



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, January 26, 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 January 26, 2011, was called to order at 7:00 p.m. by Chair Kathy Narum.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Julie Harryman, Assistant City Attorney; Janice Stern, Planning Manager; Steve Otto, Senior Planner; Jenny Soo, Associate Planner; Natalie Amos, Associate Planner; Jim Kelcourse, City Engineer; Mike Tassano, Traffic Engineer; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. January 12, 2011

Commissioner Olson noted that he did not adjourn the meeting as he was no longer Commission Chair and requested that his name be replaced by Chair Narum's on the sentence under Adjournment on page 11.

Commissioner Blank requested that the second sentence of the first paragraph under Approval of Minutes be modified to read as follows: "He stated that he would also want to see detailed, high quality visuals; however, he ~~is not suggesting this to~~ suggested that the applicant wait until he comes forward with a formal application because of the extraordinary expense that would entail."

Commissioner Blank also requested that the first sentence of the second paragraph on page 7 be modified to read as follows: "Commissioner Blank stated that he would like to have a Commission ~~unity~~ unanimity and asked...."

Commissioner Blank moved to approve the Minutes of January 12, 2011 meeting, as amended.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.
NOES: None.
ABSTAIN: None.
ABSENT: None.

The Minutes of the January 12, 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

There were no revisions or omissions to the Agenda.

5. CONSENT CALENDAR

- a. PCUP-284/PUD-81-02-03M, Little Flowers Montessori Preschool**
Application for: (1) a Minor Modification to the approved Planned Unit Development (PUD-81-02) to: (a) designate preschools as conditionally permitted uses; (b) construct an outdoor playground area; and (c) construct an approximately 156-square-foot electrical room addition to the existing building; and (2) a Conditional Use Permit to allow a preschool at 11533 Dublin Canyon Road. Zoning for the property is PUD-C-O (Planned Unit Development – Commercial–Office) District.

Commissioner Pearce moved to make the conditional use findings listed in the staff report and to approve PCUP-284, subject to the conditions listed in Exhibit A of the staff report.

Commissioner Pentin seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Resolution No. PC-2011-03 approving PCUP-284 was entered and approved as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

- a. PAP-150, Mark Lobaugh, Complete Wireless Consulting
Appeal of the Zoning Administrator's (in this case the Community Development Director's) determination that the proposed wireless facility located at 6890 Koll Center Parkway does not meet the locational requirements as specified in Section 18.110.050 of the Pleasanton Municipal Code.**

Mr. Dolan advised that this item is not related to the merits of the project but, rather, is a review of staff's decision that the project was not eligible to go forward. He indicated that any discussion on the impacts to neighboring homes or visual impacts is not germane to the conversation.

Jenny Soo presented the staff report and briefly described the background, scope, and key elements of the application.

Commissioner Blank referred to the map on page 4 of the staff report which illustrates the 300-foot radius around the location of the proposed wireless facility and inquired if it was drawn to scale. He noted that the distance between the proposed facility to the trail is shown as 260 feet, which would mean that 40 feet of the property would be within the 300-foot radius.

Ms. Soo indicated that the map is drawn to scale and measured correctly and that the original submittal was reduced to fit on the page. She noted that the line illustrating the distance from the proposed wireless facility site to the trail is indeed 260 feet and that the property line of the project site is within that 260 feet.

Commissioner Blank inquired where the sliver of land in question that is within the 300-foot radius was located, and Ms. Soo pointed to the small triangular section between the nearest home on Corte Monterey and the trail.

THE PUBLIC HEARING WAS OPENED.

Mark Lobaugh, Complete Wireless Consulting Inc., applicant on behalf of Verizon Wireless, stated that after 15 months of putting together studies and photo simulations, revising exhibits and photo simulations, and changing meeting dates, he was informed in December 2010 that his application was being summarily removed from review due to the 300-foot radius regulation. He indicated that he was somewhat perplexed about why this notification came so late and stated that this is something the applicant should be apprised of within the first 30 to 60 days.

Mr. Lobaugh stated that they are disputing the 300-foot regulation. He noted that the parcel designated residential would never be developed as residential because it is actually part of the Arroyo Trail and lies on the other side of the sound wall from the residential area. He stated that he thinks the intent of the regulation is to provide some separation between cellular use and residential development, and in this case, the wireless facility will clearly be 300 feet away from residences.

Mr. Lobaugh stated that the measurement was taken from the corner of the parcel to the outside edge of their leased area. He noted that that their proposed site is roughly 40 feet long and that they are close to being within that 300 feet. He added that despite what the staff report states, they have met with the Sewer District, and there is some wiggle room for moving the site somewhat to the south. He indicated that he is confident that if they look into this further, they could accommodate the 300-foot setting. He asked the Commission to approve their appeal and be allowed to return to the Commission to present the project in its entirety and receive a full ruling on their application.

Commissioner Olson referred to Brian Dolan's letter to Mr. Lobaugh, dated December 2, 2010, and noted that in the final paragraph, Mr. Dolan states that he regrets the zoning inconsistency that was only recently discovered and offered to continue to work with Mr. Lobaugh to find another suitable location for Verizon. He added that Mr. Lobaugh has indicated that the tower can be moved southward on the site to comply with the 300-foot rule; however, he remembers bringing this up at an earlier hearing and was told it could not be done. He inquired if, in the spirit of that paragraph, staff and the applicant can work together to find another site.

Mr. Lobaugh stated that they are happy to talk about this. He noted that they were presented a site farther north along I-680, which is the DSRSD site. He indicated that they looked into that and determined that it would not serve their purpose because is too close to their other Verizon site. He added that other alternative sites presented by staff would not work either.

Commissioner Blank inquired why the antenna cannot be moved 40 feet south on this site.

Mr. Lobaugh replied that they can look into this; however, for today's meeting, they are looking for a ruling on their appeal and will move forward after that.

Stefano Iachella, Design Engineer for Verizon Wireless, stated that he was available to answer questions on the project.

Commissioner O'Connor inquired how far inside the property line the pole was going to be located and if it was 40 feet.

Mr. Lobaugh replied that it would be located roughly 20-30 feet south.

Commissioner O'Connor stated that he assumes the 260 foot line was measured from the pole to the northern edge of the site.

Mr. Lobaugh stated that staff measured up to the leased area and not up to the tower itself.

Commissioner O'Connor inquired if the tower would be 40 feet in from the edge of that property or less than 40 feet.

Mr. Lobaugh replied that it is about 30 feet.

Commissioner O'Connor inquired if there would be the ability for it to go 40 feet in.

Mr. Lobaugh replied that his instructions tonight were to discuss the appeal and that the hearing would not be for a site planning review.

Gerry Gire stated that the Commission has received her letter in January and that she would like to bring up two points: (1) Ms. Gire stated that contrary to the re-write of the history by the Verizon lawyer, staff did not stall the project. She indicated that Mr. Lobaugh has time and again failed to comply with staff's requests in a timely manner, if at all. She noted that everyone waited on June 24th, July 2nd, and July 24th, and Mr. Lobaugh has never publicly presented a compelling necessity and alternate location. She noted that tonight is the first she has heard about the determination on the Sewer District property, which was suggested to him in April of the past year. (2) Ms. Gire stated that changes to the master plan and City ordinances are processes that the City has governance over and is not something that is the Planning Commission's responsibility. She asked the Commission to deny the appeal and not to be threatened by Verizon's tactics of re-writing history and threatening legal action.

Mr. Lobaugh clarified that they did meet with the Sewer District. He noted that at that time, they were talking about relocating the entire site to an entirely new area within the fenced compound and decided they could not do this as there is no room at the southern end of the rectangle. He indicated that they also met with staff on-site to talk about moving the facility slightly 10 to 20 feet and determined then that there was that room available to them. He stated that they did not discuss relocating the site completely to the opposite end.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that he wishes to be clear and certain about what the Commission's options are. He inquired, should the Commission uphold the appeal tonight, if the Commission would then go back and deal with the merits of the application.

Ms. Harryman replied that if the Planning Commission disagrees with the Director of Community Development's interpretation and upholds the appeal, the application would be sent back to the Commission for processing and continue where it left off.

Commissioner Blank inquired if this would preclude the Commission from requiring the tower to be moved.

Ms. Harryman said no. She indicated that these things could be reviewed when the application comes back.

Commissioner Blank expressed concern that the Verizon attorney's letter indicates that the two microwave towers that the Commission did not like and had been removed were back on. He then requested clarification that if the Commission upholds the appeal, Verizon would not have to move the tower because upholding the appeal invalidates the 300-foot restriction.

Ms. Harryman clarified that if the Commission upholds the appeal, it is saying that it disagrees with the Director of Community Development's determination about the zoning, that there is no inconsistency with the zoning, and that the tower can be located at the proposed site. She indicated that it does not invalidate the 300-foot restriction.

Commissioner Blank inquired what would occur if the Commission denies the appeal.

Ms. Harryman replied that if the Commission denied the appeal, Mr. Lobaugh has the ability to appeal the decision up to the City Council. She continued that if the Council agrees with the Director of Community Development's determination, it would deny the appeal and would end this application, which would be considered inconsistent with the zoning. She noted that Verizon could return with a different application.

Commissioner Blank stated that it sounds like whether the Commission upholds or denies the appeal, Verizon could return with a new application with everything the same except that they could relocate the tower to the southernmost corner of the property, which is outside 40 feet. He inquired what the quantitative difference is between upholding the appeal or denying it.

Ms. Harryman replied that there is a difference: if the appeal is denied, the applicant knows it cannot be located in the current application and must move it, apply for a zoning amendment to the wireless ordinance, relocate it, or propose other options; the current application, as stated, would be inconsistent and cannot be processed by staff.

Commissioner Blank inquired if the application would remain as it should the Commission uphold the appeal but would like to respect the 300-foot limitation.

Ms. Harryman replied that if the Commission agrees with the appellant's position that there is no inconsistency in this zoning, the applicant would have the ability to locate the tower exactly where it is; however, it does not preclude the Commission from requiring the applicant to push the tower back or do something else.

Commissioner Blank inquired if the applicant could say that the Commission upheld the appeal, and, therefore, they have the right to put the antenna up where it originally was on the project.

Ms. Harryman replied that the applicant would probably argue this.

Mr. Dolan stated that what would change is the reason the Commission wants it 300 feet back, whether because it is a measurable zoning standard or due to the antenna's visual impacts.

Commissioner O'Connor stated that after hearing the explanation, he would like to know if the inconsistency with zoning regulations is because the tower is less than 300 feet from the edge of the property or because it is less than 300 feet from where the actual pole will go. He inquired if the 260 foot measurement was to the pole or to the edge of the property.

Ms. Harryman explained that the zoning code states that a personal wireless service facility must be located a minimum of 300 feet away from the property lines of residentially zoned property. She added that the facility is the area specifically where any of the wireless facility equipment will be located, that it is not the property line of the City's property but the corner of the facility that must be 300 feet away from the trail, which is residentially zoned with a General Plan designation of Public and Institution.

Commissioner O'Connor inquired then what the 260-foot measurement is, as the arrow goes to the edge of the property and not really where the pole was going to be.

Ms. Soo replied that she took measurements from the closest equipment to the corner of the trail as well as to the corner of the closest residential property.

Commissioner Blank referred to the equipment room in the center of the Sports Park and inquired, hypothetically, if someone wanted to put a wireless facility there, if the 300 feet would be measured from the edge of the Sports Park or from the edge of the building containing the equipment in the Sports Park.

Ms. Harryman replied that wireless facilities cannot be located in parks at all. She explained that if the area was a three-acre site and a wireless facility was put in the middle of the site, the 300 feet would be measured not be from the property line, but from the edge of the equipment of the facility.

Commissioner Blank inquired where the edge of the facility would be if there were a 500-foot run from the equipment building to the wireless tower.

Ms. Harryman replied that staff would make a bubble around the facility, which would be inclusive of the tower and all of its accessory equipment.

Commissioner Blank stated that he was concerned about the aesthetics of the wireless facility and the impact of the pole, as opposed to the building, which is relatively low.

Commissioner Olson moved to deny the appeal.

Commissioner Blank seconded the motion.

Commissioner Olson stated that it seems to him that if the Commission were to uphold the appeal based upon what is in the books, a variance would be required, and he is not in favor of that. He indicated that he would deny the appeal for this reason.

Commissioner Blank stated that some of the comments were made in good faith, which leads him to think that there is a solution here which he wished could have come forward before getting to this point. He agreed with Commissioner Olson.

Commissioner O'Connor stated that it is unfortunate that, for whatever reason, this revelation came so late. He indicated that he understands there was a lot of money spent by the applicant; however, when he met with the applicants at the facility, he believed then that they could not move the equipment 40 feet because of the other underground equipment owned by other entities.

Commissioner Pearce agreed. She stated that she is always sorry to see things like this happen. She indicated that this is the only real decision she is comfortable with and hopes that the applicant will find another location.

Chair Narum agreed, as well.

Commissioner Pentin agreed and stated that he was not basing his decision on the actual tower or what the applicant is trying to do. He indicated that he does not see an inconsistency with the zoning; however, he sees a problem with the 300-foot distance and finds that the facility does not fit.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin

NOES: None.

ABSTAIN: None.

ABSENT: None.

Resolution No. PC-2011-04 denying Case PAP-150 was entered and adopted as motioned.

b. PUD-81-30-48M/PUD-85-08-21M, City of Pleasanton, Hacienda Transit-Oriented Design Standards and Guidelines

Application for a Major Modification to the Planned Unit Development for Hacienda Business Park to adopt various standards and guidelines to guide development on three parcels close to the Dublin/Pleasanton BART station, and to provide design concepts for associated improvements including streets, landscaping, bike and pedestrian connections and open space. The sites are: (1) The W.P. Carey site at the southeast corner of Owens Drive and Willow Road (Assessor's Parcel No. 941-2778-013-00); (2) The BRE site at the north corner of Hacienda Drive and Gibraltar Drive (APN 941-2778-011-00); and (3) The Roche Molecular Systems site, south of Gibraltar Drive between Willow Road and Hacienda Drive (a portion of APN 941-2761-003-00). Zoning for the properties is PUD-MU (Planned Unit Development-Mixed Use).

Commissioners Blank, Pentin, Olson, O'Connor, and Narum disclosed they had met earlier today with the stakeholders.

Mr. Dolan stated that this is the end of a long process and that due to the time restrictions imposed on the City by the Settlement Agreement, the entire project needs to be finalized with the second reading of the Ordinance by the City Council to be completed by March 1, 2011. He expressed regret at not being able to allow more time; however, the good news is that there were two Planning Commissioners on the Task Force who are well-versed in the process. He added that the Commission also had a Joint Session with the City Council and the Task Force a few weeks ago, which provided a good introduction.

Mr. Dolan stated that staff recognizes the Commission just received the environmental document and that, consequently, it is unreasonable to ask the Commission to make a recommendation on that part of the project documents even though the staff report asks that this be done. He explained that the California Environmental Quality Act (CEQA) does not require the Commission to make a recommendation on that document. He noted that the City's typical process is that the environmental document is completed considerably ahead of when it comes before the Commission to provide ample time for review. He added, however, that CEQA only requires that the document be made available 20 days in advance of the action of the final decision-making body, which would be the City Council, and the City is barely making that deadline. He advised that when the Commission gets to the decision point and it does not feel comfortable making a recommendation on the Negative Declaration, it is not necessary to do so.

With respect to the presentation, Mr. Dolan stated that Mr. Rick Williams of Van Meter Williams Pollack, LLP, and a member of the City's consulting team that helped staff for the second half of the process, will set the framework and provide an overview of the

project, after which staff will present the issues highlighted in the staff report in two parts: Ms. Stern will review a list of some of the changes made by staff in response to the Joint City Council/Planning Commission/Task Force workshop; and he will focus on some policy and other major issues presented in the staff report, share staff's position, and make some suggestions on the Commission response.

Mr. Dolan stated that the Commission may ask Mr. Williams during his presentation any technical questions the Commission may have regarding the document; however, he recommended that the process would be better served if policy questions were held off until after Ms. Stern and he have completed their own presentations. He added that staff is willing to assist with respect to any aspect of the presentation and project.

Commissioner O'Connor requested some clarification regarding the project timeline and inquired when the final night was that the Planning Commission could discuss these issues.

Mr. Dolan replied that it would be either tonight or at a special meeting. He advised that a City Council workshop is scheduled on February 8, 2011, the Council will be making a final decision at its February 15, 2011 meeting, and the second reading of the Ordinance will be done by the deadline on March 1, 2011.

Rick Williams stated that the consulting team went through an extensive and relatively quick process in developing guidelines culminating in today's meeting. He noted that guidelines, key issues, and Task Force comments will be reviewed, questions answered, and then recommendations made to the City Council. Mr. Williams stated that in setting the purpose of the overall planning effort, he will discuss how the vision statement creates a walkable, transit-oriented development community adjacent to the BART station and integrated with the Hacienda Business Park and the community of Pleasanton. He added that he will also discuss the major structural elements, which roads are really the primary roads on which to face the buildings, which overall connections are really the most critical ones to have. He indicated that this framework is set up within the initial steps of the guidelines.

Mr. Williams stated that one of the issues is Retail and Live/Work or Active Use space requirements, which highlights a minimum square footage for retail space as well as minimum square footage on Parcel 1, located along Owens Drive, in a number of different configurations illustrated in the guidelines. He indicated that based on comments from the last meetings, Live/Work was redefined as either a Live/Work or Active Use spaces so other uses could also be part of that frontage. He added that on Parcels 2 and 3, it would be appropriate to have the flexibility of having approximately 50 percent of the initial frontage to be either retail or Live/Work so that in the long term, there could be some additional retail to provide amenities to the residential neighborhood and for Hacienda Business Park.

Mr. Williams stated that in most of the conversations in the guidelines, a series of different options were developed which is no different for Owens Drive. He indicated that based on the width and traffic evaluations, there are some options and opportunities to create a unique design that highlights it as a special place and gives identity to the community. He noted that the multi-way boulevard provides for diagonal parking which is good for retail, and a small median which protects people from backing out, while still allowing for through-traffic and bike lanes along it. He added that there is enough width within it and that the curb basically relates approximately to the existing curb today.

Mr. Williams stated that a lesser design is also provided which maintains the curb as it is currently configured and allows for diagonal parking as well as some parallel parking. He noted that there will be a minor modification that would incorporate both features and that for safety factors, this diagonal parking could also have an interim median, which would require moving the center median design as well.

With respect to Gibraltar Drive, Mr. Williams stated that it has a similar condition where there is some diagonal frontage to allow for visitors and commercial or Live/Work parking in the front and on either side of the street, with diagonal parking on one side and parallel parking on the other. He noted that this would create a unique identity to that portion of the street and have the street relate to the adjacent uses.

Mr. Williams stated that with respect to Willow Road, there are two different options for the street section and front setback, with 29 feet as a preferred condition in the design guidelines and 22 feet as a tighter configuration. He explained that the difference between the two is that one configuration allows for enough setback behind the sidewalk for larger plantings and trees, while the tighter setback creates more of an urban character which does not provide for the ability to have the character and quality most of Hacienda Business Park has of multiple layers of trees before seeing buildings. Mr. Williams indicated that landscape tradition is an important feature in Pleasanton, and this is the reason why the first option is the preferred recommendation, although another option has been provided. He added that this would make for a quality development that the City could be proud of for many years to come.

Mr. Williams stated that numerous discussions were held regarding site circulation and connectivity. He added that internal to site circulation, there is a concept which many communities have entertained and adopted relating to the issue of people entering a residential community from the front or from the back, driving in back alleys rather than seeing garage doors in front. He noted that circulation hierarchy guidelines illustrate a hierarchy of public streets, internal streets, driveways, and alleys where visitors and guest access, enter, and park on the fronts of the buildings and see the front addresses of buildings, and residents park in the back. He emphasized that there is no single solution, that there are many different ways these can occur, and that this is considered standard practice and would help with the quality and character of any residential development.

Mr. Williams stated that there are a series of alternative ways of designing the site. He noted that there is a wide range of buildings which can fall within the density range they are recommending for the properties, and while the range densities are 20-50 dwelling units per acre, all of the building types are essentially similar in massing. He added that they are all between three and four stories, all are compatible with the design guidelines, all use the same parking ratios, and although they will be slightly different in character, they all have generally similar massing and handle parking in different ways. He noted that a vocabulary of building types is used to allow for a variety of buildings to be placed within any of the sites to achieve the required average densities.

Mr. Williams indicated that there are a series of architectural features in the design guidelines, with a real emphasis on building entries and front doors that face the street where the activity occurs and where visitors come. He noted that the project is oriented to the outside and to the public, with private amenities within the site plan.

Mr. Williams stated that the retail store fronts as well as the Live/Work and Active Use spaces have a height requirement that allows for the flexibility to be either retail or Live/Work in the future, with a minimum depth of 40 feet and a little deeper at the corners to get reasonable retail. He pointed out that there are residential developers, there are commercial retail developers, and then there are mixed-use developers. He added that it is important to have someone who understands both residential and retail to create a quality mixed use development and make a successful use of spaces.

Mr. Williams noted that the gateway corners are important corners which are visible on the site and need to be treated in a special way. He added that there are different ways to articulate these corners as part of the architectural features, such as prominent buildings, open spaces, or little plazas.

Mr. Williams stated that the regulations and guidelines were put to the test by setting up a series of different parameters with an average of 30 dwelling units per acre as required and a series of different retail and Live/Work options, such as a tuck-under garage theme, podiums with garden apartments that include surface parking and carports, a stand-alone retail portion to the project, and a higher density residential wrap with a parking structure that has three and four stories of residential around it. He indicated that each of the alternatives meet the objectives and goals of the design guidelines in terms of density, parking ratios, and open space requirements.

Mr. Williams indicated that all four various scenarios have similar characteristics and similar massings, with the higher density schemes having a bit more open space. With respect to the parking and open space diagrams, he stated that 30 dwelling units per acre can mean different things in site planning: a lot of surface parking and garages in one scheme and a bit more open space and more hidden parking with the higher density podium scheme. He noted that as part of a higher density strategy, the use of a parking structure creates more open space.

Mr. Williams noted that the key is the future of eventual buildings that are developed, with quality streetscapes, quality landscaping, quality building design, and open space for the residents and the community. He indicated that the goal for the regulations, standards, and guidelines is to create a quality development that the community can be proud of in the future.

Referring to the bottom of page 21 of Exhibit A, Hacienda TOD Standards and Design Guidelines, Chair Narum asked Mr. Williams what "enhanced private and public open space landscaping" means.

Mr. Williams replied that this refers to setbacks. He indicated that it is more difficult to do a quality landscape when there are tighter setback spaces between a hardscape and a building. He explained that the alternatives are either providing additional open space somewhere to give an open landscape sense or enhancing the landscaping such that it mitigates the fact that there is a tight setback. He stated that the guideline leaves it open so the design team can work with staff to ensure there is a high enough quality level in the landscape to mitigate the tighter setback.

Chair Narum inquired if the intent was clear enough for a developer reading this.

Mr. Williams replied that he believes it is relatively clear. He stated that more clarification might be necessary if this were to be implemented throughout the entire City or a larger area of development; however, this is for one particular street, one landscape piece, where everyone will understand the intent.

Commissioner Blank referred to the parking designs on Owens Drive and inquired what the term "a lesser design" meant, as opposed to a different design.

Mr. Williams presented the entire Owens Drive frontage of the property and its existing curb. He stated that instead of having a bulb-out and holding the existing curb line, the preferred solution would be to continue with diagonal parking all the way across the frontage to the new crossing. He indicated that there has been some concern that this portion of the site may create some difficulty in accommodating the overall 30 dwelling units per acre, or with modifying this portion of the street. He explained that it could be a cost factor or the loss of a potential development site, as opposed to adding about ½ acre of development potential by reducing the setbacks.

Commissioner Blank inquired if the first alternative is the preferred alternative and what the Task Force prefers.

Mr. Dolan said yes. He explained that "lesser" also means "less change." He noted that the second alternative allows for retaining the existing curb line for a great deal of distance and does not require the median to be moved, which the first alternative does.

Referring to Parcel 1, Commissioner Pentin inquired if the four models were based on a 29-foot or 22-foot setback on Willow Road.

Mr. Williams replied that a 29-foot setback was utilized.

Commissioner Pentin further inquired if these types of buildings could still fit within the space under the guidelines with the 29-foot setback on Willow Road and 10-foot setback on the opposite side.

Mr. Williams said yes and added that it could achieve 30 dwelling units per acre.

Ms. Stern then presented her report, stating that the Design Guidelines the Commission received in its packet and the version Mr. Williams just described is Draft No. 6. She noted that this version incorporated a number of changes resulting from the Joint Session and a follow-up Task Force meeting on January 6, 2011. She then discussed the issues as listed on page 4 of the staff report.

- Option which does not significantly change the existing curb line on Owens Drive. An Owens Drive option showing the existing curb lines and median, and therefore requiring minimal change to the configuration of Owens Drive has been included (page 18 of the Standards and Design Guidelines).
- Minimum height of retail buildings. The suggestion was to have a minimum height for retail buildings which would create a comfortable sense of enclosure on the street. A wide street like Owens Drive will require some substantial buildings on the edges to create a sense of enclosed space that would make it a more comfortable pedestrian experience. A 25-foot minimum height requirement for principal structures has been included (page 12 of the Standards and Design Guidelines)
- Specific or Generalized Permitted Uses. There were numerous discussions regarding making the list of uses more general or specific, what uses should be prohibited, and what uses are subject to a Conditional Use Permit. There was a struggle with prohibiting liquor stores because there was a desire to allow wine-tasting, and no distinction was drawn between liquor stores and wine bar sales that the Task Force wanted to allow. A revised list of permitted uses, conditionally permitted uses, and prohibited uses has been established (pp. 15-16 of the Standards and Design Guidelines).
- Need for some flexibility regarding setbacks. This flexibility exists with the language under "Review Process" which provides for flexibility in implementing both the standards and the guidelines (p. 5 of the Standards and Design Guidelines).
- Appropriate language for guidelines. There are no "shalls" as these are guidelines, rather than standards, and are clearly more flexible. However, some "shalls" were changed to "shoulds" (pp. 5, 6, 13, 33, and 49 of the Standards and Design Guidelines).

- Make bike and pedestrian circulation around and through the development clearer. Text and a legend on diagrams have been added to identify bike and pedestrian paths (pp. 7 and 9 of the Standards and Design Guidelines).

Commissioner Blank referred to the allowed uses on pages 15 and 16 of the Design Guidelines. He stated that there may be people who may potentially be in Live/Work, and he noted that there are uses listed for Retail Space which are not listed for Live/Work, such as "tailor."

Ms. Stern explained that these are all permitted uses.

Commissioner O'Connor referred to the "residential uses" listed as an allowed use for Live/Work. He inquired whether this meant that residential uses are allowed as long as the unit is designed to accommodate Live/Work that it could be full residential until someone would request a live/work situation.

Mr. Dolan said yes.

Commissioner Pentin inquired if it would be necessary to spell out in the guidelines that it could be a Live/Live and strictly residential until such use.

Mr. Dolan replied that some language could be added to that effect, although he was not sure whether he would use the term "Live/Live" which is becoming more popular.

Mr. Dolan then presented his report. He stated that he would review the table of issues starting on page 5 of the staff report. He noted that these are areas that resonated with all the Task Force members and where there was considerable discussion over the entire length of the process. He added that in most cases, the members did not come to unanimous consensus on any of them. Mr. Dolan indicated that what is in the document represents generally what the majority of the members thought on the final day. He noted, however, that there were minority opinions and that on some issues, the Commission might very well forward a different recommendation to the City Council than the final conclusion of the Task Force.

- Feasibility of the potential projects. Staff is required through the Settlement Agreement not to impose standards and guidelines that would deem a project infeasible. This is fairly broad, and the determination of what is infeasible is going to be a challenge. The language is more than that in a normal development where rules are set and the developer has a choice to comply or to leave.

Commissioner Olson inquired if feasibility relates to economics.

Mr. Dolan said yes.

Commissioner Olson noted that this would require the City to find a common ground with the developer so the project makes sense economically for the developer. He commented that he thought this is great.

Commissioner O'Connor inquired if the City has a guideline for what is feasible and what would be required from a developer to make a project feasible.

Mr. Dolan replied that the guidance is not that specific and that ultimately, the test is whether or not the developers will do it. He stated that staff is specifically going through an exercise of looking at *pro formas* to get more dialogue that is as fact-based as it can be; however, this is not available for review because of a timing issue and the Commission will not be involved in that dialogue. He noted that it will come into play closer to the point of getting a project application and added that the reality is that if an application is being considered five years from now, the feasibility discussion will be completely different than if it is received in three months.

Commissioner Blank stated that he assumes there are some industry standards to determine what is economically feasible.

Mr. Dolan said yes. He added that a team of staff and consultants is reviewing this, including Will Fleissig, who is a developer and would have that perspective when he looks at it.

Commissioner Blank inquired what the City's situation would be legally if a developer says staff has approved something the developer just cannot build, and the developer leaves.

Mr. Dolan replied that he does not believe this would happen but that staff might have to discuss it with the judge. He indicated that, given the relationship between the developers and the City's Planning Division, he thinks that together they will be able to work through the issues. He added that there has been enough dialogue along the way and there are some on-going concerns, but none that he believes cannot be overcome.

Commissioner Blank noted that this would be a fine balancing act between the judge's directive and the developers' economic standing.

Mr. Dolan agreed.

- Provision of group open space versus a public park. Task Force members initially wanted a public park but after going through the process, various discussions, and presentations, members expressed more interest in adequate open space within the development that would be private and only for the residents. A group of members still expressed interest in including an open space that would be attractive to others in the community, likely those using the trail system; for example, an open space ending in Parcel 2 may be used by residents of Parcel 1 or Parcel 3. Some of the language was changed so credit

could be achieved for private open space through the provision of a public park. It gives the developer the option to provide a public park in lieu of a private park. The policy decision for the Commission to recommend for Council decision is whether or not to incentivize that choice more or take it further and outright require it. The Task Force did not take that step, and staff did not recommend any additional change.

Commissioner Blank inquired what the incentives might be.

Mr. Dolan replied that the incentives would generally be in the financial area such as reduced park dedication fees beyond the credit the developer would get from giving the land.

Commissioner Blank indicated that it would be tough to go through that analysis within the given timeframe.

Mr. Dolan replied that he believes this would not be effective until a specific project is proposed; however, it would allow developers that option if it is to their advantage. He added that the goal is to set up a framework to allow this conversation to be held.

Commissioner Pentin inquired if staff was referring to a private park in the developments rather than a public or City park.

Mr. Dolan replied that some expressed the preference to have one of the properties include a public park. He stated that the framework provides for internal trails which will make block sizes smaller and through which people would be traveling up and down. He noted that a developer could theoretically design the project such that a park or private open space would end at one of those public trailways or streets and be accessible from one of those access points. He added that space would be limited and presented Veterans Park on Peters Avenue at .59 acre as an example.

Commissioner Olson noted that those who live in the area, such as the residents of the Avila subdivision, are close to and have immediate access to the Iron Horse Trail, which is a huge park, particularly for those riding bikes. He added that this would take a lot of pressure off the need for a park.

Mr. Dolan indicated that the Task Force left this as an opportunity but not a requirement.

Commissioner Pentin referred back to the models presented by Mr. Williams and inquired if there was a model that could incorporate a small park and still fit within the guidelines.

Mr. Dolan replied that the model with a higher density has a super-sized plaza at the corner, accessible from a public street, which could be made into a public park. He indicated that there could be a concern regarding land being taken away, which might affect the ability to provide the density; however, that would not be the case if this is

counted towards private open space. He noted that it is only a matter of ownership and if it were called a public park, the parcel would be smaller and would not have to generate as many units to get the density.

Commissioner Blank inquired if the Settlement Agreement would be affected by one or the other.

Mr. Dolan replied that the Settlement Agreement does not address parks at all. He noted that staff was very sensitive to the fact that the initial consideration was for retail and the ability to carve out the property for retail, which would not count in the calculation for residential density. He added that this would be true for parks as well. He indicated that renegotiations ultimately resulted in the ability to tinker with the size of the lots.

Commissioner Blank inquired about the minimum number of units at a certain income level.

Mr. Dolan replied that 130 affordable units must be provided regardless of how many units are ultimately approved.

- Average Residential Density. At least one Task Force member expressed concern that some of the sites were more appropriate for some of these densities, and different sites have different levels of density. Anything is allowable on each site at this point, and that the issue is compatibility with the surrounding uses, primarily existing residential uses. One idea presented was a gradation of density, allowing a lower density on the sites closer to the residential and a higher density on Parcel 1. There were different opinions: some thought units-per-acre was an issue; others believed it was more an architectural or design issue because no matter what the density, one could build a building such that those right across the street are more in scale of what is across the street. The design experts indicated that the streets are wide enough and the distance far enough so that none of the densities would be that dramatically out-of-scale with what is across the street. The Task Force did not recommend gradation, and having different densities on different sites was not required. Language was added to address design and provide guidance with respect to compatibility with what is across the street.
- Retail development: how much and where. This was the most discussed issue. The requirement is for a total of 10,000 square feet, with at least 5,000 square feet at either of the corners of Owens Drive. As shown in the diagrams presented by Mr. Williams, the requirement is to construct buildings on the frontage of Owens Drive and a short portion of the frontage on Gibraltar Drive with high ceilings to be designated as Live/Work with the idea that over time, more retail could be accommodated. Some members thought that retail and Live/Work on Gibraltar Drive did not make sense, while others believed this was even more important than the retail on Owens Drive.

Mr. Dolan noted that the next set of issues raised at the workshop, starting on page 6 through page 7 of the staff report, were outside the purview of the Task Force as well as that of the Planning Commission.

- Impact of Residential development on Pleasanton schools. Concern was expressed about the impacts of residential development in Hacienda Business Park on schools. There was an ultimate realization that this is a bigger problem than just the three properties and is related to the loss of the housing cap, that this would be considered for the Housing Element Update, that another 60+ acres would be rezoned for additional housing throughout the City. The task force recommended that a joint meeting between the City Council and the Pleasanton Unified School District (PUSD) Board be held to explore the issue further.
- Labor Issues. Labor issues were raised, and the Task Force recommended that the City Council address this at the development plan stage.
- Income Levels of households for affordable units. There was a request for more detail regarding income levels. The Settlement Agreement included specific requirements about what the level of affordability will be and about accepting people with Section 8 vouchers, who could have significantly lower incomes. This will be addressed in the Affordable Housing Agreement between the City and the developers.
- Funding Sources for Affordable Housing. Staff is in the process of preparing this list. This is a fairly popular type of development for receiving outside grant funding.
- Services to lower-income tenants. Lower income residents would require different services which should be provided for successful residential occupancy. The Task Force allowed those services for some of the commercial space.
- Green Building. The Task Force talked about making not just the buildings but also the community green. The best measure for this is the neighborhood green LEED rating system. Rather than making it a requirement, staff incorporated many of those components into the guidelines.
- Condo conversion. Any condo conversion proposal would have to go through the same process as any other condo conversion in the City. The Settlement Agreement allows both rental and ownership units. Different sectors would be served by purchase versus rental homes. BRE Properties would be providing rental housing; however, nothing in the guidelines precludes these from later becoming ownership units.

- How to amend the Hacienda PUD to account for TOD development. Questions about entitlements, exchanges relative to trip generation, and levels of benefits were raised. This is a policy decision to be addressed by the City Council.
- Facilitation of affordable housing by a non-profit. This issue arises with respect to whether or not these projects could be a stand-alone development without a non-profit doing 100 percent affordable building. The Settlement Agreement was negotiated with the understanding that the affordable units would be distributed throughout the properties. This would be a City Council decision.

THE PUBLIC HEARING WAS OPENED.

Bob Plemmons, Task Force member, stated that there was a lot of flexibility in the process and that decisions made are not for today but for the future. He expressed his agreement with the plan and noted that the Task Force worked from the outside, starting with the streets, setbacks, walkways, and open space, with very little discussion on what the units themselves would be like and the hope that funds be put to best use for the residents' comfort inside their units. He requested the Commission to look closely at narrowing Owens Drive but to test this first to see how it works by coning off the area for a week and putting up signs for street restriction.

Jon Harvey, on behalf of the Greenbelt Alliance Board and Advisory Task Force for Hacienda, urged the Commission to support staff's recommendations, which are the Task Force's recommendations. He noted that the location is ideal because it is next to a freeway, BART, and Hacienda, and is a true infill project. He encouraged an aggressive plan with substantial density even if it means going over three stories and critical mass of retail and mixed use.

Valerie Arkin, member of the Task Force and of the PUSD Board, stated that the Task Force process was enjoyable and educational. She indicated that this is an opportunity for a nice transit-oriented development and that she is in favor of the recommendations. She noted that a few members were in favor of providing open space or a public park and that one member noted that the General Plan requires a public park within one-half mile of a residential development, with a standard five-acre neighborhood or community park per 1,000 residents. She noted that providing sufficient parkland for children is important and should be incorporated into the development. She stated that she was glad that the City and the School Board would be discussing this matter.

Becky Dennis, stakeholder, stated that she was happy with the way the guidelines turned out as well as the speed with which they were generated. Regarding the feasibility question and Commissioner Blank's inquiry about the legal ramifications of requiring developers to build something infeasible, Ms. Dennis indicated that as a housing advocate, she recommended looking for people who provide lower-income housing. She noted that Echo Housing, a non-profit affordable housing developer, is extremely pleased with the guidelines and would provide low-income housing and

services. She added that the only thing in the guidelines that prevents its participation is the core standards.

With respect to flexibility on retail space, Ms. Dennis stated that she was an advocate of putting retail on Gibraltar Drive and added that Live/Work is a great idea as many people work from home. She noted that there was a change from "center" to "office" for social services uses under Permitted Uses and explained that when providing social services to low-income families, a gathering place rather than an office is needed. She then invited the Commissioners to join a tour of non-profit housing on Saturday where four sites will be visited starting at 9:00 a.m. until 3:00 p.m.

Matt Vander Sluis, Senior Field Representative, Greenbelt Alliance, concurred with Mr. Harvey's comments and stated that this is an opportunity to create a vibrant, walkable community that allows the development of homes and retail services near jobs and transit as well as provisions for affordable housing. He noted that pedestrian elements between units are important for walkability and that the vision created should be the actual vision carried out when starting to create projects. He encouraged the Commission to join the Greenbelt Alliance's tour this weekend.

John Wayland, Vice President of Development, BRE Properties, and Task Force member, stated that his company owns Parcel 2 and has the option of purchasing Parcel 1. He thanked the Task Force and stakeholders for their participation in the process to create a document that can be used for future development.

Mr. Wayland then presented some issues in the guidelines that he felt could create a problem with developing an economically viable project.

1. Retail component. The success of retail on the three parcels is questionable and doubtful. The highest probability for success is the corner of Parcel 1 at Owens Drive and Willow Drive. Five thousand (5,000) square feet at that corner is the most BRE could live with which would be viable at best. In addition, eliminate the retail component on Parcel 2.
2. Live/Work component. Modify the language to allow for the flexibility of those units so they are used as Live/Live, which can then be converted to Live/Work. This concept of units along Owens next to retail is acceptable. Modify the design guidelines to allow for softscape or landscaping in front of those units to provide a sense of privacy while residential occupancy is occurring on the ground floor. The fronts of the buildings have to be designed in a different manner than storefronts for the retail. There should not be any ability to restrict residential use on the ground floor. Remove the Live/Work component on Gibraltar Drive because, like retail, it is not economically viable.
3. Setbacks and the pedestrian trail. The setbacks for street frontages on Parcels 1 and 2 are very large, and when combined with a ten-foot dedication at the rear of the property for the trail, would create a problem in obtaining a density of 30 units

per acre while meeting open space requirements. The setbacks and design guidelines are a suburban concept for an urban development, and it is difficult to make two concepts work together. The request is for a 20-foot setback instead of 29 feet on Willow Road; a 25-foot setback instead of 35 feet on Hacienda Drive; and a 20-foot setback instead of 25 feet on Gibraltar Drive. Alternatively, the proposed setbacks can remain but space cannot be provided for the trail; BRE cannot provide both.

4. Street design for Owens Drive. There is ambiguity and confusion with respect to which is the preferred plan because the frontages are different. BRE received the traffic study only this evening. The minimal impact scenario is preferred; however, the traffic study identifies it as having some issues. Those issues could be mitigated in many different ways, but BRE needs the opportunity to have its own traffic engineer study and review the document. Additionally, the traffic study is based on an assumption of 10,000 square feet of retail on each site, and building the site out at 55 units per acre. The intensity of the use is significant and is much more than what is planned or is viable for the project.

Commissioner Blank asked Mr. Wayland what the trade-off would be on the elimination of the proposed retail and Live/Work units on Gibraltar Drive and if it would allow BRE to increase density or build a park.

Mr. Wayland replied that BRE would likely build more units; however, he indicated that he is not really prepared to answer the question as he has not studied it. He indicated that BRE's efforts have been directed toward trying to work with the guidelines. He noted that the design would have units that still face the street in some manner while adhering to design guidelines.

Commissioner Blank asked Mr. Wayland if, hypothetically, Council approval and all other approvals were received by June 1, 2011, when the project would start construction and how long it would take.

Mr. Wayland replied that assuming the process would be completed within the next two months and project-specific applications are submitted within 60 days after that, construction could typically start in early 2013 with the first delivery of units in mid-2015.

Commissioner Blank commented that the timeline sounds like a long time and inquired what it would take to deliver the units in 2013 or 2014.

Mr. Wayland replied that the process could probably be expedited by 9 to 12 months if, upon submittal of the application, it conforms with design guidelines that are certain and do not contain a lot of ambiguity. He added that if the application does not include variance requests, the process can probably be compressed to a six-month approval, thus taking off another six months from the timeline. He indicated that optimistically, he did not believe construction can start until mid-2012, with completion in 2014.

Commissioner Blank commented that it seems like a long time that the best that can be done is to start construction 1.5 years from now.

Commissioner O'Connor stated that he thinks staff would believe that is a pretty good timeline.

Mr. Whalen reiterated that BRE needs definite guidelines it can work with, stating that it would be a shame to go through the process for nine months and then adopt guidelines from which he will be requesting a variance in two months. He brought up, as an example, the matter of reduced setback with enhanced landscaping or open space. He indicated that he looks at this as an opportunity to negotiate, with the guidelines not meaning anything and turning a six-month approval process into a year.

John McPartland, District 5 BART Director and Task Force member, stated that BART endorses the guidelines and complimented the facilitator in his effectiveness. He noted that the input was varied, often contentious but cordial, and the process was complete, resulting in an end product that is the best available from the heart and soul of the community and the best professional judgment from a business perspective. He indicated that BART intends to be an active and participative partner in moving forward.

Referring to Parcel 1 and the design guidelines for Owens Drive, Commissioner Pentin asked Mr. McPartland where BART is with regard to development on the BART parking lot and property.

Mr. McPartland replied that he is not in a position to permanently give up any parking spaces. He added that whatever development comes forward on the north side of Owens Drive should be mimicked on the south side in order to achieve balance.

Commissioner Pentin stated that currently, the plan indicates that Parcel 1 will potentially be developed soon while the other side of the street may not be on board for another five to twenty years. He inquired how this might affect what is done on Parcel 1 both sides of the street would not come together at the same time.

Mr. McPartland replied that he would personally be involved in this if it happens immediately. He indicated that he is very proactive in relation to supporting the Iron Horse Trail integration into the plan, and he wants to help facilitate that in any way he possibly can. He added that he would like to see a more detailed effort put into this.

Commissioner Pentin stated that the opportunity to take Owens Drive and try to turn it into a quieter, slower, retail/residential street versus what it is today will require support from both sides of the street. He inquired if BART would come in at the same time to develop the north side of Owens Drive should a developer start work on the south side. He inquired further if this would be a priority for BART and if BART would be willing to partner in at the same time.

Mr. McPartland replied that BART will not just stand around and wait while the southern portion of Owens Drive is being completed. He indicated that this would be a partnership and that BART would be working in tandem.

Commissioner Blank noted that he has read in the newspaper recently that BART is considering expanding retail footprints within the BART stations themselves as a revenue-generation mechanism. He inquired if this was true.

Mr. McPartland replied that this has been mentioned in Board meetings and has been given to staff to experiment with to determine whether revenue can be developed. He indicated that he has seen retail on the platform in other countries and stated that this will never happen with BART because of safety considerations. He noted that BART currently has contracts for retail within the downtown San Francisco BART station which may be expanded in the future. He indicated that there are no plans at this time to do the same in the Dublin/Pleasanton area. He stated that in the Concord area, retail entities within the immediate vicinities of BART stations protested as soon as this subject came up. He added that BART Directors have indicated that they would do this in a balanced way without threatening existing businesses.

Commissioner Blank inquired if there would be no retail in the platform areas.

Mr. McPartland said yes.

THE PUBLIC HEARING WAS CLOSED.

Chair Narum called for a break at 9:17 p.m. and reconvened the meeting at 9:27 p.m.

Chair Narum referred to pages 19 through 21 of the Traffic Analysis and requested Mike Tassano, City Traffic Engineer, to explain Options A1a and A1b for the Owens Drive lane reduction and why he is not recommending Option A1b.

Mr. Tassano stated that his analysis addresses some of the safety elements that occur with lane reductions proposed in Options A1a and A1b. He indicated that the traffic model was run primarily to determine whether or not there would be level-of-service (LOS) failures at any of the locations. He noted that there were no LOS issues but that there was a reduction in the number of vehicles with the land use change. He added that from a circulation standpoint, lane reductions defer traffic, although in very small increments, and there are other parallel arterials that support traffic. He noted that there was an increase of 30 to 40 vehicles, the equivalent of about one or two extra vehicles per minute, which is not noticeable on the parallel arterial system.

With respect to the difference between the two options, Mr. Tassano stated that the first option, Option A1a, reduces the six lanes to a single lane in each direction with a six-foot wide bike lane, a six-foot wide landscaped island, a second lane, and then a parking lane. He explained that the benefit of this option is that the angled parking separates the parking area from the traffic and bicycle lanes and provides a protected

interaction so that vehicles can easily back out of the parking space and into the traffic lane without having to worry about pedestrians or other vehicles. He added that it also moves cyclists to the through movement as opposed to having to ride behind vehicles that are trying to back out of the parking space and driving back into the travel lane.

Mr. Tassano continued that the second option, Option A1b, reduces the number of travel lanes from six lanes to four lanes. He stated that a four-lane roadway induces higher speeds because the driver is right next to the median and will only have to worry about the vehicle to the right. He added that the landscape buffer has been eliminated, there is diagonal parking and a bike lane behind it, followed by a moving travel lane. He indicated that vehicles backing out of a parking space would have to back across a bike lane and into a travel lane with vehicles that may be going 35 miles per hour. He indicated that with respect to the diagonal parking provided in both options, pulling onto a four-lane moving arterial would not be his recommendation.

Chair Narum referred to the lesser design option and inquired if this would satisfy some of his concerns with the second option.

Mr. Tassano replied that he understands the lesser option to be exactly what the second option is.

Chair Narum stated that she thinks there would be some sort of median protecting cars backing in and out of the parking area.

Mr. Dolan stated that Mr. Tassano's analysis shows that he has a problem with the second option. He noted that Mr. Williams made reference to a variation of both options where the road is narrowed to one lane but only for half the distance so the curb line does not have to be changed on the east side and there would still be the protective median.

Commissioner Blank commented that the problem is that the second option is not balanced, whereas the first option is balanced in terms of the direction of the car travel. He noted that, if he is reading this correctly, there would be three lanes going in one direction and only two going the opposite direction because of the left-hand turn lane.

Mr. Tassano stated that this was how he read it initially, but it appears that the black lines which would be in the westbound direction of Option 2 are skewed when compared relation to the rest. He indicated that he believes the intention is to have just the two travel lanes, with everything north of the second line of the top black line as actually the parking area.

Commissioner Blank noted he was looking at the left side, and Mr. Tassano was looking at the right side.

Mr. Tassano stated that he thinks the right-turn lane becomes a parking lane.

Commissioner O'Connor asked Mr. Tassano if he was comfortable with just one traffic lane in each direction with no buffer, and if this option was analyzed.

Mr. Tassano replied that without looking at it from the description, he would be comfortable if there were a barrier between the through movement and the parking maneuver and includes the bicycle lane in the through movement. He added that if the median were reduced and a single lane, he would not want diagonal parking pulling out onto the through lane and mixing with the bike lane.

Chair Narum indicated that the Commission would go through the issues starting on page 5 of the staff report and then address some of the concerns raised by Mr. Wayland.

The provision of group (private) open space or a public park

Chair Narum stated that she was the Task Force member referenced in this issue. She explained that her reasoning for having an interest in a public park is that one of the nearby parks referenced, the Creekside Park, was intended as a neighborhood park, but has become a scheduled park for Little League, soccer, and football. She indicated that she believes it would enhance this area if there were a small park where children can go and throw a ball or run around. She added that looking at the bigger picture, when the City looks at parcels for potential rezoning for the Housing Element Update, there are a number of candidates in this general area, and there would be some open space for the children. She indicated that she agreed with the reference made to the Iron Horse Trail as a public park; however, it is not a place where children can throw a ball and run around.

Chair Narum indicated that she is not advocating the acquisition of a park. She suggested, however, that staff strengthen the open space comments regarding incentives for dedicating land on Parcels 2 or 3, such as reduction in fees, in-lieu park fees, relaxation of setbacks and open space requirements, and increased densities.

Commissioner Blank noted that he liked the idea of incentives.

Commissioner Pentin stated that part of the proposed pedestrian trail from Parcel 1 to Parcel 2 are on Kaiser property and inquired if the City has had any discussions with Kaiser to dedicate an easement for this.

Mr. Dolan replied that ground work has been done and that there have been encouraging conversations; however, no formal commitment has been made. He added that there are indications that this is consistent with Kaiser's corporate mission, and staff is optimistic that it can happen.

Commissioner Pentin stated that in line with Chair Narum's comments and as a former Parks and Recreation Commissioner, he believes in having open space in town. He

indicated that he totally agrees with the incentives and suggested that open space, if available, be tied in with the pedestrian pathway.

Commissioner Blank noted that there is a pedestrian connector which would be great to tie in with Parcels 1 and 2, but it really parallels the Iron Horse Trail and would almost be like there are two different trails.

Commissioner Pentin clarified that the idea is to have a trail that directly connects the TOD to transit and that the Iron Horse Trail does not do the same thing because it is not part of the three parcels.

Commissioner Blank stated that he thinks there might be some value in the one connector piece, but it is depicted in the entire property. He indicated that he is not certain that it is necessary to have a lower piece come across when there might be other ways to get there. He added that he agrees that this connector piece is of value; however, it looks like a parallel to the Iron Horse Trail and seems redundant. He stated that he agrees with the incentive idea and is very supportive the trail system; however, he wants to be sure that incentives are being used properly and wisely so that the wrong behavior is not being incentivized.

Commissioner Olson agreed with Commissioner Blank. He stated that his other concern is if the requirement is built in for this trail and then Kaiser does not come to the table, it would leave the developer nowhere.

Commissioner O'Connor indicated that the applicant has asked for relief if this does not come to fruition. He noted that there is a timeline, but he was not sure where or not the Commission would agree to it; however, he stated that if the developers did not come to it in time and if they relinquished it because it could not be built, they will gain more units or feasibility in building this tract.

Commissioner O'Connor stated that following up on Commissioner Blank's comments, one thing he noticed with respect to the trail is that it goes to the same place as the Iron Horse Trail; however, there are only so many access points in the area that cross over to the major roadways. He noted that the whole benefit of the trail system is really only at Parcel 2, as one would need to go to the corners to cross from Parcel 3 and can either get to the Iron Horse Trail or right up Willow Road for their shortest access point. He added that he does not see much use in Parcel 1 coming south on the trail.

Chair Narum stated that the idea is to have a walkable TOD and without a trail connection at Parcel 2, one would have to either walk over to the Iron Horse Trail and up or walk over to Willow Road and up. She indicated that with connections in place, someone living on Parcel 2 can have a direct, usable, and convenient way to walk to the BART station.

Commissioner O'Connor noted that it would benefit only about 2/3 of Parcel 2.

Chair Narum stated that she believes it would also benefit some of Parcel 3 because Gibraltar Drive would be modified to make it look more like a neighborhood, with narrowing the road down two lanes, one in each direction, and including parking.

Commissioner Pearce noted that it appears staff has looked into Kaiser's mission statement and inquired whether the City thinks it is feasible to get an easement agreement from Kaiser by the end of the year.

Mr. Dolan replied that he hopes an agreement could be reached by then. He stated that considering what he sees as the extreme benefit, one can work around ten feet with this size of a parcel. He likewise indicated that the one behind Parcel 2 on the north end is probably more critical of the two, and he emphasized Chair Narum's comment regarding making the development walkable.

Mr. Dolan stated that all literature on walkable communities indicate that smaller block sizes are needed, and this is what the Task Force and staff are trying to do. He added that Mr. Fleissig, the TOD consultant, travels all over the country talking to TOD experts with similar stature in the field about what the most important components of TOD are, and one emphasized including retail and another getting block sizes smaller.

Commissioner O'Connor noted that if the City is not able to work things out with Kaiser, it would not want to end up with half a trail that would never be put in. He inquired if any resulting pathway would be owned by and dedicated to the City.

Mr. Dolan replied that he was not certain what instrument would be used but that he thinks it would be an easement. He indicated that it sounds reasonable to have a sunset, but he thinks that a recommendation to the City Council should include language indicating that substantial progress has been made rather than specifying a sunset when the deal should be completed. He reiterated that staff is reasonably certain that this would be accomplished.

Chair Narum inquired if he would be opposed to adding some wording in the document to that effect.

Mr. Dolan replied that if this is compelling to the Commission, it is not an unreasonable thing to do.

Commissioner O'Connor stated that he thinks this is necessary. He noted that if this is an easement, the property owners would have to accept liability as well.

Commissioner Pearce referred back to the parks issue and indicated that her fundamental question is whether or not a park belongs in what is technically an urban setting. She indicated that she has had this conversation a lot and sat through all Task Force meetings, and she is not convinced that in such an urban setting, the City cannot utilize non-traditional open spaces. She expressed interest in the incentive idea, however, and inquired if staff has thought about ways to manage this.

Mr. Dolan replied that the main incentive he thought about would be some type of credit on the park dedication fee beyond just the acreage provided. He explained that the park dedication fee for an eight-acre parcel with 240 units on it is almost \$2 million, and relieving the developer of some of that obligation would be pretty significant.

Commissioner Blank suggested that in its recommendation to the City Council, the Commission look at some mechanism to incentivize the developer.

Chair Narum inquired if staff could incorporate some wording that would address incentives for a park.

Commissioner Blank asked Chair Narum whether she meant park or open space.

Chair Narum replied that she is interested in a public park in lieu of a large piece of open space.

Commissioner O'Connor inquired if a separate analysis has been done on what the generation of children would be in a TOD. He noted that there have been different numbers in apartment complexes versus single family homes.

Mr. Dolan replied that staff did an analysis to identify school impacts and that staff is relying on the School District's demographers who did not have numbers that they felt would represent a true TOD in Pleasanton. He added that the best numbers came out of the Archstone development, which has about a .4 student per unit.

Commissioner Olson stated that he felt the setbacks and trails go hand in hand and inquired if Mr. Wayland's proposed setbacks would be addressed if the ten-foot wide trail were included in the development.

Chair Narum stated that she would like to identify if the Commission had a consensus, then have staff incorporate language regarding offering incentives to a developer looking at contributing land for a public park and returning if there are concerns.

There was consensus for incentive language for providing land for a public park for Parcel 2 and Parcel 3.

With respect to setbacks for a trail, Commissioner O'Connor stated that he would be amenable to reducing setbacks if trails become a part of this development, especially if it would give the developers more feasibility in developing 30 units per acre. He indicated that the development would not be expected to look like a regular apartment complex where there are normal setbacks, but it would be tighter and have a higher density.

Commissioner Blank agreed with Commissioner O'Connor, especially if there will be a trail.

Commissioners Olson, Pearce, and Pentin agreed as well.

There was consensus:

- **that if BRE does the trails, the setbacks would be reduced as proposed by Mr. Wayland;**
- **to provide incentives for land set aside for public parks; and**
- **to include a sunset clause if there is not significant progress at the time the application is set.**

Residential density: need for an average density to be included in the TOD Standards and Guidelines

Chair Narum stated that the density range is currently 30-55 units per acre.

Commissioner Pearce indicated that there was a lot of discussion about density at the Task Force meetings and that she is comfortable with these numbers.

Chair Narum stated that she supported restricting the density to an average of 35 units, particularly for Parcel 2, because it is across from the residents.

Commissioner O'Connor stated that Mr. Wayland had indicated that it will not be feasible to go much over 30 units per acre to begin with because of the costs. He indicated, however, that he thinks a minimum of 30 units should be kept in order to meet what the City needs for the court settlement.

Commissioner Blank stated that he was not certain about the value of putting that restriction.

Chair Narum noted that the way the document is written, all three parcels could be developed at 55 units per acre, which would be 1,500 units versus 800 units.

Commissioner Pearce stated that even if an applicant came in with 55 units and meets the guidelines, the City still has the discretion to modify the application.

Commissioner O'Connor stated that he thinks the Commission would want to give the developer a heads-up and not have the developer go through all the expense.

Chair Narum stated that Parcel 2 could have an overall average density not to exceed 35 units, so one part could be 25 units and another would be ten units.

Commissioner Pearce stated that she feels what the Commission sometimes does is pick numbers out of the air and hope they are right. She indicated that she would rather keep it where it is at, have an applicant come to the City, and look at the actual project.

Commissioner Blank agreed and stated that it seems like micromanaging.

Commissioner Pentin suggested that the developer weigh in.

Commissioner Olson stated that at the workshop, he asked BRE why they did not come in and request 50 units per acre, and they said it was not feasible.

Commissioner O'Connor noted that BRE only represents one or two properties and not the third property.

Chair Narum commented that the representative from Roche, the owner of Parcel 3, is also present. She added that she is specifically interested in Parcel 2. She suggested re-opening the public hearing and asking Mr. Wayland to comment.

Commissioners O'Connor and Olson agreed with Commissioner Pearce.

Commissioner O'Connor continued that the Commission could set the minimum of what the City needs, and when a developer comes in and asks for something that is certainly beyond what the Commission thinks, the Commission can then have that discussion.

Chair Narum inquired what the Commission would do if an application for 50 units per acre came in and it is not what the Commission wants.

Commissioner Blank noted that there are school impacts, traffic impacts, and safety impacts.

Mr. Dolan explained that if the Commission is not comfortable with 55 units on Parcel 2, it should say so now, because if someone comes in with 50 units per acre and meets the guidelines, that would not be the time to state the Commission is uncomfortable with 50 acres on Parcel 2. He noted that the application will have clearance on traffic and on schools. He added that in the CEQA analysis, the City we must take the most conservative; therefore, the City must put 55 units across even if the Commission knows what BRE has stated. He indicated that if BRE goes away and someone comes in with 55 units, this would be allowed by the guidelines, and they can deal with the design issues, but the Commission could not say then that it is not comfortable with the number of units. He commented that Mr. Wayland may state that BRE intends to do something with 30-35 units but would still like to maintain the flexibility.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Wayland concurred and stated that he thinks it is always better to be clear about intentions from the outset. He indicated that developers always look at certainty; hence, if the Commission thinks 55 units to the acre is too dense, it is good to state that upfront. He noted that currently, 55 units to the acre is not feasible, and this is why BRE is coming in with less density. He added that if BRE did not come in now and returns in five years, there may have the opportunity to build at a higher density, and these conversations would all be forgotten.

Commissioner Blank asked Mr. Wayland if he would be comfortable with a limitation that would restrict density to no more than 35 units per acre on all three parcels.

Mr. Whalen replied that what they are planning for is adequate. He noted that if it is feasible, BRE could build it, but ultimately it comes down to what the City wants. He indicated that there is a product that hits that and right now can be built.

Commissioner Blank inquired if all three parcels should have the same restriction.

Chair Narum replied that she is only interested in Parcel 2 and thinks each parcel should have its own restriction.

Commissioner O'Connor stated that whatever is decided, he thinks the average should be the same on all three parcels.

Commissioner O'Connor asked Mr. Wayland if BRE would be supportive of putting no more than an average of 35 or 40 units to an acre.

Mr. Wayland replied that 35 to 40 units would be fine from his perspective and based on what can be built on the parcel. He indicated that he cannot speculate on the future, but he reiterated that the Commission should indicate what it wants and be clear about it because if BRE does not come through and build now, and five to ten years from now, a developer comes in with a higher density, there will be an issue.

John Steinbuch, W. B. Carey, owner of Parcel 1, confirmed that BRE has an option to purchase Parcel 1 but W.B. Carey owns the parcel. He indicated that he would not want the density capped at 35 or 40 units because if BRE were to go away, the parcel might not be developed for a number of years, and given its location, it might warrant a higher density at that time.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Olson stated that he does not understand why the Commission would not want to maintain that flexibility.

Commissioner Pearce indicated that she understands what Chair Narum is saying about the houses across the street from Parcel 2. She noted, however, that Owens Drive is a big street, and if the City maintains its flexibility, not only is it putting more people on the properties to make the retail more viable, but houses will be needed for the people. She added that the City gets new numbers every year, and this is a perfect infill property to allow the flexibility to put units in a design-appropriate way. She stated that she does not see a problem with allowing the flexibility.

Chair Narum indicated that she does not disagree with that. She questioned, if projects for all three parcels came in with an average of 50 or 55 units, if this would be what the City wants for this particular area.

Commissioner Blank stated that the City may want the houses if they were tastefully designed. He noted that if someone were to come in with a 55-units-per-acre project, and the Commission did not like the way the designs or the way the project was laid out, the Commission would have the ability to make changes based on the guidelines. He added that, for example, he believes a two-story building that is less tall than a one-story building should be allowed in areas that prohibit two-story buildings because of visibility, and if someone came up with a cost-effective, tasteful project that meets all the design standards at 55 units per acre, it should be allowed.

Commissioner Pearce agreed. She reiterated that the fundamental purpose of a TOD is to have an urban area that is walkable and close to transportation and retail. She added that this is where the City should allow flexibility and density because this is not supposed to be a suburban area but an area with the type of density that would keep the retail viable.

There was consensus to leave the density at a minimum of 30 units and a maximum of 55 units per acre.

Retail development: how much and where?

Commissioner Pentin stated that in considering retail spaces, he is not concerned as much with the retail on Parcel 1 because with the street modifications and the tandem development of BART and parcel 1 as was specified tonight, he believes this could be very successful. He indicated, however, that he was not convinced about the retail at the corners of Parcels 2 and 3.

Commissioner Blank supported Commissioner Pentin's comments. He stated that he is not a retail specialist but in looking at the design, he thinks that if one wants a focused retail so there is an easy connection to retail, these are all the wrong corners to put the retail on. He indicated that he would move Parcel 2's retail to the upper left hand corner and move Parcel 1's retail down to the lower right hand corner so they are close to each other to form a bridge, and people could walk back and forth easily. He added that he drove by the area and thinks there is not enough to support retail and draw from the houses across the street because there are other retailers farther down.

Commissioner O'Connor noted that those other retailers close to the residential have struggled for years; they have never been full, have had a lot of turnover, and only one or two tenants have stayed for years.

Commissioner Blank said he knows the task force worked hard at its meetings, but he questioned examples of where this has worked and said he has never seen any. He felt parcel 2 and 3's retail looks off to him.

Commissioner O'Connor noted that of the six Commissioners, he is probably the most involved in retail. He indicated that he would not put any retail on Parcel 2 or Parcel 3; he believes only Parcel 1 has a good chance of being viable and only on Owens Drive.

Commissioner O'Connor stated that he does not know if Parcel 3 would be developed as residential and that in the mix, it could be developed as office. He continued that then the City would be looking at 500 to 600 units, or 800 to 950 units at the most. He indicated that it takes more than that number of units to support retail. He noted that when this was originally considered a while back, there was discussion on the kind of retail that could be supported by people who would live in the area, such as a dry cleaner, a hair dresser, and a nail salon. He added that the Commission also felt then that 1,000 units could not support a small grocery as well as a 7-Eleven store.

Commissioner O'Connor indicated that as a developer, he would not put retail on any of the other corners. He noted that the retail at the corner of Gibraltar Drive and Stoneridge Drive has struggled for years, and Stoneridge Drive is a fairly busy road. He agreed with the developer to limit retail to 5,000 square feet on Owens Drive with the flexibility to add at a later date.

Commissioner Olson agreed with Commissioner O'Connor that the Commission should stay with 5,000 square feet on Owens Drive.

Commissioners Pentin, Blank, and Chair Narum concurred.

Commissioner Pearce stated she would have always liked to have seen more retail, but she thinks it is incumbent upon the City not to make this economically infeasible, and the retail aspect appears to be so. She reluctantly concurred with her fellow Commissioners.

Commissioner Pentin asked to discuss Live/Work in connection with retail.

Mr. Dolan indicated that he needed some clarification first. He stated that as written, there is a requirement for 10,000 square feet total of retail, with a minimum of 5,000 square feet on Owens Drive. He inquired if the total retail was being reduced to 5,000 square feet.

The Commissioners said yes.

Mr. Dolan then asked if 5,000 square feet would be completely eliminated as an allowed use or would it be at the owner's option at the locations designated. He noted that if Roche comes in five years later and is in a market where the 55 units per acre would work, that would mean 12 acres without even a Starbucks.

Commissioner Blank indicated that he could go along with not making it a requirement. He indicated that he thinks 5,000 square feet on Owens Drive should be the requirement and retail allowed on Parcels 2 and 3.

Commissioner Pentin stated this is the reason he was moving toward Live/Work and that the Commission could address parcels 2 and 3.

Commissioner Blank stated that this is dedicated retail space.

Commissioner Pentin agreed, but the City could deal with Live/Work and the possibility of expanding retail up to 10,000 square feet if feasible.

Chair Narum and Commissioner Blank disagreed with this direction.

Chair Narum stated that she thinks the Commission should require the 5,000 square feet of retail on Owens Drive and have retail on Parcel 2 and Parcel 3 at the corner of Gibraltar Drive and Hacienda Drive as allowed but not required.

There was consensus to require a total retail of 5,000 square feet on Owens Drive and to allow, but not require, retail on Parcel 2 and Parcel 3 at the corner of Gibraltar Drive and Hacienda Drive.

Live/Work for Parcel 2 and Parcel 3

Commissioner Pentin stated that the concept of a Live/Work environment that is a rental is great, but he has not seen one. He expressed concerned that Live/Work does not always work and what happens then is a Live/Live with closed windows and drapes. He noted that there would then be a problem with what the hardscape and softscape on the front of the building would look like. He indicated that he would not want to mandate the owners to put them in, but he would not want the buildings to look like large apartments.

Commissioner O'Connor stated that this is a design issue because of the height requirements. He noted that it should be the builder's option, as opposed to a requirement, to build Live/Work and suggested that language be included to indicate that it could be a Live/Live with the option to convert to Live/Work over time as feasible.

Commissioner Blank stated that he likes the idea of making it a builder's option because the guideline would be in place, and should the market change significantly between now and the future, the developer would have the opportunity to put in Live/Live or Live/Work units.

Commissioner O'Connor stated that if a developer chooses to build Live/Live in areas designed for Live/Work, some of the design guidelines would have to be changed to include softscape for Live/Live so the frontage do not look like a storefront window when it is really someone's apartment.

Chair Narum agreed.

Commissioner Pearce stated that her intent was not to restrict this area but to provide more flexibility to make it more active, which is why they are called Active Use spaces. She suggested making it a Live/Live with the opportunity to flip it over to a retail or Live/Work at a later date.

Commissioner O'Connor agreed and added that this way, it is not mandatory.

Chair Narum summarized that Live/Live, Live/Work, and Active Use spaces along Gibraltar Drive are permitted uses on Parcel 2 and Parcel 3.

Commissioner O'Connor proposed including the same for Parcel 1 as a developer option.

Chair Narum suggested dealing with consensus for Parcels 2 and 3 for now.

The Commissioners agreed.

There was consensus that Live/Live, Live/Work, and Active Use spaces be permitted on Parcel 2 and Parcel 3 along Gibraltar Drive.

Chair Narum stated that at the Task Force meetings, there were huge debates about retail and how much is enough. She added that most of the Commissioners do not have a lot of experience in retail in terms of what works and what does not. She noted that Live/Work was done as a compromise to indicate that this can be successful in the future, and Live/Work, Live/Live, and Active Use spaces would give the developer the ability to add in more retail should the need arise, without leaving any empty retail for the moment.

Commissioner Blank noted that per BRE's letter, this is something the developer is willing to accept. He added that BRE can work with 5,000 square feet of retail on Owens Drive, and Live/Work, Live/Live, and Active Use for that frontage. He stated that he is not a retail specialist and would defer to Commissioner O'Connor.

Commissioner O'Connor stated that Live/Work is a little bit different but he could support that. With respect to retail, he noted that there was a guideline that the depth at the corner should be 60 feet. He indicated that this should be eliminated as a required depth for a 5,000-square-foot retail.

Chair Narum stated she believed there is a consensus to leave the retail, Live/Live, Live/Work, and Active Use spaces for Parcel 1 as written in the guidelines.

There was consensus to leave retail, Live/Live, Live Work, and Active Use spaces for Parcel 1 as indicated in the Guidelines.

Chair Narum indicated that she would open the floor to comments on what has so far been discussed so far.

THE PUBLIC HEARING WAS RE-OPENED.

Peter MacDonald referred to Mr. Tassano's description of the two options on the Owens Drive lane reduction and noted that no one has had a chance to look at how to mitigate this second alternative. He indicated that he agreed with Mr. Tassano's concern but that he felt there are ways to mitigate the second alternative so it does not have to be an "either-or" proposition.

Becky Dennis stated that she understands retail is not something market rate developers want to do. She agreed that there are vacant spaces in the strip-retail near the high density development in Hacienda, but she believes one of the reasons the retail on Stoneridge Drive is not thriving is because it was designed for daytime workers rather than for mixed-use.

Ms. Dennis stated that the City is designing a TOD here, and TODs are walkable and adjacent to services and do not always go all around transit. She added that the City is designing for the future where gas is going to be very expensive, and people will be earning less than 50 percent of the County median and may not have cars; hence, it is important to have more retail in the mix along Gibraltar Drive and Hacienda Drive.

Ms. Dennis stated that Gibraltar Drive is a nice, quiet street, and all types of things could be done there for the neighborhood. She indicated that she would hate to see the elimination of design guidelines that would allow the area to evolve into retail over time. She noted that once small residential units are built, they can never be converted to retail; additionally, it is a lot easier to figure out how to live in a loft or design space that was commercial or retail space to make it livable residentially than it is to convert residential into retail later. She stated that this area should be preserved for Hacienda retail as people will come to appreciate a more urban environment where they can walk to services.

Valerie Arkin, Task Force member and School Board member, note that the Task Force talked about this for a long time. She agreed with Ms. Dennis' comments regarding retail on Gibraltar Drive and what TOD will bring to the community in the future. She added that retail could serve the existing residences in Hacienda, including those from the Valencia development. She indicated that the School District demographers' report was based on 30 units per acre rather than 55 units per acre.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank commented that if the strip mall at Stoneridge Drive and Gibraltar Drive were thriving, it would be more persuasive. He indicated that he goes there often and it is fairly dead.

Commissioner O'Connor stated that there is a proposed 7-Eleven store across the street from another existing residential neighborhood, and the residents are opposed to it. He reiterated that the number of units will not support a lot of retail square footage. He added that he believes a lot can be done with 5,000 square feet on Owens Drive if smaller units were built there, which would be able to support a viable retail that would provide services.

Commissioner Olson agreed.

Commissioner Pearce acknowledged Ms. Dennis' and Ms. Arkin's comments. She stated that she has been looking at TODs for a long time, and in her ideal world, this would be more ambitious, would have more retail, and be more urban. She indicated, however, that she needs to listen to what people who do this for a living are saying, and if they believe this is not viable, the City cannot require them to have empty storefronts on corners. She noted that by court order, the City is required to allow a development that is economically feasible, and it is incumbent upon her to weigh those choices.

Commissioner O'Connor agreed and stated that the City must give them something viable or the City will have trouble with the courts later.

Chair Narum asked the Commissioners if they wanted to go through the document or address Mr. Wayland's letter. She noted that the Commission has not discussed the landscaping on Owens Drive and the Owens Drive reconfiguration.

Commissioner O'Connor indicated that a discussion on the landscaping and depth of retail would cover the third item on Mr. Wayland's letter.

Commissioner Blank indicated that he had comments on the Owens Drive reconfiguration.

Chair Narum stated that she thinks it makes sense to put in landscaping in front of the Live/Live, Live/Work, and Active Use spaces and to have staff incorporate such language.

Commissioner O'Connor commented that this should revert back to the current guidelines if it turns into Live/Work.

The Commissioners agreed.

There was consensus to allow putting in landscaping in front of the Live/Live, Live Work, and Active Use spaces on Owens Drive and to incorporate language indicating that it would revert back to the current guidelines should it turn into Live/Work.

Allowed Uses

Chair Narum proposed that “Adult Book Stores” be included under “Expressly Prohibited Uses” under “D. Allowed Uses” on page 15 of the Standards and Design Guidelines, Exhibit A of the staff report, if this is not already included in the Municipal Code.

The Commissioners agreed.

There was consensus to add “Adult Book Stores” to “Expressly Prohibited Uses” under “D. Allowed Uses.”

Commissioner Pentin noted that “Variety stores” was changed to “Specialty retail stores,” which is already listed a few lines above it.

Chair Narum noted that there was a comment from Ms. Dennis regarding the use of the term “office” versus “center” under “Social services” on page 15 of the Guidelines.

Mr. Dolan explained that there was concern that one could make a case that “center” could include a homeless shelter. He clarified that having something more than an office but not necessarily a shelter is appropriate. He indicated that staff would use another term to address Ms. Dennis’ concern.

There was consensus to replace the term “office” with something more appropriate to reflect a use that is more than an office but not necessarily a shelter.

Commissioner Blank referred to the “Conditionally Allowed Uses” on page 16 of the Guidelines regarding normal business hours between 10:00 p.m. and 6:00 a.m. He indicated that most businesses do not operate during these hours, although Starbucks on Valley Avenue opens at 4:50 a.m. He inquired if a coffee shop moving into a retail location would be required to do anything special.

Ms. Stern replied that a Conditional Use Permit would be required.

Commissioner Blank inquired if that would come before the Commission.

Ms. Stern said yes.

Commissioner Blank commented that he thinks this is a bit restrictive.

Chair Narum stated that the way this was written in the Workshop, a 7-Eleven store operating 24 hours a day would have been a permitted use.

Commissioner Blank indicated that he was specifically referring to a coffee shop.

Commissioner Pearce stated that Conditional Use Permit requests of this type could be put on the Consent Calendar.

Development Standards and Design Guidelines

Commissioner Pearce inquired what the process would be for deciding what street design to use. She requested that the Commission have a conversation about how to decide what to do in this section.

Mr. Dolan stated that there are two options that are approvable, and the Council can either leave an option open or pick one. He added that staff will probably get more input from BRE or W.P. Carey. He indicated that the second option requires less movement of the curb and provides a little more land to use for building, but it takes away land from parking. He noted that there should not be any land issue in the sense that whatever space is lost to put in a building is gained to put in parking; both have to be done.

Commissioner O'Connor inquired if the angled parking is designed for the retail.

Mr. Dolan replied that it is not necessarily specified, but it surely counts because it is very convenient to retail, to the residential that would be right there, and to any Live/Live or Live/Work that ultimately transitions. He added that with 5,000 square feet of retail and some Live/Live there, it would also be logical for guest parking for the entire project.

Mr. Dolan stated that under the old scenario, BRE would likely come first on Parcel 2, and it would build no retail as this is not required. He noted that Parcel 1 comes next with 5,000-square-foot minimum retail, and then the Roche property comes last, and if the 5,000 square feet of required retail is still there, it would be built then.

Commissioner Narum inquired how Option A1b. could go forward, given the traffic safety analysis presented earlier by Mr. Tassano. She further inquired if the Commission would need to add some language regarding mitigating it.

Mr. Dolan indicated that Mr. Tassano has some concerns about Option A1b which he has outlined. He stated that there are probably some variations in between the two options, but the backing-up issue needs to be addressed for safety reasons.

Mr. Dolan stated that what it comes down to is what would be a valuable opinion to share with the Council. He noted that the study shows that Option A1a works beautifully. He added that those on the Task Force were able see a video of what that area would be like during PM peak hours, which showed very light traffic. He indicated that there is a lot of capacity out there and that Option A1a. will work.

Commissioner O'Connor inquired if the lanes could be one lane going one direction and the two lanes the opposite direction as depicted in Option A1a. but configured as it is in Option A1b. without a separate median but with a curb or something similar

Commissioner Blank stated that one of the problems here is that the Commission just got the report and has not had the chance to digest it.

Commission O'Connor indicated that he just wants to know if it could be built that way.

Commissioner Blank stated that based on the information he has about the traffic patterns other than Mr. Tassano's summary, he sometimes has questions about traffic that are not in the traffic report. He indicated that based on the information available right now which can be summarized in about 35-45 seconds of testimony, as opposed to looking at the data, his recommendation is to leave it as is with the two options because he believes that over time, staff, the City Council, and the Planning Commission may need to forward this on and not be able to make a specific recommendation about traffic or the environmental effects. He indicated that he is hesitant to try and design this beyond what is in the document.

Commissioner O'Connor stated he understands the need for the safety regarding parking and the bicyclists.

Commissioner Blank commented that there may be other ways to mitigate that that the Commission is not aware of.

Commissioner O'Connor stated that that is the reason he was asking if it can be done with just a curb.

With respect to the number of lanes, Commissioner Pearce stated that her experience with looking at TODs and in talking with consultants indicates that when a road is very wide, it no longer is a TOD but becomes a TAD, Transit Adjacent Development, which does not do anybody any good. She noted that the people from BART are not going to come across to these stores, and the people who live there are going to have a hard time getting across the street. She indicated that she has always been in favor of anything that would narrow Owens Drive, which will make this a more successful development and will ultimately make this retail more successful.

Chair Narum agreed with Commissioner Pearce and added that she would be supportive of some configuration that was one through lane in each direction. She inquired what the plan was in terms of who would be paying for this and if the owner of Parcel 1 would have to do half of it when the Parcel 1 project came in.

Mr. Dolan replied that the payment plan is not entirely spelled out. He stated that there is grant money available for capital projects particularly around stations, and there would be no project more qualified for some of this money than this one; however, it takes time and processing and other things. He added that the most that the Parcel 1 owner would have to do is its side, and the cost is not as significant as some people have said it is because while it involves changing sidewalks, utilities will not be moved, and the grade will not need to be changed much, if at all. He indicated that the median might have to be moved, but it is not out of the question that, if it comes down to this

particular improvement tripping the feasibility lever, the City would participate or take responsibility for some of it.

Commissioner O'Connor inquired if there is a possibility of doing an assessment district if there is no grant money or the City did not have the funds so the whole street is done at one time and not half at a time.

Mr. Dolan replied that it is a possibility.

Commissioner O'Connor inquired if a vote of 51 percent is needed to do an assessment district.

Mr. Dolan replied that he did not want to say the incorrect thing but that staff would have to figure out the area of benefit. He noted that in terms of who gets to vote, it might not just be the two properties.

Mr. Dolan advised that the Planning Commission's choices would be letting it move forward with these two options still in play, expressing a preference for one of these, or some other unnamed option.

Commissioner Pentin indicated that he would opt for Option A1a., single lanes. He stated that just as Commissioner Pearce has expressed, if the City is really going to create an environment there for retail, a wider street would take away from a TOD, and that is not really the goal here. He emphasized that the development should be kept as TOD as possible.

Commissioner O'Connor stated that he would like to have one lane in each direction with the ability to keep the existing curb where it is.

Commissioner Blank stated that he thinks this is something that needs to be looked at. He reiterated that he is hesitant to design it because he has not had the opportunity to review the documents.

Commissioner O'Connor stated that he is not trying to design the street, that he is just saying in general that it becomes more feasible if the City can save money on moving the center median and on moving the other curbs.

Commissioner Olson agreed that this is the guidance the Commission should give to the Council.

Chair Narum requested that Commissioner O'Connor repeat the guidance.

Commissioner O'Connor stated that there would be one lane in each direction but designing it somewhat like Option A1b. where the existing curb and the existing medians stay where they are.

Commissioner Blank inquired what the current width of Owens Drive is and if it is 175 feet. He indicated that he likes the idea of a single lane but that the City has to be realistic since he believes Owens Drive would remain the same width.

Commissioner Olson commented that it does not have cars across that width.

Commissioner Blank indicated that he understood that but that there may be other ways to mitigate this, to slow the traffic, to do other things that the Commission has not thought of; and that is the reason he wants to be able to think this through.

Commissioner Olson stated that vehicles will go faster if they are given more space. He noted that this would be like a funnel which would force vehicles into one lane and slow down in the process.

Commissioner O'Connor inquired if the road would be separated by the parking areas.

Commissioner Blank clarified that he is not saying this is not the right approach but that he does not want to automatically jump to Option A1a.

Chair Narum indicated that she thinks everybody is in agreement regarding an option that has one through lane in each direction.

Commissioner Blank added that the curbs should not be moved, if possible.

Commission O'Connor also added that the median should not be moved, if possible.

There was consensus to recommend an option that has one through lane in each direction and without moving the curbs and median, if possible.

Commissioner Blank noted that A1b. on page 18 has a lot of descriptive information and that A1a. on page 17 does not include any. He made the following formatting suggestion and proposed that it be included in the document to be forwarded to the City Council:

- Move up the sentence on page 17 under A1a., "The following options for Owens Drive represent initial schematic designs and will need to be refined and studied further." and make it A.1c.
- Provide some descriptive information about A1a., equivalent to what exists for A1b.
- Add Commissioner O'Connor's proposal as A1c. and provide some descriptive information.

Commissioner Pearce noted that "Gibraltar Drive" is spelled wrong in a number of places.

Willow Road

Commissioner Pentin noted that the Commission has discussed this during the setbacks discussion with BRE.

Chair Narum confirmed that the Commission has also discussed the pedestrian bike paths.

Site Design and Planning

Commissioner Pentin stated that he likes the idea of entering in the front rather than through alleys and the back.

Chair Narum went through the different subtopics under this section, and the Commissioners did not make any comments.

Chair Narum stated that she assumes staff would determine where to put landscaping for Live/Live, Live/Work, Active Use, and open spaces on Owens Drive.

Mr. Dolan indicated that this could be done by staff.

The Commissioners did not have any comments on Building Types as well.

Architectural Features

Commissioner Pentin referred to D8.d. on page 49 regarding size and design of trash enclosures to accommodate the City's source separated recycling program and indicated that he thinks the term "shall" is more appropriate in this case and requested that it replace the term "should."

There was consensus to replace the term "should" to "shall."

Chair Narum referred to D4.3 on page 47 regarding storefront depths.

Mr. Dolan stated that this was a recommendation from the retail study prepared by Mr. Fleissig and Mr. Williams based on their experience with successful retail. He indicated that the property owners did not agree with the recommendation and preferred a depth of 40 feet; however, because the City prefers to adhere to 60 feet, a compromise was arrived at by requiring 60 feet at the corners.

Mr. Dolan suggested that Mr. Williams come forward to discuss his experience with this.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Williams stated that the recommendation was for a minimum of 60 feet to ensure that there is sufficient quality retail space. He indicated that the depths in other places

were cut down to 40 feet with a compromise to keep it at 60 feet at the corner. He stated that the applicants commented that for most retail spaces, they did not want to make it too deep. Mr. Williams noted that the reality is that most retail spaces, particularly when integrated into mixed-use spaces, the biggest problems are that they are always too shallow. He reiterated that retail developers develop retail and residential developers develop residential, and neither is very good at the other; but mixed-use developers develop mixed-use projects and understand how to build them, design them, market them, and rent/lease them out. He added that a retail specialist would answer a retail question differently than a mixed-use development specialist would.

Mr. Williams indicated that these retail spaces are set up around mixed-use developments, and the criteria used are about that type of development. He added that retail can fit in either types of buildings, but whether 40 feet is a reasonable depth is pushing the envelope of being right on the edge of being too shallow. He indicated that this is a reasonable compromise, but he believes 60 feet is what almost every retailer will say is the best retail depth.

Chair Narum inquired how wide a building with a 60 foot depth would be.

Mr. Williams replied that he would expect 30 feet wide by 60 feet, or 60 feet by 60 feet, which would be a reasonable depth and width at 3, 600 square feet or almost all of the 5,000 square feet.

Chair Narum stated that 3,600 square feet would be for only one corner, but the Commission specified two corners.

Commissioner O'Connor noted that the Commission is not mandating two corners but only one or the other. He noted that if one corner is 60 feet by 60 feet, the space left is would be very narrow for another 60 feet.

Commissioner Pentin stated that the second corner would not be 60 feet.

Mr. Williams indicated that this is not a critical issue and that when the applicants get through the eventual design, they will find that if they work on the retail space thinking about it for retail, they will end up coming up with a solution that works. He noted that the worst thing that can happen is to have someone come in and design a project that does not care about the retail space, and they will not include what is necessary to ensure a café or restaurant, they will not put in all the shafts for all the utilities, and they will not provide the right acoustics needed for building out tenant spaces appropriately. He noted that this is not something included in the design guidelines, but these are needed to get a development that is going to be successful for retail.

Mr. Williams stated that the reason most retails are not successful in a mixed-use development is because those who built it wanted a residential development rather than a mixed-use development, and it does not work because it was not designed or

marketed appropriately. He indicated that Mr. Fleissig has done hundreds of thousands of feet of retail and mixed-use developments, and he would not put in a unit that was that narrow if the City is trying to get a successful retail space.

Mr. Wayland indicated that BRE has a different opinion. He stated that they are looking at doing a development in the Mission Bay area in the San Francisco area close to the ballpark, and it has a giant master plan that went through 20 years of extensive planning. He noted that it specifies a depth of 40 feet in its neighborhood retail mixed-use developments and that every major mixed-use developer is going in that area. He added that they are also the developer of the Sunnyvale Town and Country, a major project with 34,000 square feet of retail next to the Sunnyvale Town Center. He stated that numerous consultants told them not to go any deeper than 40 to 45 feet because users will want only 1,000 to 1,200 square feet because any more would be a bowling alley. He concluded by saying that BRE is a mixed-use developer, that they build in urban infill locations, and that he personally has built 200,000 square feet of retail.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor stated that BRE is proposing a depth of 40 feet, but this does not mean that they cannot go to 60 feet if they find the right tenant.

There was consensus to recommend a retail depth of 40 feet.

Chair Narum indicated that the Commission has completed its recommendations to the City Council and asked if there was anyone in the audience who wanted to make final comments.

There were none.

Chair Narum inquired if any of the Commissioners had any comments regarding the Negative Declaration.

Commissioner Blank suggested recommending that the City Council review the Negative Declaration.

Commissioner Pentin moved to defer action on the Negative Declaration to the City Council; find that the proposed Major Modification to the PUD is consistent with the General Plan and the purposes of the PUD ordinance; recommend approval to the City Council of PUD-81-30-48M/PUD-85-8-21M; and recommend the following amendments to the Draft Hacienda TOD Standards and Design Guidelines:

- 1. Encourage incentives for inclusion of a park whether relief of park in-lieu fees or counting for private open space on Parcel 2 and Parcel 3;**

2. **Provide a sunset clause in the ability to get agreements with Kaiser for the trail; and if this is not possible, include a sunset clause that would remove it from the Guidelines. Additionally, if the trail is included within the parcels, the setbacks would be changed as specified by the BRE letter to the Commission;**
3. **Density will be at a minimum of 30 units and a maximum of 55 units per acre;**
4. **Modify the total retail from the required 10,000 square feet to 5,000 square feet and only on Owens Drive, but leave the additional 5,000 square feet as a builder's option for Parcel 2 and Parcel 3;**
5. **Leave Live/Work on Parcels 2 and 3 as a builder's option (permitted use) and on Parcel 1 as per the Guidelines;**
6. **Provide Live/Live, Live/Work, and Active Use as staff-specified options for softscape and hardscape;**
7. **Replace the term "center" under Social Services with a more appropriate term to reflect a use that is more than an office but not necessarily a shelter;**
8. **Add "Adult Bookstore" to the list of Expressly Prohibited Uses under Allowed Uses;**
9. **On Owens Drive, encourage one lane in each direction but designed like Option A1b. so as not to move median and curbs if possible; provide better information about Option A1a.; and possibly add Commissioner O'Connor's proposal as Option A1c. and provide some descriptive information;**
10. **Modify the retail depth on the corners from 60 feet to 40 feet; and**
11. **Change "should" to "shall" D.8.d. to "shall" on D8.d. regarding trash enclosures to correspond to City policy.**

Commissioner Blank seconded the motion.

Commissioner Pearce stated that it has been an enjoyable year working on the Hacienda Task Force and that she is proud of what the Task Force has accomplished. She added that she is proud of staff's and the consultant's work and thinks that this is truly a collaborative effort, as evidenced by the positive response from the Planning Commission. She indicated that it had a lot of community input, which is what has always been wanted and believes that the product is something that satisfies all those involved.

Commissioner O'Connor stated that as a Planning Commissioner, he can tell that there was a lot of public input, and he personally thanked Commissioners Kathy Narum and Jennifer Pearce for all their time and effort over the many months as representatives on the Task Force.

Chair Narum echoed Commissioner Pearce's comments.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Resolution No. PC-2011-05 deferring action on the Negative Declaration to the City Council, finding that the proposed Major Modification to the PUD is consistent with the General Plan and the purposes of the PUD ordinance, recommending approval to the City Council of PUD-81-30-48M/PUD-85-8-21M, and recommending the above-listed amendments to the Draft Hacienda TOD Standards and Design Guidelines, was entered and approved as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Parking Issue at the 24-Hour Fitness Facility

Commissioner Pearce inquired about the status of the 24 Hour Fitness parking situation.

Mr. Dolan asked James Paxson, Executive Director of Hacienda Business Park Owners Association, who was in the audience, to come forward and update the Commission.

Mr. Paxson reported that 24-Hour Fitness is continuing to work with Shaklee and that other options being pursued. He stated that a valet service has been set up and that he thinks there will be some drop-off in interest and attendance after the early incentives burn off. He indicated that the facility staff is in regular communication with the surrounding property owners and agreed that the problem occurs twice a day at noon and at 5:00 p.m.

Mr. Paxson stated that one positive is that the club is very successful and beautiful, and in terms of constructive re-use of a property, it is great.

PUD-82, DiDonato Project

Commissioner Pearce inquired when the DiDonato property would return to the Commission.

Mr. Dolan replied that it is schedule to come before the Commission at the February 9, 2011 meeting.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

Planners Institute Conference

Ms. Stern reminded the Commissioners that staff needs to know by Monday, January 31st, if they are interested in attending the Planners Institute in March.

Commissioner Pentin stated that he was considering it and will confirm by January 31st.

Commissioners Olson, Narum, and O'Connor indicated that they will not be attending.

Commissioner Blank indicated that he will not be able to attend the February 23, 2011 meeting.

Commissioner Pentin indicated that he will be arriving back from India in the evening of February 9th and is not certain if he will be able to attend the meeting.

12. ADJOURNMENT

Chair Narum adjourned the Planning Commission meeting at 11:15 p.m.

Respectfully,

JANICE STERN
Secretary