

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

DRAFT

Wednesday, February 26, 2014

### CALL TO ORDER

The Planning Commission Meeting of February 26, 2014, was called to order at 7:00 p.m. by Chair Olson.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Ritter.

#### 1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Larissa Seto, Assistant City Attorney; Steve Otto, Senior Planner; Jenny Soo, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Greg O'Connor, Arne Olson, Jennifer Pearce, Mark Posson and Herb Ritter

Commissioners Absent: None

#### 2. APPROVAL OF MINUTES

##### a. February 12, 2014

Commissioner Posson requested that the sentence in the eleventh paragraph of page 17 be modified to read as follows: "Commission Posson inquired if, from an engineering standpoint, they will be doing some cut for ~~that lot too~~ Lot 2 and if that fill ~~will~~ could be used to taper that slope and eliminate the need for the retaining wall."

Commissioner Posson further requested that the sentence in the second paragraph of page 18 be modified to read as follows: "Commissioner Posson stated that his question is for the applicant, that if they are looking at removing, ~~what~~ 6,000 or 12,000 cubic yards of dirt, if ~~would~~ there would be any use of that soil within the applicant's property so it does not have to be hauled off-site."

Commissioner Allen moved to approve the Minutes of the February 12, 2014 Meeting as amended.

Commissioner Pearce seconded the motion.

**ROLL CALL VOTE:**

**AYES:** Commissioners Allen, O'Connor, Olson, Pearce, and Ritter

**NOES:** None

**ABSTAIN:** None

**RECUSED:** None

**ABSENT:** None

The Minutes of the February 12, 2014 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 AND OMISSIONS TO THE AGENDA**

Janice Stern indicated that there were no revisions or omissions to the Agenda.

Chair Olson noted that he received with the meeting packet a one-page memo from staff regarding a street name change. He inquired if that was for consideration at tonight's meeting.

Ms. Stern explained that the item should have been included on the Agenda but was not. She advised the Commission to disregard it for tonight and indicated that it will come back at the next meeting.

**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.*

**a. P14-0027, Mark Harrer, 101 Mobility of the Tri-Valley**

Application for a Conditional Use Permit to operate a construction office with warehousing at 1233 Quarry Lane, Suite 120, in the Valley Business Park. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.

**b. P14-0002, City of Pleasanton**

Application to amend Title 19 of the Pleasanton Municipal Code to implement the Climate Action Plan by requiring that new cul-de-sac streets enable through-access for pedestrians and bicyclists where feasible.

**Commissioner Pearce moved to make the required Conditional Use Permit findings for Case P14-0027 as listed in the staff report and to approve the application, subject to the Conditions of Approval as listed in Exhibit A of the staff report; and to recommend approval to the City Council of Case P14-0002, as shown in Exhibit A of the staff report.**

**Commissioner O'Connor seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, O'Connor, Olson, Pearce, and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

Resolution No. PC-2014-07 approving Case P14-0027 and Resolution No. PC-2014-08 recommending approval to the City Council of Case P14-0002 were entered and adopted as motioned.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

**a. PUD-103 & P14-0086, Summerhill Apartment Communities**

**Applications for: (1) Planned Unit Development (PUD) Development Plan to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site located at 5850 West Las Positas Boulevard in Hacienda Business Park; and (2) Development Agreement to vest the entitlements for the project. Zoning for the property is PUD-MU (Planned Unit Development – Mixed Use) District.**

Jenny Soo presented the staff report and described the scope, layout, and key elements of the application, including revisions to the site plans that address input provided by the Commission and concerns from the neighbors expressed at the two Work Sessions on the proposal. She also noted that staff had distributed a memo to the Commission regarding some revisions to the Conditions of Approval.

Commissioner Pearce asked staff to talk about the reason for the removal of Condition No. 64 of the Conditions of Approval, which was referred to as Condition No. 63 in the staff memo, regarding the traffic signal system.

Ms. Stern replied that this was the traffic signal on Willow Road. She explained that in a recent discussion with the City Traffic Engineer, Mike Tassano, he mentioned that he thought the project was actually closer to Willow Road than it actually is, and he felt when he first reviewed the project that pedestrians might be using the Willow Road/West Las Positas Boulevard crossing, but understands now that pedestrians will really use the Hacienda Drive crossing, so all of the improvements being made on Hacienda Drive are sufficient.

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

Kevin Ebrahimi, Vice President of Development for Summerhill Apartment Communities, Applicant, stated that he would be presenting to the Commission the changes that have taken place since the last Planning Commission meeting. He stated that, as the Commission is aware, this project is the product of more than six months of work with the Commission, City staff, and the community. He noted that the Summerhill team has been working hard to develop a design that meets their vision of creating a vibrant, high quality apartment community that is consistent with the City's design guidelines and meets the zoning requirements for the site. He then thanked Ms. Soo, Ms. Stern, and Brian Dolan for helping them through the process and getting them to this stage, and the community for helping them to come up with the modified proposed design before the Commission tonight, a design which they believe addresses the comments they have received from the Commission and the neighbors, as well as the City's and their own high standards.

Mr. Ebrahimi stated that he would begin with a summary of the study sessions and neighborhood meetings that they have participated in to develop the current design. He indicated that the Commission and City staff asked them to make a strong effort to reach out to the community about the project, and they believe that their outreach efforts have positive results for everyone. He stated that their outreach efforts have included the following:

- Community open house on September 4, 2013;
- Planning Commission Work Session on September 11, 2013;
- Individual outreach with neighbors in September and October of 2013;
- Neighborhood meeting on October 6, 2013;
- Community meeting on October 20, 2013;
- Distributed a FAQ sheet and met with neighbors to review and go over all issues in November 2013; and
- Planning Commission Work Session on January 22, 2014.

Mr. Ebrahimi stated that when they presented their project to the Commission at its first Work Session in September 2013, the Commission provided positive feedback on the proposed design, gave several suggestions, and encouraged them to continue to meet with the neighbors, hear their concerns, and work with them to come up with a viable solution that would work for this site and the neighborhood. He noted that staff had summarized the project well, and he would like to give just a little more detail on how they came about these changes and how they were incorporated into the project. He indicated that the Commission gave eight recommendations:

1. *Provide a two-story view of Buildings C and D from the vantage point of the Parkside neighborhood; do not increase the heights of Buildings A and B, the four-story buildings along West Las Positas Boulevard.*

The units on Buildings C and D were redesigned to eliminate the third story of the units facing the Parkside neighborhood while keeping the three-story element facing north towards the interior of the project site. While this design eliminates the third floor requested by the Parkside neighborhood, it also limits the number of units that must be relocated elsewhere in the project, thereby avoiding the need to increase the heights of Buildings A and B. A slide illustrated the two-story portion of Buildings C and D, which is visible from the south, which the three-story portion is visible from the north towards West Las Positas Boulevard.

2. *Increase the open space grass area within the project.*

The size of the open field in the central area was increased while still complying with the Statewide water ordinance.

3. *Remove direct access from West Las Positas Boulevard to the open space area of the project.*

Access to the project open space along West Las Positas Boulevard was relocated and the entrance was gated for added security. Individual apartment units along West Las Positas Boulevard will still have direct access to the public sidewalk, but private open space remains secure and closed.

4. *Consider relocating the pool area away from the southern portion of the site to reduce visibility and noise impact to the Parkside neighborhood, and design a noise barrier for the pool area.*

The open space component of the project was redesigned by relocating the swimming pool to the central portion of the site in order to increase the distance between the pool and the Parkside neighborhood. A connecting wall between Buildings C and D was also added and a six-foot tall wall was incorporated along the southern property line; both will act as additional noise barriers.

5. *Provide more trees and shrubs to screen the project from view by the Parkside neighborhood; save the existing Eucalyptus and Palm trees along the southern property line; provide visual representations of the landscape screening at the three-, five-, and ten-year growth periods.*

All existing trees along the southern property line be preserved, and an evergreen hedge row has been added along the entire southern property line. A row of large evergreen trees will also be planted at the same location all the way along the

property line, with additional planting of a series of large evergreen Southern Live Oaks in the parking area to provide additional screening. This will provide a three-tier landscape for buffer. Slides showed the three-year, five-year, and ten-year growth for landscaping, and for comparison purposes, the current view of the existing commercial building versus the proposed project with a ten-year landscape growth.

At the January Work Session, the Commission suggested a redesign of the roofs of Buildings C and D to provide more visual interest and variation. Slides of visual simulations showed the redesigned roof with blended roof tiles and added dormers with vents, not windows, to improve the visual character of the roofs.

6. *Provide more architectural detail and potentially darken the white exterior color of the buildings.*

The revised plans show updated architecture with elevations that highlighted the changes made, including:

- Wooden gates at entries to the patios
- More awnings
- Rafter tails
- Sconces
- Recessed windows
- Two darker color palettes replacing the exterior white color
- Off-white finish on Buildings A and B and a taupe finish on Buildings C and D
- Redesigned end unit in Building A that is visible from West Las Positas Boulevard to provide much greater architectural detail
- Added pilasters and wrought iron
- Raised height of the brick exterior treatment and increased brick banning at key locations

7. *Continue to work with Chamberlin, the neighboring commercial property on the west side of the project, regarding the proposed carports, landscaping, and other visual screening.*

Agreement has been reached with Mr. Doug Giffin regarding fencing and landscaping and the provision of a total of six carports on the southern west portion of the property line. Commitment was also made with Mr. Giffin to work with Chamberlin on the treatment of landscaping, painting, and any architectural detailing of the six carports to ensure that Chamberlin is comfortable with the final design.

8. *Continue our outreach with the community.*

As mentioned earlier, this has been taken to heart, and the applicants worked diligently with City staff and the community to develop a design that respects the concerns of the community while also meeting the City's and Summerhill's high standards. Additionally, agreement with the Pleasanton Unified School District

(PUSD) has been reached to ensure that any impacts of the project on PUSD's high-quality schools are mitigated.

Mr. Ebrahimi stated that to enhance the visual character and reduce reflected noise, they have added creeping fig vines that will be planted on the north side of the property wall and fit through a prefabricated hole so they can grow on the southern face of the wall as per standard CalTrans detail. He noted that based on recommendations of the principal engineer, an articulated "grapestake" design surface will be used on the south side of the wall to diffuse reflected noise from the southern wall. With respect to the wall height, he indicated that the acoustical engineer evaluated the project and provided a summary report which concluded that an increase in wall height from six feet to eight feet would not provide inaudible noise detection for the southerly property neighbors; the potential reduction in noise from vehicles would be one to two decibels, which is inaudible to the residences to the south at 240 feet away.

Mr. Ebrahimi stated that following the Commission's recommendations at its January 22, 2014 Work Session, they made the following changes:

1. To reduce the noise associated with trash pickup, the trash enclosure at the south end of Building B was moved and redesigned such that garbage cans can only be loaded into the main street where garbage trucks would pick them up at that location and would not need to use the alley on the south side of Buildings C and D along the Arroyo. Pleasanton Garbage Service has confirmed that this layout works.
2. To reduce potential noise associated with the dog wash area, this feature has been moved away from the southerly western portion of the site to the more central area within the community.

In response to questions asked at the last Planning Commission Work Session with respect to whether Buildings A and B would be visible when viewed from the southerly Parkside neighborhood, Mr. Ebrahimi stated that they put together an exhibit that shows a line of sight which reflects that at best, only a very slight view at the ridge of the buildings on Buildings A and B is visible. He concluded by saying that Summerhill has been very successful with their projects as they accommodate their neighbors while keeping their projects economically feasible.

Chair Olson inquired how the school impacts are being mitigated and if there is a written agreement.

Mr. Ebrahimi replied that the School District has a standard agreement that is based on the particular site being developed. He indicated that after reviewing the agreement, it was finalized; then they went to the School Board hearing, and the agreement was accepted and has been executed.

Larissa Seto stated that staff will revise the section on the school impact fees in the Development Agreement to reflect that there is now an agreement between the School District and the developer, and the developer would be required to show that they have met those conditions before they can pull building permits.

Pat Kernan, Kingsley Bogard, Counsel to the Pleasanton Unified School District (PUSD), stated that this is the first time PUSD actually has a mitigation agreement in place prior to Planning Commission approval. He noted that Mr. Ebrahimi and John Hickey were very proactive and great to work with. He indicated that this is a great project and that PUSD looks forward to having them literally as a neighbor with Hart Middle School right across the street. He added that the agreement with Summerhill, as well as that with Ponderosa, was approved at the February 11, 2014 School Board Meeting, and PUSD Superintendent Parveen Ahmadi just signed the mitigation agreements tonight before he came over to the Planning Commission meeting tonight. He indicated that he will actually have counter-signed and recorded documents.

Mr. Kernan stated that he knows Mayor Jerry Thorne said some very nice things about the School District yesterday, and that tonight it is his turn to reciprocate some of the comments about the City. He indicated that he was present for the Pleasanton Gateway project when the rezoning of eight sites was launched. He noted that PUSD has been able to get mitigation agreements with all seven sites; the agreements for the two BRE sites have not been signed, but they are in place, waiting for the project to move forward. He stated that this is remarkable and that it would not have happened without a lot of people. He thanked the developers; the attorneys, including Marty Inderbitzen, Larissa Seto and Jonathan Lowell, who have been instrumental in making things happen; the Planning Commissioners, without whose Conditions of Approval, PUSD would not be here; and finally, City staff, Mr. Dolan and Ms. Stern, who have been great to work with on all these projects.

Mr. Kernan stated that this is a little bit of a closure for him because the process has been remarkable and they have been able to have the developers, the City, and the School District really work together. He then thanked Ms. Soo, who is not just a staff planner but has been his remarkable go-to person at the City on every one of these projects, and who has called him and gotten right back to him with information he needed.

James Paxson, Hacienda Business Park, expressed his support for the project, which was before Hacienda's own design review committee. He also commended the team for all of the excellent work they did. He indicated that again, with many of their sites, there is this confluence of objectives that has to occur; not only is it the design standards but it is meeting the concerns and creating the proper context. He stated that with Summerhill, as with the previous four projects in Hacienda that the Commission has recently seen, Hacienda has another project of which everyone can be very proud and which they are very anxious to see move forward.

Mr. Paxson stated that he also wanted to address the condition and let the Commission know that absolutely, this project is eligible to take advantage not only of Hacienda's Eco-pass program which will be available to every resident within the project, but that Eco-pass allows complete use of the Wheels system for any of their particular travel needs. He added that most notably, it is a very convenient access point to BART and to the Ace Train, the special Express bus that goes up to Pleasant Hill and Walnut Creek so anybody



living in Pleasanton who also has employment up the I-680 corridor has a free travel back and forth to those locations in addition to all of the travel that they can enjoy around town as well. He indicated that there are a number of other programs that he would be glad to answer any questions about. He added that they take pride in their nationally recognized commute program that is available not only to the employees in the Park but also to its residents, and every resident in this project will get to take advantage of those as well as other programs.

Anthony Ghio stated that something he would like addressed at some point is how many Planning Commissioners have actually gone out to the Parkside neighborhood to view the existing development that is there and what is going to be built to get some perspective of the pictures that are shown. He indicated that he has been to several of these meetings, and he does not feel like some of the depictions put up are accurate as to detail. He stated that he lives about two doors away from the Arroyo, and from his house, he can look out his front yard and can tell what kind of cars are parked in the parking lots across the way where the development is going to take place. He noted that the photos that present the development from the Parkside neighborhood is nowhere near that kind of detail that can be seen from Parkside. He added that he thinks the Planning Commission really needs to go out there and look at that before it makes decisions on things like a six-foot versus an eight-foot fence, and one of the things that goes with the extra fence height is the blocking of headlights of vehicles. He pointed out that while a normal car may have its headlights down below, some of the tallest vehicles that can fit in there are going to have lights on top of them.

Mr. Ghio stated that he has not been really happy with the outreach that Summerhill has done. He indicated that they came to their doors, which is great, and pointed out that John Hickey comes to all their houses; he is an attorney who does this for a living and did not work for Summerhill until a few months ago.

Mr. Ghio stated that one other thing he would like to bring up is that they have talked with the City about having 5794 West Las Positas Boulevard rezoned back to strictly commercial, and he would love to see the Planning Commission endorse that and say that maybe one of these apartments right here is enough. He noted that when he moved to his house, the area was not zoned this way; it was rezoned. He questioned if the City really needs to have two apartments side by side across from Hart Middle School. He indicated that his children will be going to Hart Middle School, and he does not think have two apartment complexes across from the school is a good thing. He pointed out that it has been a lot for him and a lot for his neighbors to come to these meetings and try to keep up with everything. He added that he had to leave work early every day that he had to come to these meetings.

Mr. Ghio stated that this is not pleasurable for him or any of his neighbors, and he really thinks the City and the Planning Commission should put a lot of effort in, go to the Parkside neighborhood, and take a look at what is there now and look at the height of the trees, look at the buildings that are there that are two stories in the adjoining lot, and see how these

pictures really depict what is going to be there because he does not think they are accurate.

Karen Ellgas commended staff for working with the five or six of the Parkside residents who have met with Mr. Dolan and have gone over some of their requests. She stated that she also wanted to commend Summerhill for listening to them and responding appropriately. She indicated that she was really not planning on speaking tonight because she thought everything was good, until she heard about the School District and the Housing Element. She stated that she thought things were going to be taken care of one at a time. She indicated that she wanted to put on record that she has not seen the school plan mitigation that Mr. Kernan was very happy about, and she has not reviewed the Housing Commission's agreement with Summerhill. She stated that this was a concern for them, and she is bringing it up to the Planning Commission.

Mr. Ebrahimi stated that they are very appreciative of the time that the Parkside neighborhood had given them; invited them to their homes on Sundays; set group meetings for them on the weekends, which he has never done before as they typically do it on weekdays. He indicated that he pointed out to everyone in the community that if anyone wants to meet with them, they have his phone number, his office number, and his mobile number. He added that he would be more than happy to talk about any aspect of the project either tonight or after the project starts.

#### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Allen inquired if it would be appropriate for staff to quickly summarize for the residents the school agreement and the Housing Commission agreement so everyone understands what those agreements are.

Ms. Stern stated that she would be quoting from the Planning Commission report which was prepared the day after the Housing Commission acted for its recommendation, which will go to the City Council for approval. She indicated that Ms. Soo was at that meeting. She stated that the Housing Commission is proposing a total of 27 units, which is 15 percent of the total number of units, and it consists of six units of very-low-income housing, 50 percent of the Area Median Income (AMI) or below; 12 units of the 80 percent of the AMI; and nine of the 100 percent of the AMI. She added that there is a variety of one-, two-, and three-bedroom units in those.

Commissioner Allen commented that 85 percent of the units would then be at market rate.

Ms. Seto explained that that is consistent with what the Pleasanton Municipal Code generally provides for, with various changes in State law and court decisions. She added that staff feels this is the best approach the City can reach with the developer for affordable housing and making sure that they are there.

Ms. Seto continued that she would not be able to speak with definitiveness about the agreement between the School District and the developer because that is the agreement

they have reached. She stated that it was a public matter, and Mr. Kernan is available to answer any questions. She noted that, generally, there are State laws about minimum levels of school funding, and she would assume that through the agreement process, that has been met and exceeded in this case.

Mr. Dolan stated that for clarification purposes, the mitigation is a cash payment of fees and then often some additional gift from the applicant.

Chair Olson inquired if that is based on the number of students that come from the project.

Ms. Seto replied that it is actually based on the number of units because no one knows exactly how many school children there are going to be in every unit.

Commissioner O'Connor requested confirmation that he believes that formula takes into account three bedrooms, two bedrooms, and one bedroom.

Ms. Seto replied that she believes it does. She reiterated that Mr. Kernan would be best able to address that specifically.

#### **THE PUBLIC HEARING WAS RE-OPENED.**

Mr. Kernan stated that very similar to the affordable housing requirement, there are statutory limits as to what a school district can impose on the State of California as there are limits for affordability percentages. He indicated that what this has required is for the Planning Department and the developers, with their legal departments, try to come to some terms that would be satisfactory to both. He added that what the School District has done in all the projects that have been approved to date is to have the same formula: the developer has paid the same rate as that of the previous six projects, based on the generation factor; a statutory amount for the affordable component and an above-statutory rate for the market rate units. He added that if, in the future, those affordability units are converted to ownership or market rate, then there is an additional payment to be made to the School District. He indicated that the School District feels the developers have fully mitigated their impacts.

Commissioner Ritter inquired if this was not happening before.

Mr. Kernan replied that prior to this, there were primarily single-family development, and from the School District's standpoint, there are three components to this: a demographic report, a fee impact study report, and a capital facilities plan. He explained that those three things become intertwined into the basis. He stated that when he first went on the School Board, they worked routinely with the developers because at that time there were primarily five to ten local developers. He pointed out that these last seven projects have brought in non-local developers from New York and from southern California, and they were not aware of the "Pleasanton way" of developing and how our developers are responsible for the school facilities in this city. He noted that this is remarkable and would not be possible without the developers. He indicated that they have all been very supportive, and the

School District's goal is to keep moving forward and keep meeting on an annual basis as the community builds out. He added, as an example, that the City and the School District meet with the developers of East Pleasanton on a regular basis.

### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Allen stated that she has been looking at the designs, specifically the roofline of Buildings C and D facing the Arroyo, and thinks there was good progress with the roofline by adding the dormers and the quality material shown to make the roofline appear less massive. She indicated that she did walk the Arroyo today and spent over an hour walking from Hopyard Road, way past the building, and looked on both sides. She noted that she has a very good perspective of the views from the residences as well, and inquired if there is something more that can be done to make it even appear less massive and add a little more softening and character.

Mr. Dolan replied that there is, but it has some negatives and it is an issue that he talked about with the small group he was meeting with that was representing the larger neighborhood. He stated that the pitch of the big slanted roof can be changed to have a lower roof, then actually put a wall in, and then have another roof at the top. He noted, however, that there are some negatives with that, and that is that you would have one section of the building with different roof pitches from the rest of them and it might appear a little odd. He continued that the second thing is that the neighbors did not necessarily prefer that. He noted that it was a mixed reaction at best, and the decision was not to push on the developer to make that change as they seemed to prefer the dormer approach.

Mr. Dolan stated that these drawings do not show everything super clearly: there are those roof elements on the bottom that were there even the first time they designed it which are going to provide a little bit of shadow; then there are the dormers which were clearly a plus. He pointed out that this does fade away from them, and the view of the elevation like this cannot really be seen from anywhere in real life. He added that the textured tiles are something that was definitely an improvement, and staff was satisfied with that. He reiterated that there is something more architecturally that can be done, but it was not necessarily something the neighbors really wanted.

Commissioner Pearce stated that she wanted to bring up one thing as the Commission is forwarding this to the City Council, and she wants to be sure the Commission has exhausted all the things it talked about so the Council does not have to start fresh. She indicated that she reviewed all the Minutes and was walking the Arroyo today and taking a look at the buildings and at the fact that a lot of the homes that back to the Arroyo have gates into the Arroyo. She noted that she missed only one Work Session and does not recall discussing it at the other Work Session, and she had not seen any conversation about what seems to her an amenity to this project for the people who live there would be to have a gate out to the Arroyo. She indicated that she is sure they will have this conversation at the Council level, and she would like to have this conversation at this level. She stated that she does not really want to make people walk all the way out to West Las Positas Boulevard and walk down West Las Positas Boulevard to get to the Arroyo, and

she wanted to know what the Commission thinks about that, given that the Commission has not talked about it yet.

Chair Olson stated that the Commission did talk about it and that he is on record saying he was not in favor of a gate for security reasons.

Commissioner Pearce inquired if that discussion was held at the January Work Session because it was not reflected in the Minutes.

Commissioner Ritter stated that the Commission talked more about a trail connecting than a gate. He indicated that from what he remembers, the Commission did not necessarily talk about a gate but that he remembers Chair Olson saying he did not want access in and out.

Commissioner O'Connor stated that he thinks that was the Commission's general consensus of the number of people that were present, and the Commission had concerns from the neighbors with this many people having access. He added that there was also the animals and dogs allowed to live here and so the Commission thought that was an okay change because there was initially an access.

Commissioner Pearce stated that was right, and then it was gone and there was no other conversation about it.

Commissioner Ritter noted that they still have the alleyway.

Commissioner Pearce said that was correct.

Commissioner O'Connor stated that he thought there still was an access on the other side that was not so way far away, but they do have to go out through the front and come back.

#### **THE PUBLIC HEARING WAS RE-OPENED.**

Robert Natsch stated that he was at the meeting that the Commission is referring to and that they did talk about a gate that the residents definitely do not want to see on the Summerhill property to the Arroyo. He indicated that they already have public access to the south side of the Arroyo with traffic, walkers, bicyclists, runners, and a lot of the general public. He noted that it is open to the general public, there is a gate at Hacienda, and there is another one halfway down the Arroyo. He stated that to have both sides of the Arroyo open is just inviting more litter, more activity, more distraction, more noise, and is something that the majority of the residents that he has spoken to at Parkside do not want to see. For the record, he stated that he is sure that people behind him would be willing to raise their hand if they support what he is saying, and that that is how the conversation was. *[Majority of the audience raised their hand.]*

#### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Allen commented that it was absolutely important to get that feedback and that she recalls the discussion. She stated that what strikes her more was thinking about the public access from West Las Positas Boulevard and the children coming through the property and having public access to the Arroyo. She noted that one of the items that the Commission just approved on the Consent Calendar tonight was P14-0002, City of Pleasanton, an application to update the Pleasanton Municipal Code to implement a Climate Action Plan to require that new cul-de-sacs within the City enable access for pedestrians and bicycles where feasible. She indicated that where she is today is that there is a principle of trying to encourage and make it easy for people to have access to trails and bikes and walking, and she would come out in favor of considering access, especially if it is just Summerhill because it is more or less somewhat private. She continued that the second reason is that she walked the Arroyo today and similar to what Commissioner Pearce mentioned, she did notice that there were about seven or eight or nine homes that have private gates that are locked, which says that residents appreciate and enjoy having that ability to have the access. She added that it just seems like the right thing to do, and suggested that perhaps a reconciler would be that there would be a gate code possibly so that the right people are using it. She indicated that she thinks of this as a park, and she wants to encourage people to have easy access to parks.

Commissioner O'Connor inquired if the private access gates are on the north side or the south side of the Arroyo.

Commissioner Pearce stated that they are on the south side, the Parkside site.

Commissioner O'Connor noted that the south side would be on the opposite side of this development.

Commissioner Pearce said yes.

Commissioner Allen replied that was correct.

Commissioner O'Connor asked if no one today on the north side has direct access.

Commissioner Allen said that was correct.

Commissioner Pearce stated that she just wanted to have the conversation because it did not look like the Commission had a conversation about a gate. She noted that there was a conversation about eliminating access from West Las Positas Boulevard through the property and that it is certainly not what she wants; that she is not looking for some kind of cut-through. She indicated that it seemed to her to be an issue of fairness and something that was appropriate if it is an amenity in terms of living, such as a park. She noted that there are residences that back up to all kinds of parks, such as a sports park or aquatics center, and there are gates that go right out to the park. She added that it seems like it is a benefit of living there, and she did not want to discount a conversation with regard to this simply because this is higher-density housing. She stated that she thinks all residences that back up to these public amenities deserve the same kind of access, so she wanted to

have this conversation ahead of a Council conversation which she was certain would happen on the exact same topic.

Chair Olson stated that he will weigh in in favor of the neighborhood's view that there should be no access. He indicated that it syncs up with what he said during the Work Session. He noted that the Commission heard early on with this project from the Parkside neighbors that the Arroyo presents them with problems from time to time; things go on in there, out there, just on the other side of their fences, and he did not think the Commission should be contributing to that.

Commissioner O'Connor added that beyond that, he thinks the north side was developed as industrial and that it was never contemplated that there would be public access on that side. He indicated that he thinks this is a unique situation where if that had all been residential on the north side, they would have this same access as the south side does. He added that it is just a little unique that a piece of property right in the middle of an industrial area was rezoned, and no one contemplated that. He noted that they still do have access, and it is not that far away to come down the side alley.

Commissioner Pearce stated that she just wanted to make sure the Commission had the conversation.

Commissioner O'Connor stated that the Commission had quite a few Work Sessions, and the applicants had even more with the neighbors. He indicated that there have been a lot of requests for changes, and he cannot think of any that the applicants have not actually come through and done. He noted that they have added a lot of articulation to these buildings and have improved the look a lot with all of the railings, the wrought iron, the gates, the roof changes, they extra brick. He further noted that the applicants have done everything the Commission has asked for, and he really thinks it is time to move on.

**Commissioner O'Connor moved to find that the conditions described in California Environmental Quality Act (CEQA) Section 15162 have not occurred as described in the Addendum to the Supplemental Environmental Impact Report (SEIR); that the previously prepared SEIR, including the adopted CEQA Findings and Statement of Overriding Considerations, and the Addendum to the SEIR are adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA, re are no new or changed circumstances or information which require additional California Environmental Quality Act (CEQA) review of the project, and that the proposed PUD Development Plan and Development Agreement are consistent with the General Plan; to make the PUD findings for the proposed Development Plan as listed in the staff report; to find that the exceptions to the Housing Site Development Standards and Design Guidelines as listed in the staff report are appropriate; and to recommend approval to the City Council of Case PUD-103, subject to the Conditions of Approval as listed in Exhibit A of the staff report with the modifications listed in the staff memo dated February 26, 2014, and of Case P14-0086, the Development Agreement for the project, as shown in Exhibit B of the staff report.**

**Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, O'Connor, Olson, Pearce, and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

Resolution No. PC-2014-09 recommending approval to the City Council of Case PUD-103, and Resolution No. PC-2014-10 recommending approval to the City Council of Case P14-0086, were entered and adopted as motioned.

Chair Olson called for a break at 8:15 p.m. and thereafter reconvened the meeting at 8:20 p.m.

**b. P14-0001, City of Pleasanton**

**Application to amend Title 17 and Title 18 of the Pleasanton Municipal Code to implement the Climate Action Plan by requiring dedicated parking spaces for alternative vehicles and providing a transit incentive.**

Ms. Stern presented the staff report and briefly explained the scope and key elements of the proposed Code amendment.

Commissioner O'Connor inquired if multi-family residential and in larger developments will have to supply parking and charging stations but not necessarily pay for them.

Ms. Stern said yes. She stated that they could be charging for them, such as through a credit card.

Commissioner Ritter inquired if this is new requirement or if the City is modifying an existing requirement.

Ms. Stern replied that new requirements being added to implement those Climate Action Plan action items. She explained that, as the Commission has seen a few of these in the last several months, the City is developing various implementation measures for both the Housing Element and the Climate Action Plan. She noted that these are probably the last two measures the City needs to do for the Climate Action Plan.

Commissioner Ritter stated that he is new to the Planning Commission and inquired if, for the Climate Action Plan, the City has to meet the goals set by the State and these are things we are doing to accomplish those.

Ms. Stern replied that is correct. She stated that she believes Daniel Smith, Director of Operations Services, will be providing an update to the City Council at some point on how



the City is doing. She noted that the analysis that Mr. Smith prepared for internal use is indicating that the City is hitting its goals.

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

James Paxson, Hacienda Business Park, stated that this is a topic near and dear to his heart and something that they have been actively involved with in the Park for over 30 years now. He indicated that on the one hand, he thinks these programs are going to be very easy for them to do, and there are a couple of things he would like to throw out there that are worth considering as this is applied throughout the entire City.

Mr. Paxson stated that this is going to be more dramatic for projects that have not been involved in this for a long period of time, but not because people are not going to be able to comply or that it is going to be difficult for them. He indicated that the outreach component is incredibly important, and working on educating people to make sure they understand what is going to be triggering the new requirements since these are significant requires a big change in thinking. He noted that parking can be very controversial sometimes, even with regard to implementing Hacienda's own alternative parking requirements that have been in place since Hacienda's beginning. He stated that today, Hacienda requires five percent of its stalls to be dedicated to the carpool/vanpool off the top, and there are a large number of sites in Hacienda also installing electric vehicle charging stations. He added that the City's new car share program has required additional stalls to be set aside. He indicated that these are all things that bode well for easy implementation in Hacienda, but may be a little bit more challenging elsewhere without sort of a lot of good outreach and hand-holding.

With regard to the first requirement, Mr. Paxson suggested adding language that for housing that gets located in places like Hacienda that have existing programs that would cover the requirements for any project coming in, there be some recognition of that to make sure the plain language of what is being proposed does not automatically require that a project provide the benefit if they are already in an area that will provide it on their behalf. He stated that recognizing that there are Transportation Management Associations (TMA) such as in Hacienda that provide these types of services is good because it acknowledges their existence, and it may help encourage the formation of others. He noted that there may be some opportunities, for instance, around the BART station, to develop additional TMA districts that would help leverage benefits for all the tenants within that area.

Mr. Paxson stated that the only other comment he wanted to make is that he thinks it is really important that those locations where these alternative vehicle stalls are being put in are truly preferential locations for projects as opposed to being stuck out in the "back 40" of the lot, where they do not do any good. He noted that they really need to be incentive parking. He added that this becomes tricky because if there is a parking need for clients that has to be balanced against new stalls, there is a little decision-making that has to go on, and people need to be encouraged to really put these in preferential locations so that there are incentives for people to use them.

## **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Pearce stated that she really liked a lot what Mr. Paxson was saying and inquired if staff is comfortable with incorporating his suggestions.

Chair Olson agreed.

Commissioners Allen and Ritter also agreed.

Ms. Stern replied that staff could definitely add language that says something like “except where an organization provides the equivalent incentive” to eliminate any kind of double requirement. She noted that on page 3 of Exhibit A, near the top paragraph C, it does make clear that all the alternative parking spaces required shall be preferentially located as close to the employee entrance as practical without displacing accessible parking.

Ms. Seto stated that this can be clarified in the report to the City Council. She added that there is more language in that section about defining what is a substantial renovation, so staff will make sure that language is excerpted so when people read it, it is all together as it appears separated right now.

## **THE PUBLIC HEARING WAS RE-OPENED.**

Mr. Paxson stated that he wanted to make sure one other thing gets into the thinking: there is a new State law, SB1339, that is in the process of getting rolled out, which requires employers that have more than 50 employees to provide transit benefits to their employees. He indicated that there may be some good opportunities to tee off some of the education work that is getting done as that program gets rolled out that employers are going to have to comply with, to partner with some of the new regulations that staff is talking about.

## **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Ritter inquired if the regulation being proposed is similar to what Hacienda already has or if the City is adding to that.

Ms. Stern replied that it is similar in many ways. She stated that Hacienda’s program also covers the commercial as well the transit incentive, and it certainly is a good question why the commercial would not be included. She added that Mr. Paxson also brings up another good point that the Bay Area Commuter Benefits Program, which is the result of SB1339, will actually require employers of 50 or more full-time employees in the Bay Area to offer their employees one of four different benefits to encourage transit, one of which is to exclude their transit or vanpool cars from taxable income, provide a transit subsidy, provide free or low cost bus, and so on. She added that the program is a mandatory program and will have a big impact. She noted that the proposed amendment was not going into that as it covered it.

Commissioner Pearce moved to recommend approval to the City Council of Case P14-0001, as shown in Exhibit A of the staff report, with the addition of language to include suggested amendments from James Paxson regarding equivalent incentives and location of parking.  
Commissioner Ritter seconded the motion.

**ROLL CALL VOTE:**

**AYES:** Commissioners Allen, O'Connor, Olson, Pearce, and Ritter  
**NOES:** None  
**ABSTAIN:** None  
**RECUSED:** None  
**ABSENT:** Commissioner Ritter

Resolution No. PC-2014-11 recommending approval to the City Council of Case P14-0001 was entered and adopted as motioned.

**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**

P13-2505, Evin Lambert, Arborwell, Inc.

Commissioner O'Connor inquired why 30 trees are being removed on Santa Rita Road and only 18 are being put back.

Ms. Stern replied that staff has been working back and forth on this with the Rose Pavilion. She stated that she does not know if the Commission is familiar with this, but there are a number of these Aleppo Pines along Santa Rita Road which are pretty distorted, growing strangely and at an angle. She indicated that staff agreed that a number of those pines needed to be removed, and what staff has been going back and forth on a little more is the replacement of those trees; however, a compromise has been reached, and the London Plane trees that are going in are Sycamore trees which are going to match the existing trees along Santa Rita Road.

Commissioner O'Connor asked if it is mostly because there are a lot of odd shapes, and 30 trees are being removed and being replaced with only 18.

Ms. Stern confirmed there will be fewer trees.

Commissioner O'Connor inquired if staff was trying to work with visibility.

Ms. Stern replied that that is one of the things the applicant wants.

Commissioner Pearce noted that that is a problem over there.

Ms. Stern confirmed that it is. She stated that the Pines had lower branches, whereas the Sycamores will be branching higher and will provide a bit more visibility while still providing the leaf cover.

**d. Matters for Commission's Information**

(1) Tri-Valley Planning Commissioners' Workshop

Chair Olson stated that the Workshop looks interesting relative to wireless facilities.

Ms. Seto noted that it will be noticed properly so all the Commissioners can attend.

**9. ADJOURNMENT**

Chair Olson adjourned the Planning Commission 8:45 p.m.

Respectfully,

JANICE STERN  
Secretary