suggesting to not add additional parking requirements as this goes outside of the bounds of what the Code calls for in this case. He added that this is a special sort of environment in the City, the Downtown that is a relatively small but cherished sliver of our City that is probably a little more walkable and a little more pedestrian-oriented than the rest of the City.

Chair Allen inquired if staff is saying that her proposal would be inconsistent with how the City has been applying this and what the Code is.

Mr. Weinstein said yes. Using 511 Main Street as an example, he stated that ten parking spaces on that site were demolished, and the applicant was not required to pay or in any way make up for those ten spaces that were removed.

Chair Allen noted that that was the plaza.

Mr. Otto replied that was a separate issue. He explained that the applicant had to provide parking for the square footage of the new building, minus a credit received for Pastime Pool, and as far as the formula works and the Code with opportunity costs in the formula, that number equaled the amount of the public plaza value.

Commissioner Balch commented that instead of dollars, the applicant paid in plaza.

Mr. Otto said yes. He explained that the prior project for this new site had two parking spaces for which the applicant got credit and did not have to pay. He noted that those spaces are gone, but the prior project would have gotten credit because there were two spaces there.

Commissioner O'Connor stated that he would like to go back to the Commission having some discretion on the amount it would want to give for the prior building, either in utilization, or in time lapsed, or design of the new building. He indicated that he has been on the Commission for nine years, and he keeps hearing when the Commission says it is not making precedent that it refers back to something it did. He stated that he knows the Commission has made problems here with parking because it has not demanded enough parking from a lot of people who develop or add on in the Downtown, and he thinks that practice needs to be stopped or Downtown will never have the parking it needs or the funds to build when the time comes to build either a parking structure, or pave the right-of-way. He added that since the City has already used all the fund money to purchase the property, he does not know how the City would exercise its option to pick up the piece on the right-of-way. He stated that money has to come from somewhere and that the City needs to stop making the same type of decisions where it ends up short on parking fees. He reiterated that he is not saying to go square foot per square foot but to do what is right. He indicated he thinks the parameters are between a minimum of three and a maximum of nine, and that discussion is necessary because the City is just boxing itself in here if it keeps doing this.

Commissioner Balch stated that he fully sees Chair Allen's argument that two spots were on site and are no longer there. He indicated that he personally believes the Municipal Code needs to change to account for that because as Commissioner O'Connor commented, the City is boxing itself in because not replacing the parking that was demolished seems awfully short-sighted. He stated that he does not know if he is getting to nine, but he wants to see where it is at five.

Commissioner O'Connor stated that he would support the five and agreed that the Code needs to be revisited too in relation to terraces and exempting them. He indicated that it is one thing to have a building that has a three-foot wide area within the sidewalks where one has to kind of step through it to even get to one of the tables, but a 1,800-square-foot plaza is a little different from most of Downtown's outside seating, although some of the restaurants have a lot of outside seating.

Chair Allen stated that she would be comfortable with that as well.

Commissioner Piper stated that she is not clear regarding how this could even be a possibility since it follows the Municipal Code.

Chair O'Connor noted that staff had indicated that the Commission had that discretion.

Mr. Weinstein stated that the parking calculations shown on the slide are per the Municipal Code, and the Commission has the ability to not grant a full credit for the existing building. He pointed out that this would result, in effect, in the applicant either providing more parking which probably is not possible on the site, or paying more in-lieu fees for additional parking spaces. He indicated that this is a possibility that is up to the discretion of the Planning Commission.

Commissioner Nagler stated that he would support only requiring three and not five for several reasons: (1) It is a much larger issue than getting two additional spaces out of this particular use. The precedent is actually a really good point and how this will be implemented, but it is a bigger issue. (2) It would be difficult to make a finding that this building is not an architectural improvement over what was there before. (3) This building is totally well-designed and universally loved. The in-lieu parking fee has already been a point of contention for the developer and is potentially affecting the project, which everyone agrees is an enormous benefit to the Downtown. He indicated that he is not supportive of the Commission getting hung up over whether or not it will adequately address a parking need which is looming, and it does need to be addressed before people can actually find a place to park, but it is a much bigger issue.

Commissioner Piper agreed with Commissioner Nagler. She added that she thinks the Commission should consider changes in the future for outdoor patios. She noted that the proposed patio is pretty significant, and a lot more Downtown establishments are allowing patrons to be outside. She added, however, that this is not the right time to do that with this particular project.

Chair Allen stated that she has had a little shift in where she is coming on this because of the 511 Main Street project the Commission just approved. She indicated that the question is if this is the time to make the change and force it in. She added that she would like to say she will not approve full credits on anything going forward and would ask that for anything further coming through, staff look at the things that have been brought up by the all the Commissioners tonight and really think through that situation especially in this booming economy. She commented that the question of credit should not be as liberal as it may have been before, and if staff can do that at any future project, she would be willing to accept this as is because she wants to be consistent with 511 Main Street. She agreed that the Commission needs to have a thoughtful process for dealing with this going forward versus putting it on this applicant specifically.

Commissioner O'Connor stated that if that is the majority, that is what will pass; however, he still thinks the City ought to stop kicking the can down the road.

Chair Allen agreed.

Commissioner O'Connor stated that the Commission should continue what it did for 511 Main Street because that is what was done in the past. He noted that this is the first project with 1,800 square feet of patio for a dining room that is exclusive to one use; it is a little different than what the Commission has seen and done in the past with a couple of plazas. He stated that he does not want to infringe on them but still thinks that the project should have more than three.

Commissioner Balch stated that he was debating between three and five, and one of his big things is he does not want to hold this applicant to a standard that was not known going in. He indicated, however, that he clearly sees Commissioner Allen's point that destroying parking on site and not replenishing it is an issue.

**Commissioner Piper moved to approve Case P15-0142, subject to the Conditions of Approval as listed in Exhibit A of the staff report.
Commissioner Nagler seconded the motion.**

Commissioner O'Connor stated that he did bring up the transom windows not being a requirement, and he does not know if the applicant's architect has already made a change to the transom windows. He indicated that he would like to take that condition out before the Commission votes on the motion.

Mr. Weinstein stated that it is a fairly minor change and staff does not feel extremely strong about it. He indicated that it is a concept that is identified in the Downtown Design Guidelines and a design feature that is desirable in the Downtown on the first floor. He pointed to the transom windows on the second floor and so it would essentially be transferring those down to the windows on the first floor with a similar grid pattern essentially on the tops of these windows. He added that it would be a positive addition to the design, but staff does not feel extraordinarily strong about their inclusion and would support the Commission if it feels otherwise.

Chair Allen stated that she could go either way. She indicated that she personally thinks the first floor looks fine as it, and the transom windows seem to be more prominent on the second floor, which makes sense on that one area because it is much larger and taller. She added that she does not know if they are necessary downstairs and is fine with the proposal to remove it as a requirement, and the applicant can still choose to include them.

Commissioner O'Connor moved to amend the motion to delete Condition No. 7 regarding the addition of transom windows on the first floor.

Commissioners Piper and Nagler accepted the amendment to remove Condition No. 7 as a requirement.

ROLL CALL VOTE:

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

Resolution No. PC-2015-07 approving Case P15-0142 was entered and adopted as motioned.

The Commission took a ten-minute break at 8:39 p.m. and thereafter, resumed the meeting at 8:49 p.m.

New Items:

b. P14-1290, Douglas Harwood

Applications for a Certificate of Appropriateness to demolish the existing single-family residence located at 363 St. Mary Street and for Design Review approval to: (1) remodel the existing commercial building at the front of the property; (2) construct a parking lot with three parking spaces and related site improvements for the commercial building; and (3) construct an approximately 4,198-square-foot two-story single-family home and related site improvements at the rear of the property. Zoning for the property is Central Commercial (C-C), Downtown Revitalization, Core Area Overlay District.

Mr. Weinstein presented the staff report and described the scope, layout, and key elements of the project.

Commissioner Piper inquired if there is a colored rendering of the commercial property.

Mr. Weinstein apologized that a colored rendering of the single-family residence was included in the packet but not in the slide presentation.

Commissioner Nagler inquired if the colors are similar.

Mr. Weinstein replied that they are relatively similar, using a relatively subdued brown color scheme with nothing bright proposed.

Commissioner Piper states that she is struggling with the drawings in really knowing what that front commercial building is going to look like.

Chair Allen inquired if the applicant had one.

Tony Adams, Applicant and Property Owner, stated that they have a colored rendering somewhere.

Mr. Weinstein explained that the building actually went through some relatively recent design modifications and that it was possible that staff did not get a colored rendering after those latest design changes were made.

Commissioner O'Connor inquired if there will be a stucco overlay with the blocks going away.

Mr. Weinstein said yes.

Commissioner Piper expressed concern about the square footage of the single-family residence which seems really large for that particular part of the Downtown.

Mr. Weinstein replied that staff had similar concerns when the application was first submitted, and staff did work with the applicant to reduce the square footage slightly, but more importantly to increase the architectural interest of the building. He explained that when staff looks at building massing, they compare the square footage of the project site to what the Zoning Ordinance allows in this zone. He added that a floor area ratio (FAR) of 300 percent is allowed on this property per the zoning regulations, and this project is resulting in something like 48 percent FAR. He agreed that the building does appear big, but the site allows for a lot of building construction on the site. He indicated that based on the improvements and design that as well as the FAR requirements, staff felt this is an appropriate building size for this site.

Commissioner Piper stated that residential would be 40 percent FAR and inquired if that was correct.

Mr. Weinstein replied that the City has different floor area ratio requirements depending on its residential zone, so it could be 40 percent to 50 percent for a typical residentially zoned property.

Commissioner Piper inquired if it is consistent with other homes. She commented that it may be consistent with those on St. Mary's Street to the west but not necessarily right around that area. She noted that this is not necessarily a big concern of hers but that it just seems like a pretty big house for that spot.

Mr. Weinstein agreed that it is a big house for the lot, but it does not nearly exceed the zoning regulations. He noted that there are a lot of houses of different sizes farther west through the Downtown, and there are some historic houses on Division Street that probably have relatively low FARs, and there are others whose FARs are probably close to or exceeding this. He added that there is a diversity of massing in this part of the Downtown, and the trend now, generally speaking, is to have bigger houses on smaller lots.

Commissioner Piper commented that she does like the idea of diversity in Downtown.

Commissioner O'Connor inquired how big the original design was.

Mr. Weinstein replied that his recollection is that it was reduced by 500 square feet, which is a relatively small but significant reduction because it had some positive site implications. He added that the applicant can speak more precisely to that.

Chair Allen noted that the house would be behind the commercial building and inquired at what vantage point would it be visible to a walker or rider.

Mr. Weinstein replied that it will not be very visible from St. Mary's Street because of the existing office building. He indicated that it is currently pretty visible from a parcel just to the west of it that fronts Peters Avenue; however, there is a development application that staff is awaiting for that site which, if approved, would substantially block views of this site from Peters Avenue. He added that it is also visible through the southern part of the Chamber of Commerce parking lot.

THE PUBLIC HEARING WAS OPENED.

Tony Adams stated that he does not have anything to add to the presentation as the project speaks for itself. He indicated that staff will probably agree that this design was quite challenging because of the long, narrow lot and knowing what is being proposed on the Peter's Avenue property just to the west of the site. He added that they set the house parallel to the lot line to block any views into what will be the yard with the new proposed development to the west.

Commissioner O'Connor commented that the Commission will not ask him to remove the parking lot.

Mr. Adams stated that he would rather have used the parking for yard area, but that was something he wanted to do because it may help the building to have its own parking.

Commissioner Nagler noted that it is a terrific use of a property Downtown. He inquired if there is a gate halfway down the driveway between the residential and the commercial.

Mr. Adams said yes.

Commissioner Nagler inquired if it is a gate that closes to become a solid kind of gate.

Mr. Adams replied that it is a wrought iron gate right now but that he would prefer a solid gate when it goes through approval.

Commissioner Nagler noted that it would also serve to block the view from St. Mary's Street back to the residence.

Mr. Adams stated that the residence will actually not be visible walking down St. Mary's Street; the pedestrian will look just straight back to the yard if the gate were open because the residence will be blocked completely by the view of the existing medical building.

Commissioner O'Connor stated that the house looks like it is being built for a rental unit or at least an in-law unit on that side. He noted that it is almost like a separate apartment where the stairs come up.

Mr. Adams replied that it would absolutely not be a rental and that there is a separate entrance on that side. He stated that he has lots of friends and relatives who would like to come visit Downtown, and it would be nice for them to have their own little spot and a place where they can come and go.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor moved to approve the Certificate of Appropriateness and Design Review for Case P14-1290, subject to the Conditions of Approval as listed in Exhibit A of the staff report.

Commissioner Piper seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2015-08 approving Case P14-1290 was entered and adopted as motioned.

- c. **P15-0170/PUD-81-30-89D/P15-0169/PUD-81-30-55M, Summerhill Homes Applications for the following at the approximately 5.9-acre site located at 5850 West Las Positas Boulevard: (1) Planned Unit Development (PUD) Major Modification to City Council Ordinance No. 2030 to modify the minimum density requirement of 30 dwelling units/acre to a density of 15.9 dwelling units/acre; (2) an amendment to the Housing Site Development Standards and Design Guidelines to modify the minimum and maximum density requirement of 30 dwelling units/acre to a minimum and maximum density of 15.9 dwelling units/acre; (3) PUD Development Plan to construct 94 residential condominium units and related site improvements; and (4) an amendment to the Development Agreement for the project. Zoning for property is PUD-MU (Planned Unit Development – Mixed Use) District.**

Commissioner Balch recused himself due to a conflict of interest.

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

Chair Allen commented for anyone in the public who might be interested that it looks like Summerhill is providing more than just ten affordable units in terms of overall compensation as in the Housing Agreement, Summerhill is also paying a total of \$122,000 into the City's Low-Income Housing Fund for 44 units. She asked staff if that was correct.

Ms. Soo said yes.

THE PUBLIC HEARING WAS OPENED.

Kevin Ebrahimi, Vice President for Development for Summerhill Homes, stated that Summerhill Homes is a privately held company headquartered in San Ramon and has been developing high quality homes in the Bay Area since 1976. He indicated that Summerhill was excited to be back in Pleasanton for this new project, a 94 for-sale townhome condominium community on the 5.9 acre site. He noted that the current zoning for the site is Planned Unit Development, Multi-Use, with a density of 30 units per acre, and Summerhill proposes to amend the zoning designation for the site to allow a density of approximately 15.9 units per acre which substantially reduces the density.

Mr. Ebrahimi stated that last year, the City approved Summerhill's proposal to construct 177 new rental apartments on this site. He noted that while the apartment project remains approved, recent trends in the residential market provided Summerhill with the opportunity to develop for-sale townhome condos instead, which would be a better fit for Pleasanton while continuing to meet the City's need for high quality housing.

Mr. Ebrahimi continued that last year, Summerhill also worked extensively with the Parkside neighborhood residents to try to understand their concerns about the potential impact of the 177 apartment project and made a number of changes to the project to address their concerns. He noted that Summerhill has incorporated and improved all of those modifications in this new project to honor all of the commitments it had previously made, such as reducing the maximum height of the project from four stories to three stories and tapered the units down to two stories at the edge of the site as a transition to both the southern and westerly neighborhood; increasing the building setback from the required 50 feet to 59 feet on the south side of the property, and from 52 feet to 59 feet on the western side of the property.

Mr. Ebrahimi then showed some slides illustrating the key elements of the project: buildings inspired by the Spanish Colonial architecture with a blend of warm colors and mix of plaster and brick surfaces and decorative details like exposed rafter tails, door trim and wrought iron railings; the main entry to the community at the corner of

Hacienda Drive and West Las Positas Boulevard where there will be a pocket plaza for residents and guests; the pedestrian paseo and central courtyard with walking path, ornamental trees and flowers, picnic tables, shade trellises and barbecue grills; the open grass area and children's play area; and the landscaping design that provides a relaxing and functionally attractive, outdoor environment for the community.

Mr. Ebrahimi noted that as with the 177-unit apartment project, there will be a six-foot tall concrete wall at the southern edge of the property to help screen the Parkside neighborhood from noise and view. He further noted that the irrigation system and landscaping will meet the water-efficient landscaping standards, with the planting design that minimizes turf areas and primarily uses low water use and native plant species and ornamental plants that are adapted to the local climate. He added that because the project site will soon be serviced by recycled water, the landscape design uses plants that grow well with the recycled water system.

Mr. Ebrahimi stated that as earlier mentioned, the project includes ten inclusionary units, which is 10 percent of the total number of units, and the remainder would be paid into the City's Low-Income Housing Fund. He indicated that the proposed townhome-condominium community is a much improved project for the site and that Summerhill has received positive feedback from the community and staff.

George Bowen, representing the Parkside community, stated that the first date he came down here and spoke about this project was about 2 years ago, and with him were 50 to 100 concerned residents from the neighborhood; and over the course of that time, tonight there are just two of them, which is a sign that he is here tonight to express the support of the Parkside community for this project, and to express their appreciation for Summerhill Homes and James Paxson of Hacienda Park for their work in accommodating the neighborhood concerns in original plan for this property.

Mr. Bowen stated that when the 177-unit project in their backyard was first proposed, the neighborhood took a survey, and there was considerable concern among the neighbors about design features and the impact on their neighborhood. He noted that a number of members of the community emerged as representatives of the neighborhood and worked with the Summerhill folks, and they made a number of accommodations that ultimately the neighborhood reached consensus that they were reasonable and met their concerns. He indicated that it was good news for them to hear that Summerhill had opted to revise its plans and go to a less dense owned project. He added that the Summerhill representatives were very proactive in meeting with them and again addressing their concerns, and the feedback from the 225 homes in the Parkside neighborhood was unanimous in support of this project.

Mr. Bowen thanked Summerhill for really building trust, for excellent communication, and for continuing the same design revisions made in the prior project that are relevant to this project. He stated that the Summerhill representatives did an excellent job in working with the neighbors, and they are just very pleased to be here tonight to express their support.

Commissioner Nagler asked Mr. Bowen, just out of curiosity, what the top two or three revisions made in the design of the project were important to the neighborhood.

Mr. Bowen replied that the number one revision was the reduction by 83 units, and the incredible job of having very few windows face the Parkside neighborhood which is a considerable effort on Summerhill's part to accommodate the community's concerns when those purchasing these homes would probably like to look out over the Arroyo. He added that there were also concerns of noise coming from the project, and Summerhill has addressed that with a soundwall and trees. He noted that the Parkside community has many two-story homes, and folks have enjoyed the ability to leave their windows open after work hours and feel some degree of privacy with their windows open.

James Paxson, General Manager of Hacienda Park, expressed Hacienda's support for the project. He stated that in some ways, he actually feels that Hacienda had a choice of two great opportunities and as much as they like the other project, Summerhill went back and used the same thoughtful approach to the site planning, working with the neighbors and coming up with another project Hacienda is pleased to support. He added that one of the other interesting things about this project too is that it is a product type in Hacienda that they would like to see more of: having a for-sale component along with the rental projects they have offers a really nice balance, and they are really particularly pleased to see that.

Mr. Paxson added that given all of the discussions that have happened with the various neighbors in the area with regard to the different type of design standards they would like to see on this parcel and the adjoining parcel, having this be consistent with the agreements that have been worked out is a terrific thing. He noted that Hacienda has performed its design review, and a copy of Hacienda's approval letter in the Commission's packet. He urged the Commission to support the project.

THE PUBLIC HEARING WAS CLOSED.

Chair Allen referred to the Regional Housing Needs Allocation (RHNA) chart on page 20 of the staff report and noted that this project originally came to the Commission because it was part of RHNA and was supporting some of the low-income capacity. She requested Ms. Soo to explain the implications of this project with respect to the City's RHNA numbers, especially for very-low- and low-income versus moderate versus above-moderate.

Ms. Soo replied that the 117-unit apartment included 27 affordable units, 6 of which were very-low-income units, 12 were low-income units, and 9 were moderate-income units. She indicated that the current project includes 10 low-income units for households with 80 percent of the annual median income. She added that the net in the very-low-income and low-income categories previously included a surplus of 163 units,

which is now reduced to 155 units with the removal of the 18 units from the original Summerhill project and the addition of the 10 units from this current proposal.

Chair Allen referred to the last paragraph on page 20 of the staff report regarding the comment that *“vacant/underutilized sites with a density of 30 units per acre or greater are considered inventory for the construction of very-low- and low-income housing; permitted and approved sites with a density of 30 units per acre or greater are considered inventory for the construction of moderate-income housing; and lower-density single-family residential sites are considered inventory for the above-moderate-income category.”* She requested clarification that when a site is first inventoried for 30 units or more but has not been approved, those would be considered as lower-income, but once they are approved such as was done for this project specifically, those units would be moved out of low-income into moderate-income or above-moderate-income, depending upon the category.

Ms. Soo said yes. She indicated that should this project be approved, the table will be revised or updated accordingly.

Commissioner Piper complemented the applicant for working so hard and so closely with the Parkside neighborhood and to come to such a wonderful agreement. She stated that, particularly after hearing Mr. Bowen’s speech, it seems everybody is so happy, and this does not happen very often. She indicated that it is really neat to sit up there and hear that. She congratulated Summerhill, Parkside, and Mr. Paxson and stated that she excited for the project and really supports it.

Commissioner O’Connor agreed with Commissioner Piper. He stated that from a City perspective, he knows the City had more than it needed earlier and it was not really providing a lot of for-purchase properties that were lower in square footage and more affordable, and this project brings that to the City. He added that he also knows that when the City of Pleasanton lost the court battle over the housing cap, the City did not want to provide more than it had to, and this helps that and also brings that affordability in ownership as opposed to just rental property. He stated that he is very pleased to see what Summerhill has brought forward, something the City has not seen for a while.

Commissioner Nagler echoed what has been said. He stated that this is an example that it is possible to do a major development in a way that takes everyone’s perspective into account and be responsive. He added that in the future, when the City get projects where there’s significant disagreement, it will be appropriate for the Commission to push towards an agreement that is exemplified by what has been brought forward this evening.

Chair Allen echoed that as well, and as the Commission has always said, when developers and citizens come to the meeting, the role model is at the last meeting when, as Mr. Bowen said, there are one or two representatives from the homeowners who come out and support the project. She indicated that she is in full support of the project.

Commissioner O'Connor moved to:

1. find that the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 have not occurred as described in the Addendum to the Supplemental Environmental Impact Report (SEIR) and that the previously prepared SEIR, including the adopted CEQA Findings and Statement of Overriding Considerations, the Addendum to the SEIR, and the memo to the Addendum are adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA;
2. find that the proposed PUD Major Modification (P15-0170) to amend City Council Ordinance No. 2030 to modify the required minimum density of 30 dwelling units per acre to a density of 15.9 dwelling units per acre for the project site and, the PUD Development Plan (PUD-81-30-89D) for the construction of a 94-unit condominium development and related on-site improvements, are consistent with the General Plan;
3. find that the proposed PID Major Modification (PUD-81-30-55M) to modify the Housing Site Development Standards and Design Guidelines to modify the minimum and maximum density from 30 dwelling units per acre for the project site to a density of 15.9 dwelling units per acre is consistent with the General Plan;
4. find that the proposed amendment to the Development Agreement (P15-0169) is consistent with the General Plan;
5. make the PUD findings for the proposed Development Plan (PUD-81-30-89D) as listed in the staff report;
6. find that the exceptions to the Housing Site Development Standards and Design Guidelines, as listed in the staff report, are appropriate; and
7. recommend approval of Cases P15-0170 (PUD Major Modification to amend City Council Ordinance No. 2030), PUD-81-30-89D (PUD Development Plan), PUD-81-30-55M (Major Modification to modify the Housing Site Development Standards and Design Guidelines), and P15-0169 (amendment to the Development Agreement) to the City Council.

Commissioner Piper seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2015-09 recommending approval of Case P15-0170 (PUD Major Modification to amend City Council Ordinance No. 2030), Resolution No. PC-2015-10 recommending approval of Case PUD-81-30-89D (PUD Development Plan), Resolution No. PC-2015-11 recommending approval of Case PUD-81-30-55M (Major Modification

to modify the Housing Site Development Standards and Design Guidelines), and Resolution No. PC-2015-12 recommending approval of Case P15-0169 (amendment to the Development Agreement) were entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

- Downtown Parking In-Lieu Agreement

Chair Allen stated that based on the earlier discussions with Ms. Harryman regarding in-lieu parking fees, she would like to propose to agendaize this topic and discuss recommendations that the Commission would like to make to the Council for consideration of changes to the Municipal Code relative to the whole concept of in-lieu parking fees.

Commissioner O'Connor agreed.

Commissioner Piper inquired if a committee would need to meet first to do research before the Commission can make recommendations.

Commissioner O'Connor replied that the Commission can discuss and make recommendations to the City Council, and the Council can then form a committee if it wishes.

Chair Allen asked Mr. Weinstein how that would be done.

Mr. Weinstein replied that no special subcommittee is needed to discuss something like that, and there would need to be a majority of Commissioners agreeing to forward a recommendation to the City Council, which could then be presented in the form of a memo, and then ultimately considered by the City Council. He indicated that that is something staff could agendaize in the future; staff could write a short report outlining or providing some sort of framework for discussing the issues, and then the outcome of that could be a recommendation to Council.

Commissioner Piper inquired if staff would provide the Commission with a lot of data.

Mr. Weinstein replied that staff would provide a staff report with a brief introduction to the issues, including some of the ones the Commission raised tonight and perhaps recommendations or options for amendments to the Municipal Code that would address the Commission's concerns; this would then be discussed at the meeting when the topic is agendaized.

Commissioner Nagler stated that the only thing he would add to that is ask the Chair between now and then to work with staff to be sure that staff is comfortable with what is presented.

Chair Allen requested staff to share a draft of the staff report for her review.

Mr. Weinstein replied that staff could definitely do that. He added that, just as a cautionary note to the Commission, the list of Council Priorities is quite voluminous, so it could be pretty challenging to get something like this on the Council Priorities list. He noted, however, that that should not stop the Commission from thinking critically about these issues that are related to the community.

Chair Allen stated that it is looming, so now is the time for the Commission to think about it and be prepared. She asked Mr. Weinstein to include in the report how much money would be needed to build a parking structure so the Commission has an end point in mind.

Mr. Weinstein said yes.

Commissioner O'Connor inquired, theoretically, if the Commission came up with a proposal to modify what is existing today and send it to Council and the Council approves it, if this is a relatively easy or quick fix for staff to modify what is there or if this is really a complicated thing to put together. He stated that it sounds like it should be fairly straightforward and easy.

Ms. Harryman replied that it would depend on how easy or difficult the recommended changes would be to draft. She stated that, for example, one thing discussed and easy to draft would be whether or not terraces and outdoor patios should be included or maybe have a cap, so it requires only counting or getting only up to "x" amount for free and then after that, it counts towards the square footage at one space per 300 square feet. She added that she suspects the PDA will have a great interest in this, and the Council, before adopting even what seems like a simple change like that, may want to have community meetings and other things to discuss that. She noted that this would be an ordinance change which would take two readings and 30 days thereafter to become effective. She then indicated that there are some recommendations that would probably be more controversial and take a little bit more thought and flushing out.

Commissioner Nagler commented that it starts with the conversation of this Commission.

Ms. Harryman said yes.

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

a. Future Planning Calendar

Mr. Weinstein advised that there will be two items for the next Planning Commission meeting: an appeal of a Zoning Administrator decision on a Design Review application for a single-family addition; and a Conditional Use Permit for a piano tutoring facility, which will be on the Consent Calendar. He indicated that the Commission will receive a staff report for both items.

Commissioner O'Connor stated that at the last email he got on regarding Lund Ranch, he thought that the item was scheduled for the upcoming meeting. He inquired if the date for that item has been firmed up.

Mr. Weinstein replied that the date is still a little dynamic. He explained that there are just a lot of behind-the-scenes items happening in which he is only peripherally involved. He stated that there is still an Affordable Housing Agreement that is being negotiated; work is still being done on the Development Agreement; and there may be another item as well. He indicated that it is tentatively scheduled for the June 10, 2015 meeting at this point, but he would not be surprised if that were to change in the next couple of weeks to be delayed a little bit further.

Mr. Weinstein then informed the Commission that the City Council has decided to agendaize a discussion of the East Pleasanton Specific Plan for next week's City Council meeting, at which time the City Council will be deciding whether or not to continue with the Plan. He indicated that the staff report will include different options.

b. Actions of the City Council

Commissioner Nagler noted that some of the Commission's decisions are appealed to the City Council. He inquired if the Commission ever get reports back on the results of these appealed items.

Mr. Weinstein replied that there is an Action of the City Council report that is included in the Planning Commission packet as Item 8.b.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

d. Matters for Commission's Information

No discussion was held or action taken.

9. ADJOURNMENT

Chair Allen adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Adam Weinstein
Secretary