



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Wednesday, April 27, 2011**

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

### **CALL TO ORDER**

The Planning Commission Regular Meeting of April 27, 2011, was called to order at 7:10 p.m. by Chair Kathy Narum.

#### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Community Development Director; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Kathy Narum, and Commissioners Greg O'Connor, Arne Olson, Jennifer Pearce, and Jerry Pentin

Commissioners Absent: Commissioner Phil Blank

#### **2. APPROVAL OF MINUTES**

##### **a. March 23, 2011**

Chair Narum suggested that consideration of these Minutes be tabled to the next meeting when Commissioner Blank is present as he actively participated in the discussion.

The Commissioners concurred.

##### **b. April 13, 2011**

Chair Narum requested that "**THE PUBLIC HEARING WAS CLOSED**" toward the bottom of page 9 be moved to the top of page 10 before Commissioner Pearce's comment, as Mr. Cunningham's statement was still part of the public hearing.

Chair Narum further requested that the sentence on the sixth paragraph on page 12 be modified to read as follows:

*~~“Commissioner Olson agreed with the rest of the Commissioners.”~~*

*“There was consensus among the Commissioners that it is necessary to have an independent historic evaluation to be done by a qualified expert.”*

**Commissioner Pentin moved to approve the Minutes of April 13, 2011 meeting, as amended.**

**Commissioner Olson seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Narum, O’Connor, Olson, Pearce, and Pentin.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: Commissioner Blank.**

The Minutes of the April 13, 2011 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 Planning Commission.

**4. REVISIONS AND OMISSIONS TO THE AGENDA**

Mr. Dolan suggested that the Commission discuss the splitting up of the main item on the agenda after the Consent Calendar.

**5. CONSENT CALENDAR**

There are no items for consideration.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

**a. PGPA-17, City of Pleasanton Housing Element Update  
**Status report on the Housing Element Update process, including a summary of input from recent Community Workshops.****

Chair Narum noted that she received an email, a copy of which was also sent to the Commissioners, requesting that the item be split into two parts: the first part on the proposed housing sites, and the second part on the Housing Element Goals, Policies, and Programs. She proposed the following procedure for the discussion on each of the two parts: presentation by staff, Commission questions to staff, comments from the

audience, and Commission discussion and recommendations to the Housing Task Force.

Commissioner Pentin inquired who the email was from.

Chair Narum replied that it was from Sangita Patel and was sent on behalf of the communities affected by Site No. 7.

Mr. Dolan suggested that, due to the technical problems with the projection equipment and to buy some time, the Commission consider discussion Items 7, 8, and 9 in advance of starting Item 6.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

No discussion was held or action taken.

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

**a. Future Planning Calendar**

No discussion was held or action taken.

**b. Actions of the City Council**

Chair Narum noted that the City Council had upheld the Commission's decision on PAP-152/PADR-2138, Frederic and Yiping Leroudier's appeal regarding the installation of a second-story window at 5252 Meadowwood Court.

**c. Actions of the Zoning Administrator**

No discussion was held or action taken.

**9. COMMUNICATIONS**

Commissioner Pentin reported that he met with Pleasanton Downtown Association (PDA) staff today, who presented the Association's priorities. He stated that he believes PDA staff plans to meet with the Commission at some point in the near future.

**10. REFERRALS**

No discussion was held or action taken.

## **11. MATTERS FOR COMMISSION'S INFORMATION**

### **a. Update on the El Balazo Restaurant CUP, January-March 2011**

Commissioner Pearce commented that the report is very encouraging.

Chair Narum indicated that the report is appreciated.

The Commission then proceeded to discuss Item 6.a.

Janice Stern presented the staff report. She stated that the Task Force has been meeting since November 2010 and that she will describe some of the feedback received from the community on the preliminary list of sites, review some of the proposed changes to the Housing Element Goals, Policies, and Programs, and then seek the Commission's feedback which staff will take back to the Housing Element Task Force as it works on a draft Housing Element document over the next couple of months.

Ms. Stern stated that there have been five Housing Task Force meetings, three community meetings, and a number of focus groups with some for-profit and non-profit housing developers. She added that staff also presented an update to the Housing Commission last week and received its comments and feedback, which she will provide to the Planning Commission as she goes through the presentation, as the Minutes of the Housing Commission meeting have not been completed to date. She noted that staff will present the update to the City Council next week, after which the Task Force will meet a couple more times to wrap up and prepare the Draft Housing Element, which will return to the Planning Commission before it goes to the State Department of Housing and Community Development (HCD) in August 2011.

Ms. Stern stated that the focus of the Housing Element Task Force is to provide recommendations on the potential housing sites to accommodate high-density residential development; to update and supplement the 2003 Housing Element Goals, Policies, and Programs by addressing new housing needs in the community since the last Housing Element and the new State housing laws and by developing programs that comply with the requirements of the Settlement Agreement in the matter of Urban Habitat vs. the City of Pleasanton; and to undertake outreach to the Pleasanton community.

Ms. Stern stated that the Housing Element is part of the General Plan for the City. She indicated that unlike other parts of that General Plan such as the Land Use Element, the Circulation Element, the Open Space Element, and other Elements, the Housing Element has some very detailed content requirements in terms of what exactly is to be included in the Housing Element and the analyses to be undertaken. She noted that one of the main points of the Element is to address regional and local housing needs and to identify adequate sites for future housing development. She added that the City must accommodate some un-accommodated need from the last 2003 Housing Element

of approximately 871 units, and an additional 3,200 units for this planning period, which runs from 2007 through 2014.

Ms. Stern stated that staff has prepared an analysis of what land is currently zoned for housing and the number of housing units that have been built or approved since 2007. She noted that based on the remainder of the Regional Housing Needs Allocation (RHNA), the City would have to rezone land sufficient to accommodate about 1,661 lower-income households and 331 moderate-income households. She added that using the State's assumptions about density, this translates to about 55 acres of land zoned at 30+ units per acre and about 14 acres of land zoned for 23+ units per acre, for a total of about 70 acres of multi-family land that would accommodate multi-family development. Ms. Stern indicated that to accommodate the RHNA, State law requires the City to identify these sites, referred to as "setting the table for development," but the City is not required to contribute money towards new development or to actually build the units. She added that State law also makes an assumption that higher-density development of around 30 or more units per acre facilitates the development of affordable housing which are affordable to low- and very-low-income households. She noted, however, that recent experience in Pleasanton shows that affordable units are more likely to be those that are required by the City's Inclusionary Zoning Ordinance, which requires about 15 percent of units in multi-family development to be affordable units. She stated that in this respect then, the City is more likely looking at 15 percent of all units as being in the affordable range and the balance as affordable- to moderate-income households, which range between 80 to 120 percent of median income or an annual income of approximately \$72,000 to \$108,000 for a family of four.

Ms. Stern stated that the Housing Element Task Force went through an extensive site selection process, which started off with the identification by staff of all pieces of vacant and under-utilized land in the City. She indicated that because staff felt a number of these sites would generate a lot of discussion, staff wanted to make sure the Task Force had a set of objectives by which it could review, view, and rank each of the sites. Ms. Stern stated that staff then discussed a preliminary list of sites with the Task Force, based on a number of criteria developed by the Task Force by which to evaluate these sites. She indicated that some of these criteria are related to affordable housing and what to look for in terms of funding for affordable housing, but more of the criteria are related to livability of neighborhoods and creating good neighborhoods. These criteria include proximity to transit and freeway on-ramps; proximity to schools, parks, and grocery stores; infill site consistent with General Plan themes such as sustainability, quality of life, and neighborhoods; compatibility with the height and massing of neighborhood development such that proposed housing would be no more than one story higher than surrounding development; impact on trees, species, and historic resources; potential noise, air quality, and geologic impacts, fire hazards, and proximity to wireless facilities; and property owner interest.

Ms. Stern stated that the Task Force started out with about 30 sites which it ranked and reviewed based on the criteria and, judging them against the 70 acres required for multi-family development, came up with a preliminary list of sites for community discussion. She continued that this preliminary list of sites was then taken to three community workshops in March, at which an overview of the entire process was provided and stations were set up with information about the various sites and the criteria. She noted that there was good attendance at the workshops, at which the public was able to provide the Task Force with a lot of feedback. Ms. Stern stated that staff then compiled the input from the community workshops and a number of follow-up emails and information that came in after the workshops into 500 pages of community comment, which was posted on the City's website. She added that staff also developed a summary of the community workshops, which is included in the Commission's packet, together with a list of sites totaling approximately 100 acres.

Ms. Stern then went through each of the sites, summarizing them and providing an overview of comments received.

#### **Site 1: BART**

- There is an interest on behalf of BART to see part of the surface parking lot in the BART station in the Hacienda Business Park as a mixed-use development, part of which would be residential. Approximately three acres could be converted from surface parking to a multi-family housing project; and a parking structure would be provided to replace parking spaces taken from the surface.
- Two positive comments were received, and one comment was about overcrowded schools.

#### **Site 2: Sheraton Hotel**

- About two acres located near the Stoneridge Shopping Center.
- One positive comment was received, and one was about overcrowded schools.

#### **Site 3: Stoneridge Shopping Center**

- There is an opportunity to convert part of a large surface parking area of the Shopping Center into a multi-family housing site; approximately the size of the Windstar development of about seven acres, equivalent to 350 units if developed at 50 units per acre, or less than that at 30 units per acre.
- Three comments were received: one was that expanded shopping opportunities would be better than housing and another was related to overcrowded schools.

#### **Site 4: Kaiser**

- Located south of the Stoneridge Shopping Mall; the three-acre site adjacent to the medical office building is vacant. Kaiser was planning to put a hospital on it at one time; Kaiser is not actively marketing the site at this time and has no immediate plans for its use.
- One comment was received relating to overcrowded schools.

Ms. Stern noted that all the sites in this particular area of town generated little interest from neighboring residents.

#### **Site 5: Rosewood Auto Sales**

- This is the BMW and Mini-Cooper site on Rosewood Drive just south of the I-580 ramp site. It has been struck out from the list because the owners do not see this site being freed up during the planning period between now and 2014.

#### **Site 6: Irby-Kaplan-Zia**

- This consists of three parcels owned by Irby, Kaplan, and Zia located on Stanley Boulevard at First Street and partially within the Downtown Specific Plan area. With the exception of a farmhouse complex on the southerly part and a self storage on one small part, the site is vacant backs up to the creek.
- Three comments were received: one asked that it not be overcrowded, and the development of the site would create a more overcrowded feel; a second noted that the historic portion of the site should be preserved; and one commented on overcrowded schools.

#### **Site 7: Pleasanton Gateway**

- This site is located at Bernal Avenue and I-680 where approximately 12 acres of the 38-acre site is currently being developed for the Safeway Shopping Center, leaving a balance of about 26 acres. The Task Force had originally thought that about 13 acres of the site would be suitable for multi-family, high-density development; however, at the latest Task Force meeting, this was reduced to approximately 10 acres.
- There were a number of objections related to this site. Numerous comments were received at the workshops; about 200 emails were received subsequent to the workshops; and at the last Housing Commission meeting, there was a full house of people from the Pleasanton Gateway area who expressed opposition to multi-family development at the site. Factors mentioned included:
  - traffic impacts,
  - overcrowded schools,

- negative impacts on property values,
- increase in crime as a result of additional multi-family or affordable housing,
- owners bought homes with the expectation that the land will be developed as an office and not multi-family,
- very limited or no public transit service for the area,
- impacts on nearby wetland areas, and
- inconsistency with the size and massing of existing homes in the area.

A representative from the area provided information at the Housing Commission meeting regarding the distribution of restricted units in the City and a calculation indicating that about 39 percent of the restricted units are within one-half mile of this site.

### **Site 8: Auf der Maur/Rickenbach**

- This site is located at the Stanley Boulevard/Valley Avenue/Bernal Avenue intersection where a Home Depot was previously proposed.
- This site generated a number of comments, which also applied to Sites 11, Kiewit, and Site 14, Legacy Partners in a number of cases. The three sites are in close proximity to one another, and the point of many of comments was that the City is proposing too many multi-family homes within a small area, which would result in negative impacts on Valley Avenue and overcrowded schools in the vicinity.

The Planning Commission also received an email from Nancy Allen who listed a number of concerns related to the criteria for site selection and proposed some recommendations.

### **Site 9: Nearon Site**

- This is a triangular site in Hacienda Business Park on West Los Positas Boulevard, across from the Verona neighborhood.
- Four comments were received which related to:
  - children getting into trouble in this area,
  - increase in crime,
  - negative traffic impacts,
  - negative impacts on the creek running behind the area and the environment, and
  - overcrowded schools.



### **Site 10: CarrAmerica**

- This site is on the CarrAmerica campus on Owens Drive, across the street from the Archstone Apartments. This site was the highest-rated site in terms of objective criteria.
- One comment was received relating to overcrowded schools.

### **Site 11: Kiewit**

- This is a triangular site at Busch Road and Valley Avenue. This was often cited with the other two sites (Site 8, Auf der Maur/Rickenbach, and Site 14, Legacy Partners) in terms of concentration of multi-family in the area.
- Comments were specifically fairly evenly distributed between positives and negatives, and included:
  - negative impacts on traffic,
  - the need to be buffered from the transfer station if anything were developed right next to that site,
  - overcrowded schools, and
  - the site is too big.

Ms Stern noted that the sites marked on the map represent the sizes of the sites in general and not the specific sites proposed for the residential areas. For example, the actual residential sites being proposed on Site 11 and Site 14 are only a fraction of the entire area, about 10 to 12 acres on each of those sites.

### **Site 12: Goodnight Inn**

- This site is on Santa Rita Road.
- Comments received were from residents in the Danbury Park area:
  - a couple of comments generally related to traffic,
  - too small a site,
  - needs adequate setbacks from existing residential,
  - overcrowded schools,
  - negative impact on existing residents there, and
  - specific impacts of development on that site: there are single-family homes adjacent to and behind the site to the west and to the north, although there is commercial to the south. Three- to four-story multi-family development would be much taller than the existing development in the area.

### **Site 13: CM Capital Properties**

- This site is located in the Hacienda Business Park.
- Comments were received from one or two adjacent commercial neighbors in the Hacienda Business Park that residential development could limit the type of tenants that can locate nearby. Commercial owner wanted to make sure that no restrictions were placed on uses they could have in their commercial property resulting from the nearby residential development). Most of the comments received were from the Parkside development across the Arroyo:
  - noise impacts already from the sports park; they would also be subject to negative impacts from housing which would be behind them there,
  - Parkside area is already too congested with activities in the park,
  - bad location across from Hart Middle School because of crime and drug problems,
  - negative impact on home values,
  - overcrowded schools, and
  - too close to the creek.

Several comments included items to consider if the site were developed:

- allowing the same number of stories that would be allowed on a commercial development,
- allowing only one story or two stories, and
- mitigating the visual impact to landscaping and with stepping back the upper stories from the creek area.

### **Site 14: Legacy Partners**

- This site is off of Busch Road, slightly to the east of the Kiewit site. The part of that site shown is that within the Urban Growth Boundary and within the City limits, as well.
- Nine comments were received: the majority were positive, citing good site for housing at the edge of the City with plenty of land for mixed-use potential. Negative comments were that the site is too big, too many sites in one area, and traffic impact.

### **Site 15: Valley Trails Church Site**

- This Church site located on Valley Trails Drive off of Hopyard Road generated a lot of discussion at the three community workshops. Approximately 70 percent of the people who attended at least two of the workshops were related to the Valley Trails area and neighborhood.
- Most frequently mentioned factors opposing rezoning of this site included:
  - traffic impacts,

- impacts on safety,
- negative impact on property values,
- increased crime,
- disagreement in the way the City used the rating criteria,
- distance to schools and grocery stores,
- impacts on schools; overcrowded schools,
- inappropriate to put development in an established residential neighborhood,
- soils issues, settlement issues in the area,
- overloaded sewer, and
- noise and air quality impacts

This site has been struck out on the sites map. Following the three community workshops and before the Task Force March meeting, staff re-visited some of the scoring on the sites, particularly those relating to Valley Trails in terms of some of the distances. Because this is a site that has a loop road, looking at radii is really a misinterpretation of some of the distances to schools, parks, and grocery stores. This site was already scored low among all 17 sites, and re-scoring brought it down by four more points. A second straw vote took the site out of consideration by the Task Force.

#### **Site 16: Vintage Hills Shopping Center**

- This site is located on Bernal Avenue near Touriga Drive and Vineyard Avenue and has been recently rehabilitated and is now getting a few more retail tenants.
- Four comments were initially received, and since the summary was produced, a number of people from the neighborhood commented and sent emails:
  - this site started getting commercial tenants and revitalizing; this is not the time to look at multi-family development there,
  - its surrounding residents have been hard hit with reduced home values
  - they already have high-density housing nearby,
  - no BART or other transit and poor freeway access,
  - overcrowded schools, and
  - they were not in favor of it.

#### **Site 17: Axis Community Health**

- This is a very small Downtown site where Axis Community Health is currently located. They are growing out of the site and looking for another site. They asked the City to put them on the list for consideration.
- Only one comment was received which related to overcrowded schools.

The site is in the Downtown Specific Plan area. As 30 units per acre would require three or four stories, that density may not be appropriate at this location. What might be more suitable for the area is to develop some moderate-income housing with 23 units per acre, which might be two to three stories.

**Site 18: Downtown (SF site)**

- This three-acre property is located across the street from the Pleasanton Library and is owned by the City and County of San Francisco. Subsequent to the Community workshops, the Task Force, at its March meeting, decided to reconsider this site that was on list earlier, since Site 5 and Site 15 have been withdrawn from the list.

**THE PUBLIC HEARING WAS OPENED.**

Dick Vesperman, speaking on behalf of the owners of **Site 15**, Valley Trails Church, acknowledged that workshops were held and comments were received at those workshops regarding the site. He expressed concern that these comments were accepted uncritically and that he believes there were many misstatements made which have not been evaluated by the City, but rather accepted at face value. He indicated that he had previously sent information to the Housing Task Force with respect to these concerns, and he presented correspondence reiterating those problems.

Mr. Vesperman stated that he is also very concerned with the way the site was rescored at the last Housing Element Task Force meeting, indicating that the reasons given for it were not valid. He indicated that there were any number of problems with them, and as he heard tonight for first time, many of those decisions were made prior to the meeting and not at the meeting. He disputed the action of the Task Force at the last meeting to drop the Valley Trails Church site from the list of sites under consideration and requested that when the summary of workshop comments are distributed, his rebuttal to those comments be included in the documents and also posted on the City's website alongside so that misinformation that went out from the workshop does not stand uncorrected and is perpetuated to the detriment of both the Task Force and the City.

Brian Casey stated that his home backs up to **Site 12**. He stated that while he respects and compliments the City of Pleasanton and the State of California for addressing the affordable housing issue, there continues to be a concern from his family and neighbors regarding Site 12; the Goodnight Inn. He reminded the Commission that this property was before the City Council two to three years ago, and the Council at that time turned down a proposal to construct 42 condominium units at the site. He asked why it would then continue to be on the list for low-income housing.

Mr. Casey stated that at March 30, 2011 workshop, some members of the Task Force made comments such as "There are units there today—not sure how many—but there are some." He noted that, for the record, there are 28-30 units in the hotel today with transitional visitors. He added that if multi-family housing is approved at the site, there

will be 69-70 units on the property with people living there full-time, which is a significant change and double what is in place today. He recalled that some of the other comments made by Task Force members over the last several meetings for Site 12 include: "Not sure what to do with it," "Explore how to work with Site 12." "Keep Site 12 on the list," "feel funny about Site 12," "need more information," "serious concerns," "not sure it fits," and "people living there today." He reminded the Task Force that the list of criteria included in the attachments to him sent via emails include "Adverse conditions such as odors, bad air quality, geologic or fire hazard area, or high noise environment, compatibility with the surrounding residential development in terms of height and massing, and consistency with the General Plan themes such as preserving and enhancing Pleasanton's character and quality of life."

Mr. Casey asked the Commission and the community to imagine they are the individual or family moving into Site 12 if approved. He asked them to think about where their children will play – will they play in the parking lot? Will they be safe walking to school? He noted that the Santa Rita Road and Valley Avenue intersection is one of the busiest intersections in town, and there are at least one or two car accidents a quarter at that intersection. He continued with questions on whether they will be able to sleep at night from the noise on Santa Rita Road from the cut-through traffic that exists today; if they would be able to move through town easily with one bus line, as the site is supposed to be located close to mass transit; if they will have enough parking; how close they will be to medical support and if they will have to call for a ride or drive; how close they will be to shopping where they can walk rather than drive; and will they have to drive or get a ride to BART if they want to go to San Francisco to visit a family member.

Mr. Casey stated that residents wanting to go to the park will have to cross Valley Avenue or Santa Rita Road, and to get to Valley Avenue and go west, they will cut through the apartments rather than drive down Santa Rita Road and around. He indicated that the site will not support parking in the play area, senior pick up, and transport area, residential parking, or emergency vehicle access. He added that the bottom line is that he and his neighbors will lose quality of life because the City has failed to plan accordingly for affordable housing over the years. He noted that the area already has low-income housing at the corner of Santa Rita Road and Mohr Avenue while some areas in town have zero, and he asked that the burden be shared around the town at many ideal locations other than Site 12.

Mr. Casey requested the Commission to consider the neighborhood and ask whether the site will fit in the existing neighborhood and will not impact the current houses and the quality of life there. He noted that a three-story building on the site will impact not only the residents in this neighborhood but many people in the City and will not fit in the area or the architecture surrounding the environment.

Sangita Patel thanked the Commission for re-arranging its agenda and allowing the public to speak earlier tonight. She indicated that she was speaking on behalf of the residents of the communities that will be impacted by **Site 7** and reiterated that she would speak on what had already been mentioned at the Housing Commission meeting.

Ms. Patel stated that there is no question that many concerns and perspectives have been considered so far in this process; however, she and her community feel that one very important concern has not been fully addressed. She indicated that it appears that in the attempt to determine where to add new affordable housing, the City has not taken a step back to really look at where affordable housing already exists in town. She noted that this is a very important step because in order to determine where to add new affordable housing, the City needs to make sure there is not already high concentrations of affordable housing in those areas since adding new affordable housing in those areas will only exacerbate the problem.

Ms. Patel stated that they did some research to determine where affordable housing already exists and found that within Pleasanton's 22 square miles, there are currently 768 existing affordable housing units, 40 percent of which are within one-half mile of Site 7. She indicated that she is certain the Commission can understand why they feel so strongly that the Commission should not consider adding a single additional unit of affordable housing in an area that already carries such a high concentration of affordable housing. She added that they did more analysis and found that no other site in the City has anywhere near this high concentration, and as such, this problem is unique to Site 7.

Ms. Patel stated that given this information, it is very evident that it would be a bad decision to add more affordable housing in Site 7. She added that this would be a decision that would be contrary to Pleasanton's vision as detailed in the General Plan: "*Pleasanton is a well planned, balanced community with desirable neighborhoods.*" She noted that there is no way this vision statement can be made a reality if more affordable housing units are added in an area that already carries 40 percent of the City's affordable housing units, and the reality will be that the City has knowingly created an ill-planned, unbalanced community with an undesirable neighborhood.

Ms. Patel stated that at this point, they feel they still have a way to rectify the situation. She indicated that there are currently 100 acres being evaluated, and only 70 acres need to be sent to the State. She respectfully and firmly asked the Commission that, given this information, Site 7 be taken off of the consideration list. She then gave the Commission a handout with information that corroborates their numbers.

Chris Buescher stated that he is Brian Casey's neighbor who spoke earlier regarding **Site 12**. He indicated that most people talked about their neighborhood and how they would be impacted, but he is taking a different viewpoint: how it impacts the actual low-income families and the reasons why Site 12 would not be a good site for them to live in.

Mr. Buescher noted that access to and from the site on Santa Rita Road is extremely dangerous as Santa Rita Road is one of the busiest streets in the area. He stated that based on one of the comments made that exit from the site will be through Valley Avenue, he drove from the site down to Valley Avenue. He indicated that people will

not be trying to go that way because the area in front of Safeway on Valley Avenue is a blind spot, and accidents have occurred there probably once a month. He added that with respect to parks, none of them are safely near the site; people would have to cross Santa Rita Road to get to Orloff Park, and the Sports and Recreation Community Park on Parkside Drive is a 1.5-mile drive and not within one-half mile as mentioned in one comment.

Mr. Buescher stated that traditionally, low-income families have many children. He noted that because Site 12 is one of the smallest sites, there will be no room for a playground on-site. He inquired where children would be playing, noting that Santa Rita Road is right there and is very dangerous. He continued that a two- to three-story building would be impacted by the noise and traffic on Santa Rita Road. He added that the BART station is not nearby and is not easily accessible from the site. He noted that there is a commercial area to the south of the site, which is not a desirable area to be living next to.

Vallery Twamugabo requested the Commission that when it narrows down the sites for new high-density, low-income housing, it consider the following unique issues that **Site 7** faces. She stated that this site does not meet noise and air quality requirements as detailed in the rating system set up by the City. She questioned if adding housing in an area that does not meet noise and air quality requirements makes sense and asked the Commission to consider the health effects on existing residents as well as new residents. She then stated that traffic is a special concern and asked if the existing traffic circles can handle having many more new cars. She noted that traffic on the I-680 ramp is already a nightmare and will only get worse, as is the traffic on the Foothill Bridge and on Case Avenue and Valley Avenue. She indicated that traffic is an issue for children walking to and from Hearst Elementary School and Pleasanton Middle School. She added that the view of Pleasanton from I-680 is a wonderful mix of urban culture, growth, and nature and asked that this not be compromised. She requested the Commission to not knowingly overlook these concerns.

Wesley Lem, speaking on behalf of all members of the **Site 7** communities, stated that as earlier indicated by Ms. Patel and Ms. Twamugabo, there are serious issues facing the selection of Site 7 for high-density housing, and he would like to add closing comments in support of Ms. Patel's presentation.

Mr. Lem stated that everyone in the room chooses to live in Pleasanton, based on what Pleasanton currently has to offer their families: a safe environment and community, open spaces, plentiful parks and recreation facilities, the excellent school system, the Downtown Pleasanton Main Street, and the wonderful diversity of residents who are all working hard to make Pleasanton a better community. He noted that for years, Pleasanton has been one of the most desirable places in the Bay Area in which to live, and they want to see this continue on into the future. He indicated that Pleasanton is one of the few towns that take planning seriously, and he is very confident that the town will look pretty much the same 10, 20 or even 30 years from now.

Mr. Lem stated that they just got a wake-up call and must face the reality of adding between 600 and 2,100 high-density, low-income housing units, and decisions have to be made on site selection by August 16, 2011. He noted that this challenge Pleasanton residents face is daunting to say the least, and he asked how additional low-income housing units can be added while minimizing the impact on Pleasanton and without spoiling its well earned reputation as one of the best places in which to live. He pointed out that in this time of economic budget cuts and a weak economy, the City's schools are overcrowded, and programs and staff are being cut; hence, adding more students to the mix will certainly impact everyone. He questioned how 600 to 2,100 low-income high-density housing units can be added while minimizing the impact on Pleasanton from an infrastructure, education, and traffic and safety perspective.

Mr. Lem stated that the responsibility of making the right decisions for Pleasanton is great and told the Planning Commissioners that the future of Pleasanton rests on their capable shoulders. He indicated that they place their trust in the Commission to make the right decisions, and when decisions affect each and every Pleasanton resident, it is their hope that the Commissioners will ask themselves how their decisions will make Pleasanton a better place not only today, but also in the future, for their children and their children's children. He stated that selecting Site 7 will hurt Pleasanton in the near and long term because it would concentrate most, if not all, low-income housing in one concentrated area that the people of Pleasanton will be paying for years to come. He asked the Commission to take a balanced and long-term approach by removing Site 7 from the list of sites considered for the high-density, low-income housing project. He noted that Site 7 is a prime example and a crown jewel of how successful a planned community has been built in the town of Pleasanton where the right and correct balance of commercial buildings, residences, nature preserves, parks, and recreation facilities has been achieved. He added that it is a showcase of modern urban planning and its status as the gateway to Pleasanton must be maintained. He thanked the Commissioners for listening and for their time and consideration.

Phil Sayre stated that he and his family originally moved to the Valley Trails area 24 years ago, have seen most of the changes in Pleasanton, and think they have done a good job of participating in those processes. He said he is here because he was concerned about an email he received last week which indicated that **Site 15**, the Valley Trails Church property, was zoned for Housing, and he does not feel this is true because the records show that it is zoned Public and Institutional.

Mr. Sayre stated that he had attended other community meetings on the subject and found them informative. He indicated that the Task Force has listened and has represented everything he saw at the meetings, and he believes the reports are accurate in terms of what he has heard. He stated that many Valley Trails neighbors went to the meetings because they were concerned about what is referred to as the church property. He noted that it has been removed from the list now, but he always considers it temporary until a park is actually built there or something is done with the property. He stated that the property has been there longer than he has been in Pleasanton and understands that this church was relocated there because the City



needed some property back in the 1960's to realign First Street, and the City gave them nine acres in this area.

Mr. Sayre stated that he attended church meetings there, and the church representatives have said they are poor stewards of the land, and they have never been able to do anything with the property. He indicated that he has questioned why they were saying this because while the property is a dirt lot, it seems okay and does not hurt his property values.

Mr. Sayre stated that every time he has come to the Planning Commission and the City Council regarding this property, the church is always wanting to change its zoning so they can sell it and move out, cash in and go. He added that he has had to come to the City Council to talk to them about doing basic landscaping such as adding a hedge and a lawn to improve its drive-by appearance.

Mr. Sayre stated that it bothers him that the church wants the property developed. He indicated that he is a Board member of the Valley Trails Homeowners Association and that he tries to come and represent their neighborhood; and now his neighbors are asking him about what is going on with the property. He stated that he knows there is a task at hand to find the best location for these low-income housing, but he is concerned that the property could be re-considered because the church wants to sell the property and move on and does not really care about the community. He noted that four years ago, the neighbors had to fight this because the economy was good and the church wanted to build houses there as in-fill. He stated that the church appeared to want be secretive and just develop it quickly, and it did not seem like they were really taking into account what the neighborhood was really hoping to get out of it, such as something similar to what the neighborhood already has or something of a higher level.

Chair Narum asked staff to comment on the zoning matter.

Ms. Stern explained that there are two different things here: the land use zoning for the property is R-1-6,500, which is standard zoning for single-family homes, but the General Plan designation is Public and Institutional. She added that no project can go forward until a General Plan amendment is processed to allow housing.

Carl W. Pretzel stated that he was present to provide a Valley Trail response to the rebuttal by the church property regarding **Site 15**. He indicated that one thing that was mentioned is that the property has always been considered to be Public and Institutional although there is a lot of talk about its being residential. He indicated that he had an old map of the area and that when the original homeowners bought into that area, this site was listed as a public school, and when the land was sold, the promise the City made to them was broken.

Mr. Pretzel stated that another thing that was mentioned is that the church has a mandate for helping the poor. He noted that when the property was actually rented out about three summers ago, the tenant proposed to present luxury homes there. He

added that the church has been long habitual code violators. He noted that he has been in the property in the late summer when weeds were up to his shoulder, exposing the neighborhood to dangerous conditions with their lack of code compliance, and he believes the City had to actually cut down their weeds. He asked where their charity and their biblical mandate is when it comes to how the neighbors are treated. He indicated that there is a hedge around the property, but the only reason this exists is because some years ago, the Dublin Baptist Church wanted to put in a day care center into the property and they needed to have approval by the Planning Commission. He noted that the neighbors went and objected, and now there is a hedge around the property to hide the weeds for the most part.

Mr. Pretzel stated that it was also mentioned that they bought this land in order to put a Public and Institutional church there, but now they want to roll it over and sell it at residential values instead of as the Public and Institutional identified in the General Plan. He indicated that there were a number of other institutions that have tried to buy the land, but the church refused to sell. He stated that the church representatives claim that they have received low prices for the property, but the people who tried to buy it stated that the prices were way too high. He noted that two of the three religious institutions who made an offer have built their new institutions on other sites within the Tri-Valley; so obviously the people in those areas found their bids acceptable.

Mr. Pretzel stated that there was discussion about the new modern code, and there are challenges with the soil conditions. He indicated that he had an addition 15 years ago; he had two cracks in the stucco as well as in the concrete which he had upgraded in terms of strength. He noted that this does not mean that with the new code, these buildings, which will be much higher than what they now live in, are not going to give with the heavier load on the soil, and, therefore, there is no guarantee that the homes will not become eyesores. He noted that along I-238 by Castro Valley, the five canyons have big sheets of plastic to help prevent landslides from underneath the homes. He asked the Commission to uphold the unanimous decision by the Task Force to keep Site 15 off the list.

Scott Trobbe, owner of **Site 7**, stated that he wanted to first state that he admires the participation of many of the speakers here tonight, not only in reference to Site 7, but also the participation even from youngsters. He indicated that he just wanted to introduce himself so the neighborhood could see a face with the property. He stated that he is here to reach out, he has attended all the meetings since November, support the position of the Housing Task Force, and would love to be able to provide any kind of factual information to any interested parties in the hopes of starting to allay some fears. He indicated that he is also here to answer any questions the Commission or the neighbors may have.

Pat Costanzo, Jr., representing Kiewit, the owner of **Site 11**, stated that he similarly wanted to introduce himself as they work through this process with staff and look forward with working through the process with the community. He noted that Kiewit Infrastructure Company has operated as a business in Pleasanton for 45 years, so they

are a long-time resident, per se. He indicated that the Kiewit property has been identified for ten acres on the current list, and they are looking for support to get that ten acres allocated to the property. He stated that they feel this is an ideal site to receive some of this density because, being 50 acres, it will allow them to integrate that higher density residential into a well-planned mixed-use community. He noted that utilities and infrastructure are already in place at the site, so when the City looks at the properties and the willingness and readiness to be able to be developed, these would be a benefit for the site.

Mr. Costanzo stated that with a residential community already established adjacent to the site, Kiewit wants to express its commitment to work with staff and the community and design a well-planned community, recognizing that there will be a lot of infrastructure and amenities required in that area. He added that Kiewit will pay its fair share and respectfully requested the Commission's support for keeping them on the list with an allocation of ten acres.

Commissioner Pentin disclosed that Mr. Costanzo contacted him today, and they discussed Kiewit's position on the matter.

Chair Narum likewise disclosed that she also discussed the matter with Mr. Costanzo yesterday.

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

Chair Narum stated that she and Commissioner Pearce are members of the Task Force and have already had a chance to weigh in on what is here. She indicated that she will take a back seat to the three remaining Commissioners who are hearing this for the first time and are less familiar with the subject. She added that she would be interested in hearing their comments and thoughts on the different sites.

Commissioner O'Connor indicated that he would like to start with general questions first to understand the process and then go site by site.

Before proceeding, Chair Narum asked staff if they wanted to make any comments regarding questions and matters raised by the speakers.

Mr. Dolan stated that he wanted to share some information with the Commissioners as they deliberate that would accompany staff's report and also be somewhat responsive to some of the testimony the Commission may have heard. He indicated that a lot of people may understand the point about what these units will be, but some do not. He explained that the State says the City will meet its need if it provides zoning at a certain density, but what happens in reality is that there is a developer who will provide a project proposal, and he will be a developer of market-rate housing; a regular real estate developer. He added that even these sites that the City has to rezone at 30 units per acre will be developed as new, high-end apartments and will be going after the top dollars in this relatively well-off community.

Mr. Dolan noted that there is a chance that any of the sites could be acquired by a non-profit developer whose sole business is to provide affordable housing. He stated that in general, most if not all units in these buildings would have some sort of reduction in rent and would be limited as to what they could be rented for to address needs. He indicated, however, that the reality is that property in town is very expensive, and it is hard for these developers to acquire land, and even when they get free land, they often need millions of dollars in subsidy. He stated that for this reason, the chances of many of these sites ever being acquired by them are not great. He noted that they could deliver more units if they were able to do projects like that, but the reality is that it will be difficult for them to get these sites.

Mr. Dolan stated that most of these sites will most likely get market-rate developers who will do the nicest apartments they can provide, and the only affordable or income-restricted units will be those required through the City's own ordinance, which integrates affordable and income-restricted units throughout projects so that no one really can tell which units are income-restricted. He explained that should the Commission approve an apartment anywhere before doing any of this, 15 percent of those units will have to be income-restricted and will have that limitation that will be different than the rest of the apartments in town, and the rest will be market-driven market-rate units. He noted that when people hear that the City is going to rezone 10 acres at 30 units per acre, the image that comes to mind is that the developer would be building 300 units of affordable, income-restricted housing; but this is not the case. He concluded that he knows the Commission understands this, but he thinks it needs to be repeated so that the entire community understands it as well.

Chair Narum asked Mr. Dolan to confirm that using his example of 10 acres at 30 units per acre, 45 of the 300 units would be restricted-income units, consistent with the City's General Plan.

Mr. Dolan confirmed that was correct and would be consistent with the City's Inclusionary Zoning Ordinance.

Commissioner Pearce asked Mr. Dolan to explain what restricted income means in a community like Pleasanton, and the different types of below-market income levels.

Mr. Dolan explained that there are three categories of below-market income levels which are based on units that are affordable or moderate, which would be those who make from 80 percent to 120 percent of median income, as calculated on a countywide level. He continued that there is then the low income, which would be a total annual income of \$72,000 for a family of four, and finally the very-low income which would be \$45,000 annually for a family of four. He added that there is a calculation for what the rent can be for a certain size unit, and the developer must provide a unit at what is affordable to the family at a certain percentage of their income, which cannot be a very high percentage. He indicated that, for example, it would not be allowed to have

someone pay 70 percent of the family income towards their housing because then nothing much would be left over for the rest of their expenses.

Commissioner O'Connor requested clarification that based on the zoning, developers could also build condominiums for sale units instead of apartments.

Mr. Dolan confirmed that was correct.

Commissioner O'Connor inquired if a developer, if he so desired, would be able to build 20 units to the acre in land that the City has zoned for 30 units per acre.

Mr. Dolan said no. He explained that staff is proposing that the rezonings be done at 30 units per acre because the State then presumes that the City is meeting its housing requirement. He added that if the City goes lower, then it must be documented.

Commissioner O'Connor inquired if the 30 units per acre is the maximum.

Mr. Dolan replied that 30 units per acre is the minimum. He added that it can be an ownership project; however, not many developers are building ownership projects at 30 units per acre in today's market. He noted that not long ago, Dublin built 86 units per acre, and these projects are very nice but they are now struggling, so Dublin has stopped building them. He added that 86 units per acre is not something for Pleasanton.

Commissioner Pentin requested clarification that the City must identify the acreage by August 16, 2011 in order to set housing numbers, and these 15 sites are what have been identified. He inquired if the other sites that have been dropped from the list did not meet the criteria or have the right scoring.

Mr. Dolan confirmed that August 16, 2011 is the deadline and that the other sites that have been dropped from the list were those at the bottom of the list. He explained that 70 acres is the minimum number, and the City must provide a cushion because the State may not approve all the sites. He stated that the City Council will ultimately determine how close to the 70 acres the City should go, and it is unlikely that the Council will want to re-zone more sites than it absolutely has to after receiving feedback from the State.

Mr. Dolan stated that the Environmental Impact Report (EIR) process has already been started and that takes some time to complete. He noted that with some exceptions, the City may take a bigger pool and evaluate all of it relative to traffic. He indicated that there is some flexibility in going through the process with respect to which ones make the final list.

Mr. Dolan stated that this raises the second point that generally, the community's reaction to this is traffic. He noted that in many of the sites being considered, the property already has some sort of zoning, in most cases commercial, which are being

rezoned to residential because there are a lot more of commercially zoned districts. He indicated that the City is not taking single-family residential districts and proposing that it be rezoned to high density. He added that the traffic generation from residential projects is significantly different than from commercial projects.

Mr. Dolan used Site 7 as an example. He stated that the approved office project on the remaining site is 588,781 square feet, which would generate 6,482 daily trips when built, which is a fairly significant amount of traffic. He noted that this project has been approved and can be built; and if a building permit application were received, staff would begin processing the application. Mr. Dolan continued that if Site 7 were rezoned to residential and 30 units per acre were built on 10 acres with an additional 88 single-family homes similar to what is built at the KB Homes neighborhood across the way, the total output would be 2,884 average daily trips, a significant drop in traffic from the 6,482. He noted that this is a theme that applies to many of the sites, and he indicated that education needs to continue that this is the actual case.

Commissioner Pentin requested confirmation that the selected sites must be presented to the State in a way that they are buildable by a developer.

Mr. Dolan replied that the State reviews the sites and would not approve any site on the list that they do not believe is buildable. He stated that some of the sites have buildings on them but staff was able to provide good information that this will not work out as well since interest from the property owner indicates that he wants to move in a different direction, which is compelling. He noted that the City is not limited to only vacant land, although there would certainly be no argument from the State if the land is vacant.

Commissioner Pentin inquired what the worst case scenario would be if the City approves a certain amount of acreage in meeting what it thinks are the housing numbers and the State does not approve it.

Mr. Dolan replied that the City would then have some choices to make. He indicated that the City will have a chance to respond to the State's comments and may want to convince the State that the sites are legitimate, or other sites could be selected off of the list, or the City could ultimately run the risk of not having a certified Housing Element, which would subject the City to lawsuits similar to what the City just lost. He added that if the State certifies the Housing Element, it is presumed that the City's Housing Element meets the requirements of State law.

Commissioner O'Connor noted that one or two of the presenters came in with what looked like some compelling information that they already have higher-density housing. He noted that with the sites being identified now, it could very well be that there are some lots near Site 7 that look like fairly large parcels. He inquired how actually building out on all the 15 sites listed would change the distribution of the high density.

Mr. Dolan stated that he does not think the information presented was directly related to the amount of high density but rather to how many of these homes have a legal restriction that limits the amount of rent that can be paid. He noted that there are about 1,000 of these units throughout the City, and staff double checked the numbers and arrived at 39 percent as opposed to 40 percent. He indicated that one thing to remember is that over one-half of these are senior units, which have senior restrictions and demand a different kind of service. He noted that these units do not have the kind of impacts on neighborhoods that regular housing does in that they have a reduced numbers of trips and have no school impacts.

Commissioner O'Connor stated that, for the sake of planning this out, he would assume that these units would comprise 15 percent of the density that are built because there would not be a lot of full development at lower cost.

Mr. Dolan replied that he sees it very difficult for developers of affordable housing to come in and acquire any of this land, and it would be a unique situation if one does acquire it. He added that in this case, if the developer brings such a project in, the City will consider it and process it.

Commissioner O'Connor inquired if the City has numbers on what the distribution would look like at build-out with the assumption that 15 percent of what is built out is going to be in the lower-income range. He further inquired what it would look without counting senior housing.

Mr. Dolan replied that the City does not have that information, and staff does not know what percentage of these will be senior units; however, there is language in the Settlement Agreement that the City should be making efforts to address families. He indicated that the City has an abundance of senior housing that is income-restricted. He noted that that is where a lot of effort has been in the past because they do have fewer impacts on the neighborhood, and the City has been successful in entertaining those without a lot of neighborhood disturbance. He stated, however, that the City will have to shift its focus somewhat, and it does not mean that all of them will have to be done this way, but they have to accommodate families who need them; there is a need for both types.

In terms of the exact numbers, Mr. Dolan stated that he was not sure on what sites the houses will end up or who will develop. He indicated that one thing that was shared with the public at the workshops is that the likelihood of all of the sites actually being developed is pretty low. He noted that there are a few properties that developers have a hold of at this point and are showing specific interest; this is their business and they are likely to move forward. He added that there are others who are more passive owners, and it is difficult to say whether they will sell their properties to people who are serious about developing. He stated that it is quite possible that a number of the sites will still be available at the time the next Housing Element is done. He noted that if 2,000 units are being built and 15 percent of them are going to be income-restricted, this would amount to an additional 300 affordable units.

Commissioner Olson noted that he read a comment made at the community workshop in March that school impact fees are lower for multi-family development than they are for single-family homes. He inquired why this is the case.

Mr. Dolan replied that it is correct that the generation of children per unit is less for a multi-family project and that the multiplier used is at a lower rate. He stated that the School District will have to accommodate growth throughout the City. He noted that some of the schools have more children in them than others, and as part of the demographic study, many of the schools are projected over the next ten years to have less students than they do now. He stated that the last demographic study did not anticipate the loss of the housing cap, but the District definitely has a challenge since even with the cap in some schools, the District projected that it will need a new elementary school by 2019. He indicated that the Council just had a joint session with the School District at which it was acknowledged that the next demographic study the District is planning on doing is going to be different as there will be more housing units and the District will have to plan to accommodate them.

The Commission then proceeded to discuss each of the sites.

Commissioner Pentin commented that each of the properties is unique, citing the Goodnight Inn for one, and the BART property which has a buy-in by BART to effect development. He asked the two Commission Task Force members if the Stoneridge Shopping Center is willing to go in this direction with its seven acres.

Chair Narum stated the Task Force was given an indication by a property owner or a representative of the property owner that they would be interested in being rezoned. She added that the Task Force, in fact, removed from the list any sites that the property owners did not want rezoned because it did not feel comfortable with considering them, and the Task Force is not interested in eminent domain.

Commissioner Pearce added that the Task Force looks for feasibility, and there is little of that if the property owners say they are not interested in rezoning.

Commissioner Olson commented that before tonight's meeting, he went through the list and identified each site as a "yes" or a "no" and came up with a total of 82.5 acres. He stated that as the Commission goes down the list of the sites, he would simply indicate if his vote is a "yes" or a "no."

Mr. Dolan stated that the Commission can forward its input to the Task Force in any form it wants, including individual comments like the Task Force did. He indicated that the Commission's action is a recommendation to the Task Force based on the work done to date. He noted that this will eventually return to the Commission as a finished product prepared by the Task Force with the help of staff as part of the General Plan, and the Commission will vote on it and forward its recommendation to the City Council. He noted that tonight would be the end of the Commission's input, and it will return



again prior to sending it off to the State and once more at the time of its adoption. He indicated that staff will forward the Commission's recommendations tonight to the Task Force in whatever form the Commission wishes, whether individually or as themes. He noted that the Commission could vote on each of the sites but it is not necessarily to do so.

Chair Narum suggested that the Commission consider each site and if the Commissioners all agree on a site, it will pass on it; but if there are questions or concerns for particular sites, the Commission can focus on those to determine if there is consensus.

Site 1: BART

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 2: Sheraton Hotel

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 3: Stoneridge Shopping Center

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 4: Kaiser

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 5: Rosewood Auto Sales

This site was already removed from the list.

Site 6: Irby-Kaplan-Zia

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

The Commission agreed to consider Site 7 at the end of the list.

Site 8: Auf der Maur/Rickenbach

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 9: Nearon Site

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 10: CarrAmerica

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 11: Kiewit

**There were no comments or issues; there was consensus among the Commissioners to support keeping this site on the list.**

Site 12: Goodnight Inn

Commissioner Pentin stated that for him, this is a matter of seeing an application and what the developer would actually do, given the concern for the neighborhood and Santa Rita Road. He noted that there were good arguments opposing the development, but at the same time, he has seen a lot of infill projects in town that work well.

Commissioner Olson indicated that he has a “no” on this site.

Commissioner O’Connor noted that staff’s presentation indicated that buildings would be only one story higher than the surrounding neighborhood. He inquired if, given this limitation, the number of units proposed would be accommodated.

Ms. Stern replied that the Commission would be looking at a 23-unit per acre development, which would be two to three stories and would meet the moderate-income density requirement.

Commissioner O’Connor inquired if the property backs up to mostly single story homes.

Ms. Stern replied that they are one- and two-story homes.

Commissioner O’Connor inquired, if the majority of the homes are single- story, if 23 units per acre could be built with a two-story development.

Ms. Stern said the Commission would have issues in dealing with design in terms of setbacks and landscaping, or stepping it up.

Commissioner O’Connor inquired if it could be stepped up towards Santa Rita Road and away from the single-story homes.

Mr. Dolan noted that the particular issue of building one-story higher than what is around is one of the criteria, and it does not mean that if that is violated, the project cannot be done. He indicated that the toughest thing about this site is that it is small, and the issues mentioned by Ms. Stern and the public multiply such as parking becomes more difficult and setbacks take up more space. He noted that it is a greater challenge and will definitely be harder, but it does not mean that a project that will fit cannot be designed.

Commissioner O'Connor commented that they are also at a lower density than the 30 units per acre at the other sites.

Chair Narum stated that at its last meeting, the Task Force voted, 4 in favor and 6 opposed, to remove the site from the list, with most of those opposed indicating that they want more information. She indicated that she voted to remove it, noting that there are apartments along Santa Rita Road, but this will be two to three stories on a very small site backing up to a long-established neighborhood of mostly single-story houses.

Commissioner O'Connor stated that if the owner of the property were interested in converting over to some type of multi-family development, the City could always accommodate this at a lower density. He commented that the numbers could still add up to the 2,000 total units the City needs, and building 69 units on this property is not a make it or break it deal. He indicated that the site could be removed from the list; however, the owner could still come up with something lower to add units but not at 30 per acre. He asked staff if this was a possibility.

Mr. Dolan said yes; however, if there is no presumption that it meets the criteria at the density, the units either have to be income-restricted, or staff would have to document that they are income-restricted.

Commissioner O'Connor indicated that he was referring to removing it from the list and inquired if, in the event the owners wanted to develop at 20 units per acre with two stories, it could always be approved.

Mr. Dolan said yes and added that the property owner could also propose to convert the existing structure.

Commissioner O'Connor indicated his support to remove this site from the list.

Commissioner Pentin stated that he also supports removing the site from the list.

Commissioner Pearce stated that she was not able to attend the March 30, 2011 Task Force meeting, and had she been able to, she would have voted no, as she does not think this is right for the site. She agreed with what the Commissioners have said and added that the fact that the nearest park is across Santa Rita Road makes her very uncomfortable.

**There was consensus among the Commissioners in supporting to encourage the removal of this site from the list.**

Site 13: CM Capital Properties

Commissioner Olson stated that he was fine with keeping the site.

Chair Narum stated that she would not advocate removing it but expressed concern that it is a fairly large site with commercial use on either side. She added that she did not think this was a good fit.

Commissioner Pentin noted that there are condominiums and apartments right down the street.

Commissioner O'Connor noted that Hart Middle School is located one block away.

**There was consensus among the Commissioners to support keeping this site on the list.**

Site 14: Legacy Partners

Commissioner Narum expressed concern about the overall amount of 30 units per acre for Sites 8, 11, and 14 and the fact that the City has told the east side property owners that it will do a specific plan. She stated that this is putting the cart before the horse.

Commissioner O'Connor noted they have been advocating housing on the east side for several years but agreed that a specific plan was proposed to be done.

Chair Narum requested Ms. Stern to confirm that 10 acres are proposed to be developed for Site 14.

Ms. Stern said that was correct and added that 10 acres are also proposed for development at the Kiewit site (Site 11).

Commissioner Pentin noted that the site was quite large but that not the entire site is being considered for housing.

Commissioner O'Connor noted that there are a total of 27 acres for all three sites.

Commissioner O'Connor inquired if building this all out will shift units away from Site 7.

Chair Narum noted that looking at the proximity of the different sites in the area – Kiewit, Legacy Partners, Irby-Kaplan-Zia, Auf der Maur/Rickenbach, and Vintage Hills Shopping Center – there is a pretty good concentration.

Commissioner Pentin asked Chair Narum where she would put the units if she felt this was too concentrated.

Chair Narum indicated that she would not say that it should be removed, but if a reduction is to be made, she would do it in this area and probably at the Legacy Partners site because it is the farthest out at this point. She added that if she were the State looking at this, she would review the environmental impact and wildlife habitat to determine if this were a viable site.

Commissioner O'Connor noted that the City is in the process of doing the EIR now and inquired if it will be done before this is submitted to the State.

Mr. Dolan replied that it would not be done before the list is submitted to the State but prior to the Commission adopting the list. He stated that the reality is the timing and the pressure that the City is under. He noted that the City needs a list to evaluate that has to be finalized, and it is possible that decisions made at this point would need adjustments after the EIR is completed. He added that staff is making educated assumptions about what will come out of the EIR but that a huge number of surprises is not expected.

Commissioner O'Connor noted that what is being proposed is 12 acres out of 51 acres, and if the 12 acres does not work, there are other acreages to consider and pick from and shift to.

Commissioner Olson noted that it does not argue at this point that it should be taken off the list.

Chair Narum agreed and commented that generally, this area needs review and there is too much on the east side.

Commissioner Pentin noted that if there is another area to put housing in, he does not see it on the map.

Chair Narum noted that there are 100 acres at this point.

Commissioner Olson stated that he felt that this could be a great location for really well-done apartments or condominiums.

Commissioner Pentin agreed and stated that in 2014 when staff will be looking at the next set of numbers, they will probably reach into the East Side Specific Plan area and identify more of that land for housing. He noted that it will most likely go in there anyway.

Commissioner Pearce stated that she thinks this is a great site, but considering the impacts to the neighbors, traffic alone could be astronomical. She recalls promising people who live in that area of town a specific plan, and she thinks it is possible to do

that concurrently with this. She added that she would not want to nail things down without being extremely thoughtful on how it is done.

Chair Narum agreed but the reality is if the City rezoned and Legacy Partners came in tomorrow with an application, the application would be processed without waiting on the specific plan.

Commissioner Pearce inquired if it was possible to achieve this concurrently.

Mr. Dolan replied that it is possible. He added that it is worth noting that at the Council's priority session, there was discussion on what the timing of the East Side Specific Plan would be. He stated that the Council gave every indication they were interested in doing it as soon as the Housing Element is completed.

Mr. Dolan stated that the process will take some time, but it could be done concurrently. He added that it will be a very interesting process to deal with individual sites and the bigger picture at the same time.

Commissioner O'Connor suggested that the Commission keep in mind that there are very few zonings that would have less impact than residential zoning, and if this site is not zoned for housing of some type at this point, there would be more complaints regarding impacts when it is zoned something else later.

Commissioner Pearce stated that there is so much acreage on the site, there could be great things done with it, and she hoped it would be done with a lot of careful thought.

**There was consensus among the Commissioners to support keeping this site on the list.**

Site 15: Valley Trails Church Site

This site was already removed from the list.

Both Commissioner O'Connor and Commissioner Olson asked to go on record as indicating that they are in favor of removing this from the list.

**There was consensus among the Commissioners in supporting to maintain the removal of this site from the list.**

Site 16: Vintage Hills Shopping Center

Commissioner Olson stated that he went back and forth on this. He noted that two of the corners at the site are apartments, and he thinks this would be a pretty decent mixed-use site. He agreed that there is some rebound of retail there, but it is not total. He indicated that he wishes to keep this site on the list.

Commissioner Pearce asked Commissioner Olson if he would reduce the acreage for residential because what is being proposed is doing all 5.1 acres as residential.

Mr. Dolan stated that theoretically, the whole thing could be scraped for a project that mixes some retail on the first floor and apartments above with that amount of density. He noted that it would be a fairly intense project but it could be done and would be similar to what was done in Hacienda but with more retail. He indicated that the Commission may want to reduce it down a little bit such as removing an acre off of it, provided the numbers assumed on the site do not get too high.

Commissioner Pearce concurred this is a great idea.

Commissioner O'Connor stated that he combined this with the three on the corner (Sites 11, 14, and 8), as this is along the same pathway and traffic. He noted that it is getting some revitalization now, although it has not gotten an anchor tenant yet. He indicated that there are many homes in the area and putting in another 153 homes in might add to what goes on Sites 11, 14 and 8. He thinks this is a lot for the intersection at this time, although they have just improved the bridge, and he believes this is a good site for the next review in the future.

Commissioner O'Connor inquired if the property owner showed interest.

Chair Narum said yes and that he came and spoke to the Task Force. She noted that when this site was put on the list, she assumed it was going to be mixed use much like the Safeway in Dublin off of Santa Rita Road, with retail below and apartments above.

Commissioner Pearce commented that that center has a big anchor tenant and the City has not been able to get an anchor tenant in this center.

Chair Narum stated that she is amenable to taking it down to four acres if this is staff's suggestion and adding the comment about making it mixed-use.

Commissioners Pentin and Olson both agreed.

Commissioner O'Connor stated that he was not firmly objecting but would rather see it postponed. He indicated that he thinks there will be more traffic and it is the smallest of the four pieces. He noted that if the owner wants it rezoned, he would be fine with it.

Commissioner Pearce stated that she thinks it is a good site for some residential, and she loves the idea for mixed use; however, she has concerns about the viability of something like this and also feels for the businesses there now that are thriving. She indicated that she does not know how to put all that together and make it work from a practical, compassionate standpoint. She noted that she is in favor of keeping the site on the list, reducing it to four acres, and making it mixed-use.

**There was consensus among the Commissioners to support keeping this site on the list but reducing it to four acres and proposing a mixed-use development.**

Site 17: Axis Community Health

Commissioner O'Connor noted that this is a smaller infill property and he knows this is what is what the Downtown wants. He voiced support for it.

Commissioner Pearce said she loves the idea of bringing more people Downtown.

**There was consensus among the Commissioners to support keeping this site on the list.**

Site 18: Downtown (SF site)

Commissioner O'Connor echoed similar comments made regarding Site 17 that this is what the Downtown wants. He stated that he thought the City wanted to develop this for City offices.

**There was consensus among the Commissioners to support keeping this site on the list.**

Site 7: Pleasanton Gateway

Commissioner O'Connor stated that he thinks 300 units is too much for the site. He noted that there are already a lot of apartments across from the site. He indicated, however, that he thinks it is a good site to bring in more people, given the nearby park and shopping, and its walking distance to schools. He noted that this is kind of a prime site and he has concerns about adding 300 units.

Commissioner Olson noted that all his acreage adds up to 82.1, and he does not have Site 7 on his list. He indicated that his concern is groundswell of public opinion, which he also on the Valley Trails Church site. He inquired why not pick other sites where there is not this kind of controversy going in.

Commissioner O'Connor stated that he really believes Valley Trail is a bad place to put that kind of density, and he really thinks that Site 7 is a much more desirable place because of its proximity to all services.

Commissioner Olson added that it has great access to the freeway.

Commissioner O'Connor continued that there would be no cut-through for shopping and schools, but reiterated that he has an issue with 300 more units, whether they be low-income or not. He noted that they already have a lot in there, and he would like to do less than 30 units per acre and less than ten acres.



Commissioner Pentin stated that he is looking at the entire City and what is available to meet the numbers. He indicated that talking about not top-loading on Sites 8, 11, and 14 and removing Site 7 because there is a groundswell of neighbors is not being fair to those future neighbors of Sites 8, 11, and 14. He noted that this is a good site for housing, whether 300 units with 45 affordable.

Commissioner Pearce stated that she is already on the record at the Task Force and is very cognizant of the neighbors' concerns, as she was for the Valley Trails neighbors' concerns. She noted that at this moment, the Task Force is looking at the criteria alone, and Valley Trails was appropriate to put on the list because they needed to do a broad sweep and were required by the court to look at everything and disperse it. She added that the Task Force then came down to all individual criteria, and it did not make sense to keep Valley Trails on the list.

Commissioner Pearce stated that she likes this site for some housing because of the criteria, such as access to freeway, to future grocery stores, to parks, to schools, and to future public transportation, and she thinks there is a lot of good that can come from the site if done correctly. She indicated that it will be a mixed-use site because it will have retail and the Safeway grocery, residential, and the park, and she is in favor of leaving it on the list.

Chair Narum stated that she also is on the record and is in favor of leaving it on the list for similar reasons cited by Commissioner Pearce. She stated that she would like to see what the whole site would look like if some apartments and some single-family housing were done because the site has many pluses.

Commissioner O'Connor inquired if all the office was being eliminated completely.

Mr. Dolan replied that the assumption would be that ten acres would be going toward 30 units per acre, and the rest would be developed with something similar to what is across the street, such as 5.5 units per acre, single-family detached, small lot. He noted that if this is the assumption, there would be no office left.

Chair Narum stated that the property owner indicated that if ten acres were used for multi-family, there would be about 88 single-family homes similar to the KB Homes development.

Commissioner O'Connor stated that he was under the impression that there would be impacts from the office along with 300 units. He inquired how many acres would be left after the Safeway development and ten acres for single family homes.

Mr. Dolan replied that there are 26 acres left, and if ten acres are used for multi-housing, there would be 16 acres left for single-family residential.

Commissioner O'Connor indicated that he would be supportive of this but he would still like to see less than ten acres and less than 30 units per acres, and more single-family homes.

Commissioner Pentin stated that he cannot see it being removed from the list.

Commissioner Olson indicated that he would maintain his original position to remove it from the list.

**Commissioners Pearce and Pentin and Chair Narum support keeping this site on the list.**

**Commissioner O'Connor supports keeping this site on the list but with a modification that the density of 30 units per acre and ten acres for multi-family be reduced, and the number of single-family homes be increased.**

**Commissioner Olson supports removing this site from the list.**

Commissioner Olson noted that the description for Site 7 includes professional offices.

Chair Narum stated that that is the General Plan designation.

Ms. Stern advised that this is the Commission's opportunity, prior to closing the door for the CEQA analysis, to indicate if there are any other sites it would like to include.

Chair Narum noted that there is the site on Sunol Boulevard that was originally on the list and was then removed. She added that the Commission had approved the site for an office building.

Commissioner Pearce inquired if this was the site whose owner staff was unable to contact.

Ms. Stern said yes and added that staff could make another effort to contact the owner. She noted that there were two sites in the area: one at Sonoma Drive which is a small piece where the industrial/business park area is; and the second is south of that site on Sycamore Road, half of which is planned for a memory care proposal. She added that both sites are pretty small at one to two acres.

Commissioner Pearce referred back to Site 6; Irby-Kaplan-Zia, and indicated that while she is in support of housing on that site, she is not necessarily in favor of demolishing an older, existing house on the site.

Chair Narum noted that this house was discussed at length at the last Task Force meeting which Commissioner Pearce missed, and the comment was that it was the ice house that was worth saving. She indicated that the point was that there were existing structures that needed to be reviewed.

Chair Narum indicated that the Commission has completed its discussion on the sites.

Chair Narum then called for a five-minute break at 9:30 p.m., and thereafter reconvened the regular Planning Commission meeting.

The Commission then proceeded with the consideration of the Housing Element Update Goals, Policies, and Programs.

Ms. Stern stated that staff determined that, in general, the Goals, Policies, and Programs in the 2003 Housing Element meet the requirements for of the Housing Element. She noted, however, that staff is recommending a few changes, which were presented to the Housing Element Task Force and regarding which the Task Force is now seeking the Commission's input. These changes include:

Add a **Program 12.5, Condominium Conversion Ordinance:**

Staff began work on this a few years ago when there was an interest in condominium conversions; and work on the project stopped when interest dropped. It is now being included in the work program, especially since changes need to be made to minimize the impact and displacement of low-income tenants when existing low-income units are converted to condominiums.

Add a new **Program 20.2, Public Information:**

Coordinate public information with surrounding communities to minimize the effort required to identify affordable housing opportunities and programs in the region. The City's Housing Specialist who has worked on these programs finds that there are a lot of similar needs and approaches on how to solve these needs as Dublin, San Ramon and Livermore have done. One idea that was developed from this is a Housing Opportunities Center in which the City funded a place where people could come to learn about how they can get their work on their credit to qualify for mortgages so they can buy their first house. This has been a successful collaboration at the Tri-Valley level.

Add a new **Program 21.2, Inclusionary Zoning Ordinance:**

Determine the feasibility and benefits of potentially increasing the affordability requirements for multi-family developments of more than 15 units; making it consistent with some of the goals in the Housing Element and other City affordable programs which look at percentages of affordability higher than the 15 percent; and identifying incentives for new development including three-bedroom units for large families.

This will be addressed again with respect to the discussion on resolving issues resulting from the Settlement Agreement

Add a new **Program 34.7, Growth Management Ordinance:**

Reflect current housing and infrastructure conditions and current housing needs. Staff wants to ensure that the Ordinance meters out growth in a logical and rational way in order to deal with many of the impacts of growth while also making sure it

meets the City's current housing needs. There is a subcommittee of two Councilmembers and several senior staff to review some of those options.

**Amend Program 44.2, Tax-Exempt Bonds and Other Financing Mechanisms:**

Utilize tax-exempt bonds and other financing mechanisms to finance the construction of very-low- and low-income housing units, to purchase land for such a use, and to reduce mortgage rates. Because getting financing from tax exempt bonds are getting more difficult, staff wants to widen the pool of available financing approaches.

**Amend Program 48.2, Universal Design:**

Require as many low- and very-low-income units as is feasible within large rental projects to utilize Universal Design standards to meet the needs of disabled persons. Design features may include adjusted counter heights, wider doorways, wheelchair accessible bathrooms, etc. The language previously only addressed accessibility; a broader approach looks at universal design standards both for persons with disabilities and also for people aging in place.

**Add a new Program 51.10, Lower-Income Housing Fund:**

Utilize the City's Lower Income Housing Fund for low-interest loans or grants to support alternative energy usage in exchange for securing very-low- and low-income new and/or existing rental housing units. The total cost of housing is partly based on energy expenditures, so it makes some sense to use low-income housing funds to fund some energy and alternative energy technologies to apply to affordable housing. Review and amend energy-related programs to make sure they are consistent with our current requirements relating to green building and the General Plan.

Ms. Stern stated that there a number of new programs being considered that are not yet fully developed; these will be included when the complete Draft Housing Element is presented to the Commission. These new programs include:

**Aging in place with respect to universal design:**

The City has a large demographic of age groups moving into older age and wants to be able to adapt some of the existing homes to allow people to age in place by adopting universal design aspects.

**More public improvements and maintenance in neighborhoods:**

As an incentive for affordable housing, consider the City providing more public improvements in neighborhoods and more public maintenance. This addresses helping neighborhoods that accept additional multi-family housing with some additional investments such as parks and improvements in other public use items such as street maintenance, which would add to neighborhood quality.

Level of effort to overcome infrastructure constraints to affordable housing:

There are a few areas in the City where investments in infrastructure improvement will need to be made in order to serve new, multi-family housing. For example, traffic impact is reduced when office use is changed to multi-family residential use; however, periods of peak sewer requirements are not accounted for in office use and this is an infrastructure constraint that will need to be addressed in moving forward with multi-family housing.

Housing needs such as new rental units for one-person households:

Demographic changes seen in the last census study include a lot of one-person households of both renters and homeowners. There is a need for housing for large families as well as for smaller units such as studios.

General Plan land use designations reflecting 30+ units per acre and 23+ units per acre:

The existing high-density residential land use designation is 8+ units per acre. The HCD will most probably come out with a new designation that specifies the minimum density requirement of 30+ and 23+ units per acre, and staff will need to add text in the General Plan and the Housing Element that will help adopt this.

SB 2: Emergency housing, transitional, and supportive housing:

This relates to new legislation passed prior to the new Housing Element and a need to designate a zoning district where emergency shelters are a permitted use, not for catastrophic emergencies but for people who need emergency housing. It also requires that transitional and supportive housing constitute a residential use and be treated as such in local regulations.

Transitional housing is for those who need temporary housing for up to six months or more, after which they will need to move on to permanent housing.

Supportive housing is for persons with particular mental health or physical or health needs where housing is provided in conjunction with services. This would be provided within neighborhoods in the form of group homes with a limit of six beds. Anything larger would require a Use Permit and would be located outside of the residential area.

Ms. Stern stated that a few programs will need to be created relating to the Settlement Agreement. These programs include:

Special need housing not being met in existing housing:

Within the language of the Settlement Agreement, the City's Human Services and Housing Commissions need to identify the level of need for special needs housing in the community that is not being met in existing housing. These special needs could be housing related to large families and persons with disabilities and other special needs. The City Council will need to consider the appropriate steps to address these identified needs.

City's Lower-Income Housing Fund:

Consider utilizing the City's Lower-Income Housing Fund to provide low-interest loans or grants to retrofit existing residential units for the purpose of developing very-low- and low-income rental units with three bedrooms for large families. An apartment building that needs rehabilitation could be retrofitted to combine two smaller units to make a unit appropriate for a larger family.

Workshop with non-profit developers and owners of sites redesignated to accommodate affordable housing at 30 units per acre:

The City will coordinate this workshop to identify sites suitable for affordable housing projects at 30 units per acre for the purpose of facilitating discussion regarding potential opportunities, programs, and financial support. The City will utilize its Lower Income Housing Fund to assist a non-profit housing developer with the acquisition of a site, or other financial support, to assist with development of an affordable project with three-bedroom units for families.

City's Consolidated Annual Performance Evaluation Report:

The City Council will hold a public hearing each year as part of the City's Consolidated Annual Performance Evaluation Report, to be prepared by staff regarding how the City has utilized the Department of Housing and Urban Development (HUD) funds and other funds not related to low-income housing. The report also addresses a broader review of what the City has done with the Housing Element as it relates to the City's efforts to fulfill Resolution 10-390 in terms of the Settlement Agreement, the success of those efforts, and the plan and proposals to attract well-designed affordable housing for families with children in the future.

Commissioner Olson requested confirmation that the City has a Lower Income Housing Fund.

Ms. Stern confirmed that was right.

Commissioner Olson inquired if it's HUD money that goes into that Fund or how it is funded.

Ms. Stern replied that it has been funded in the past from the City's low-income housing fee imposed upon new residential and commercial development. She stated that the City reaped benefits from this in the 1980's and 1990's when houses were being built; but the City does not anticipate reaping many benefits from this in the future. She indicated that she believes the City has \$4 to \$6 million in the Fund, which is substantial but limited as the City does not anticipate adding to the Fund.

Commissioner O'Connor inquired if the housing that could be built on the sites to be rezoned would be paying into the Lower Income Housing Fund.

Ms. Stern started that the low-income housing fee is not paid for affordable units, but she is not certain about projects that incorporate affordable housing units. She added that she believes market-rate developers pay into this fund but that they do not pay the same rate as that for single-family homes.

Commissioner O'Connor inquired if the 15-percent affordable housing units satisfy the low-income housing fee.

Ms. Stern replied that she is not certain but that it may be the case.

Mr. Dolan stated that he could not provide a more detailed answer and thinks there are several components of it. He noted that the Low-Income Housing Fund this is not handled through the Community Development Department, and, therefore, he did not have a working knowledge of it. He indicated that staff will look into the matter and explain it to the Commission at some point.

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

There were no public speakers.

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

Commissioner Pentin stated that he is always concerned when a lot of programs are added when there are already a lot of programs. He noted; however, that he has not sat through and vetted all of this to see if there is anything that was missed, and, therefore, he is assuming this is what is needed, and he did not see anything that raised a flag.

Commissioner O'Connor inquired whether most of the new programs were to satisfy the litigation.

Ms. Stern replied that several of the last programs presented were to satisfy the litigation, but there are some that are related to the City's housing needs update.

Commissioner O'Connor inquired if it also addressed where the City can use some of its funds.

Ms. Stern said yes.

Commissioner Olson indicated that he agreed with Commissioner Pentin's comments.

Commissioner Pearce stated that she especially likes the programs addressing aging in place, which is an important element the City has not dealt with yet but would be more appropriate as time goes on.

**12. ADJOURNMENT**

Chair Narum adjourned the Planning Commission meeting at 9:50 p.m.

Respectfully,

JANICE STERN  
Secretary