



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, September 15, 2010

(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 September 15, 2010, was called to order at 7:00 p.m. by Chair Olson.

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; Marion Pavan, Associate Planner; James Miguel, Fire Chief; Joseph Rodondi, Deputy Fire Chief; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: Commissioner Kathy Narum

2. APPROVAL OF MINUTES

There were no minutes for consideration.

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 speakers.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Chair Olson advised that Item 11, Matters for Commission Information, was being moved forward on the agenda. He indicated that Commissioner Blank has some questions regarding gas lines running through Pleasanton and invited the City's new Fire Chief to speak on the matter.

11. MATTERS FOR COMMISSION'S INFORMATION

Fire Chief James Miguel stated that he was recently appointed Fire Chief for the Livermore-Pleasanton Fire Department (LFPD). He indicated that he spent 27 years in fire service in the City of Modesto, the last eight years as Fire Chief. He introduced Deputy Fire Chief Joseph Rodondi, who would present some information as well as diagrams.

Chief Miguel thanked Commissioner Blank for the invitation to discuss the issue of gas lines that run through Pleasanton, particularly in the wake of the San Bruno incident. He stated that it is unknown why the incident in San Bruno took place, and it will likely be some time before the autopsy on the pipe is completed. He indicated that one of the things that brought this issue to the forefront in Pleasanton, Livermore, and other areas in Alameda County was a report done by PG&E to the Public Utilities Commission (PUC) in 2009, when they were trying to justify a rate increase in order to do some capital improvements and replacement on some of their infrastructure. He noted that in that report, there was reference made to pipes as examples of problems PG&E wanted to improve, and one of those pipes, which runs through a portion of Livermore, skirts the City of Pleasanton, heads over into Sunol, and on to Fremont, had been identified as one of those of greatest concern to PG&E, and, therefore, their desire to replace it.

Chief Miguel then briefly read the following section of the report entitled, "Pipeline Risk Management Program":

"In 1998, PG&E developed a Pipeline Risk Management Program to assess the risk of every segment of gas transmission pipeline within PG&E's system. The Chief of the Utilities Safety Branch at the California Public Utilities Commission approved the program on April 20, 2000. Pipeline risk is determined by assessing two factors: (1) probability or likelihood of failure; and (2) local consequence of the failure. The probability of a pipeline failure depends on various physical characteristics such as diameter, wall thickness, operating pressure, year installed, pipeline condition reports, method of construction, type of coating, depth of cover, vulnerability of third-party damage, and environmental factors such as proximity to earthquake faults and potential landslides. Factors used to determine consequences include population density, impact zone of the pipeline, types of structures in proximity to the pipeline, environmental impacts, railroad crossings, magnitude of customer outages, and the magnitude of gas flow should the pipeline segment fail."

Chief Miguel stated that this gives a sense of all of the things that go into developing this risk analysis. He added that he believes it is important to note that because of this report and the attention paid to the report, PG&E has been in the Fremont, Pleasanton, and Livermore areas evaluating this infamous Line 107 to see if any problems can be identified. He noted that it will take some time before the assessment will be completed.

Chief Miguel then introduced Deputy Fire Chief Joe Rodondi to display where the pipes run and to answer any questions about the transmission lines.

Deputy Fire Chief Joseph Rodondi indicated that the PG&E report to the PUC talks about a \$35 million improvement for an eight-mile segment of Line 107, which, according to the report, has the highest risk. He stated that this 500-psi line runs from the east to the southeast, just south of the Lawrence Livermore Laboratory, south of Mines Road, past Tesla Road, then turns south on Isabel Avenue extension by Pigeon Pass, and up over to Sunol. He added that there is another 500-psi line (Line 131) that runs north to south on the Isabel Breezeway. He noted that a segment of Line 131 was moved when Ruby Hill was built to skirt the development. He stated that this new section runs by the Isabel Bypass and skirts the perimeter past the east gate, which goes up and over Pigeon Pass into Sunol. Deputy Fire Chief Rodondi stated that there are two 200-psi transmission lines that come off of Line 131: one that runs on Isabel Expressway and down Stanley Boulevard into Pleasanton; and the second running east to west down the I-580 corridor.

Commissioner Blank thanked both Fire Chief Miguel and Deputy Fire Chief Rodondi for their attendance and presentation. He then inquired if the 30-inch high pressure pipeline comes within 100 feet of certain homes in the Ruby Hill area.

Deputy Fire Chief Rodondi replied that Line 131 skirts the perimeter property along the fence line of East Ruby Hill Boulevard, about 150 feet from some homes on East Ruby Hill Boulevard.

Commissioner Blank stated that he understands, from the National Department of Transportation website, that there is a high pressure jet fuel line and an unleaded fuel line in Pleasanton. He recalled that a few years back, someone dug into an unleaded gas or jet fuel line in Concord. He inquired if steps were being taken to ensure these pipes are reviewed as they could be 50 years old.

Deputy Fire Chief Rodondi said Kinder Morgan is the company that owns and operates the petroleum line that goes through Pleasanton. He noted that this was the same pipeline that was involved in the Contra Costa incident caused by a backhoe operator and welder which ignited some residual fuel in the line. He indicated that the line runs down the Iron Horse Trail and just on the other side of Pleasanton Garbage Service at the intersection of Busch Road and Valley Avenue, heads towards Stanley Boulevard, then south on Stanley Boulevard and west on Stanley Boulevard all the way out to the I-580 corridor, and finally heads south down to Milpitas.

Commissioner Blank stated that the pipe could hold either unleaded car gas, which is easily combusted, or jet-A, which is not easy to combust but difficult to put out once combusted.

Deputy Fire Chief Rodondi stated that the pipelines are designed in such a way so one pipeline will run multiple types of fuel depending on the need. He added that a "pig" is run in between the batch of the fuel and pushes tens of thousands of gallons of fuel at a time. He noted that there could be a mix of fuels in the pipeline at any one time from the refinery to the distribution point.

Commissioner Blank inquired what other fuel comes out of the refinery.

Deputy Fire Chief Rodondi stated that he was not aware of what the line is primarily used for but that the terminal it goes to may not be a jet fuel terminal. He indicated, as an example, that when he worked across the Bay, there were three pipelines across the Bay from the Martinez Refineries to the Brisbane Terminal, with one of the lines running jet fuel for the San Francisco International Airport.

Commissioner Blank inquired if staff knows how deep down the pipes are and the dates they were installed.

Deputy Fire Chief Rodondi replied that he did not know and that it would take more research to find the answers to those questions.

Commissioner O'Connor inquired which pipeline runs through the Downtown along the railroad corridor underneath the Downtown parking area currently being installed.

Deputy Fire Chief Rodondi replied that he did not know. He further clarified that the corridor referred to is actually the I-680 corridor and not the I-580 corridor and that natural gas runs in Line 131; the pipe that goes over Pigeon Pass and comes within 150 feet of East Ruby Hill Boulevard.

Commissioner Pentin inquired if there were cut-off's at a control station for these or were they manual in the sense that someone must physically crank down the natural gas.

Deputy Fire Chief Rodondi replied that he could not speak about the valving components on the pipelines, but it would be a good question for PG&E.

Fire Chief Miguel stated that with the new installations, PG&E has control centers that have the ability to control major flows. He indicated that he did not know whether the situation in San Bruno was under that control or not. He noted that there are thousands and thousands of feet of natural gas lines that run under virtually every community. He stated that he believes the San Bruno occurrence is an isolated incident and that when the autopsy on the pipe and entire incident is completed, there will be an extenuating

circumstance that caused this. He advised that the LPFD will continue to be in touch with PG&E to find out more information about shut-off's.

Commissioner Blank stated that he had asked about the possibility of automatic shut-off valves being required as potentially a City ordinance for any high pressure lines that could come within the Pleasanton city limits. He inquired how well prepared the LPFD was to deal with a high pressure gas leak or high pressure liquid gas leak in terms of communication, evacuation, etc.

Chief Miguel replied that LPFD is well prepared and already has an extensive hazard mitigation plan and emergency response plan which includes all situations. He added that LPFD staff have an extensive amount of training in dealing with liquid fuel fires. He noted that the amount and speed of help received by San Bruno from cities in Alameda County and San Francisco was most impressive. He indicated that he was confident with the LPFD staff's training and equipment beyond the standard ICS plans, and acknowledged that help from neighboring departments would be forthcoming in such a situation.

Commissioner Blank inquired if this matter should be revisited in 60 to 90 days to review such things as automatic shut-offs, actual routing, what is contained in the pipes, and what is the actual pressure.

Chief Miguel replied that he cannot say if PG&E will be available to talk within the next 30 to 60 days but that when the research is done, the LPFD staff can prepare a report for the Commission and/or return with another presentation.

The Commission thanked both Fire Chief Miguel and Deputy Fire Chief Rodondi.

5. CONSENT CALENDAR

a. PCUP-279, Christ Church

Application for a Conditional Use Permit to operate a religious facility at 7020 Koll Center Parkway, Suite 110. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.

Commissioner Blank requested that the additional condition presented in the staff memo dated September 15, 2010 be included in Exhibit A, Conditions of Approval.

Commissioner O'Connor moved to make the conditional use findings as listed in the staff report and to approve Case PCUP-279, subject to the Conditions of Approval presented in Exhibit A of the staff report, with the addition of the condition in the staff memo dated September 15, 2010. Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Narum.

Resolution No. PC-2010-26 approving Case PCUP-279 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. PUD-80-16-13M, Paul Thometz, LBA Realty

Application for a modification to an approved PUD Development Plan for an approximately 65,000-square-foot, two-story research and development building with an enclosed outdoor service yard on the northwest corner of a developed 26.15-acre site located at 4900-5040 Johnson Drive. Zoning for the Property is PUD-I/C-O (Planned Unit Development – Industrial/ Commercial- Office) District.

Also consider the Negative Declaration prepared for the project.

Marion Pavan presented the staff report and described the scope, layout and key elements of the project.

Commissioner Blank stated that page 14 of the staff report recommends the addition of two conditions which reflect the additional shrubbery and the landscaping to be used to break up the wall massing.

Commissioner O'Connor noted that there was more than landscaping and inquired if a decorative metal architectural detail would be added.

Mr. Pavan apologized that the two items on page 14 were inadvertently omitted from Condition No. 26 of Exhibit A, on page 6 under Landscape Design. He suggested that the Commission recommend including this in the condition when the motion is made.

Commissioner Pentin stated that on page 9 of the staff report, it states that the service yard will be screened by a 12-foot to 14-foot tall solid metal fence, and Condition No. 31 of Exhibit A on page 7 states that all equipment including storage containers that may be visible above the service yard fence shall be painted to match the building. He inquired if the storage containers in the service yard were not anticipated to be taller than 14 feet.

Mr. Pavan replied that the condition is used as a back-up in the event that some of the storage containers may be visible. He noted that the applicant has assured staff that

the wall will be tall enough to screen all of the enclosures, with the exception of the stacks.

Commissioner Pentin expressed concerned that storage containers that are 10 feet to 12 feet high might be stacked.

Mr. Pavan suggested that the condition be revised to state that the enclosures will be no taller than the surrounding fence.

Commissioner Pearce inquired how the matter could be forwarded to the City Council before the CEQA review period ends.

Mr. Dolan replied that CEQA requires a certain review period, and staff was not able to achieve that in advance of the Planning Commission hearing date. He noted that while it is not a common practice, it is acceptable to have the review period end just prior to the date of Council review and final action. He added that any additional comments would be incorporated into the City Council report and will be shared with the Commission, although staff has not received any to date.

Commissioner O'Connor noted that in one of the prior City Council approvals, special measures were taken for issues dealing with scheduled work hours to avoid the AM and PM peak traffic. He inquired if this was included in the proposal.

Mr. Pavan replied that this is addressed under the condition that requires the new Transportation Systems Management (TSM) program that would recommend staggered work hours.

Commissioner O'Connor inquired if those TSM measures have been completed.

Mr. Pavan replied that staff has set forth a pallet of measures that could be utilized to achieve the goals set forth in the draft conditions of approval; however, the draft hours have not been provided but will be finalized.

Chair Olson noted that the second sentence of the last paragraph on page 12 of the staff report is incomplete and requested that it be completed before it goes to the City Council.

Mr. Pavan apologized for the error and indicated that it would be corrected to state that any increase in the floor area of the building will require a major modification.

THE PUBLIC HEARING WAS OPENED.

Bob Kubichek, LBA Realty, noted that they have prepared a PowerPoint presentation which could be presented by their project architect, Mark Herman, should the Commission so desire. He added that they can answer questions at the end of the presentation.

After informally consulting with the other Commissioners, Chair Olson indicated that they had sufficient information and that the presentation would not be necessary.

Commissioner Pentin indicated that he likes the project and has enough information to make a decision.

THE PUBLIC HEARING WAS CLOSED.

Chair Olson advised that two motions would be made: the first to address the Mitigated Negative Declaration, and the second to address the PUD modification.

Commissioner Blank moved to find that the proposed project will not have a significant environmental impact and that the Mitigated Negative Declaration is appropriate, and to recommend approval of the Initial Study and the Mitigated Negative Declaration.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Narum.

Resolution No. PC-2010-27 recommending approval of the Initial Study and the Mitigated Negative Declaration was entered and adopted as motioned.

Commissioner Blank moved to make the PUD Development Plan Findings as stated in the staff report and to recommend approval of Case PUD 80-16-13M, subject to the Conditions of Approval as shown in Exhibit A of the staff report, with the following modifications: (1) Modify Condition No. 26 to require additional building detailing on the west building elevation for visual interest and to relieve the flat appearance of the elevation; and (2) Modify Condition No. 31 to require that the height of storage containers be lower than that of the perimeter service yard fence to completely screen the storage containers, as approved by the Director of Community Development.

Commissioner Pentin seconded the motion.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Herman stated that the storage containers are clearly not part of the approval process but of the building permit process. He indicated that some horizontal storage units are planned below the fence lines, but there will be some vertical storage tanks that will be taller than a fence. He indicated that the fence will be one that the

community would accept and suggested that instead of a having blanket statement at this time, Building and Planning staff be provided the ability to determine at the building permit stage what the best solution might be.

Commissioner Pentin supported this suggestion. He indicated, however, that he was more concerned about the storage containers of various sizes and heights and would like to have staff work this out as they are part of the layout of the use of the building.

Mr. Pavan suggested that Condition No. 31 be modified to state that storage containers will be lower than the height of the fence to minimize the visual impact of the equipment, at the discretion of the Director of Community Development.

Commissioners Blank and Pentin accepted the amendment.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Narum.

Resolution No. PC-2010-28 recommending approval of Case PUD-80-16-13M was entered and adopted as motioned.

- b. PUD-82, David DiDonato, Donato Builders, Inc.
Application for Planned Unit Development Rezoning of an approximately 1.17-acre site located at 4171 and 4189 Stanley Boulevard from R-1-6,500 (One-Family Residential) District to Planned Unit Development – High Density Residential (PUD-HDR) District and for Development Plan approval to construct 14 detached single-family homes.**

Steve Otto presented the staff report and described the scope, layout, and key elements of the project.

Commissioner Blank stated that he took issue with a comment made regarding the Commission not being clear about density. He indicated that he had read the Minutes; all five Commissioners expressed concern about density, and four of the five Commissioners recommended removal of a unit or a significant reduction in floor area ratios (FAR).

Mr. Otto agreed that the Commission concurred about reducing the FAR; however, with respect to density or the number of units, he understood from his reading of the Minutes that some Commissioners did support the proposed density.

Mr. Dolan added that intensity would be measured by the FAR and that density is measured as units per acre.

Commissioner Blank noted that the number of units is the same and it appears that with respect to the house sizes, Plan 1 has been reduced by 10 square feet, and Plan 2 has been reduced by 32 square feet. He inquired if staff considers this to be a significant enough reduction to make a real impact, given the number of Plan 1 and Plan 2 units and only one unit of Plan 3.

Mr. Otto replied that staff did not feel there was an exact number that the homes had to be reduced by. He added that staff agrees that the square footage of the first two models was not reduced substantially; however, the third model which was originally over 2,000 square feet has been reduced to 1,920 square feet.

Commissioner Blank corrected his earlier statement that there was only one unit of Plan 3; he noted that there are three Plan 3 units.

Commissioner O'Connor stated that there had been a lot of discussion and concern from the Commission and the public regarding parking. He inquired if parking would be an issue if everything were done according to the proposal. He further inquired how the City would police the parking and the restriction of not utilizing garages for storage.

Mr. Otto replied that ideally, the City would not police the parking or garage use. He stated that it would be included in the requirements of the CC&R's and recorded with the properties, and the residents themselves would take care of it. He added that there may be situations where the City may have to go in and enforce the conditions of approval imposed on the project.

Commissioner O'Connor inquired if there was a condition that this be included in the CC&R's.

Mr. Otto replied that it is generally stated in the condition regarding separate recorded documents, but staff could add this to ensure it is included in the CC&R's.

Chair Olson noted that parking has been improved by adding guest parking on site. He inquired if there would be issues with the fire turn-around if all guest spaces were occupied by automobiles.

Mr. Otto replied that the Fire Department has reviewed the turn-around and has signed off on it.

Commissioner O'Connor acknowledged that a fee is being paid to the City to plant trees elsewhere; however, he would like the developer to plant trees back into this site to provide immediate shade. He inquired if any of the trees would be as big as they are today and if any were oak trees.

Commissioner Pentin noted the large cedar tree in the front is proposed to be removed, the canopy of which will take a long time to replace. He noted, however, that the rest are fast-growing species.

Mr. Otto replied that there are a variety of sizes of trees proposed and generally, the size of the circle on the plans represents the size of the trees. He indicated that the trees will be a combination of redwoods, liquid ambers, and magnolias. He added that staff's preference would be to mitigate the tree removal by planting trees on site, but there are space limitations on the site.

Commissioner O'Connor stated that he was more interested in looking for coverage for shade and trying to mimic what is currently on Stanley Boulevard to replicate the same feel from the roadway. He agreed that it would take time to replace a large existing tree and requested that the replacement tree be of a species that will get to the same height at some point.

Mr. Otto indicated that a condition could be added to address that.

Commissioner Blank suggested that a condition also be added to have the applicant work with the Director of Community Development to ensure that there be appropriate tree sizes to provide maximum shading.

Commissioner Pentin inquired if the trees to be planted were reviewed by the City's Landscape Architect, Mike Fulford.

Mr. Otto confirmed that they were. He added that the landscape architect is not looking to maximize the amount of shade and size, but rather for species and appropriateness of locations on the site.

Commissioner O'Connor suggested that the Director of Community Development defer the matter to the landscape architect at the appropriate time.

Commissioner Pentin referred to Condition No. 3 of the special conditions of approval which states that all uses and site development standards shall be those of the R-1-6,500 District. He indicated that he thought the zoning was being changed to High Density Residential.

Mr. Otto replied that this is a standard condition used on PUDs, which utilizes single family zoning district (R-1-6,500) for uses and site development, and in the event staff misses something the applicant may want to do in the future.

Commissioner Pentin referred to Condition No. 28 regarding eliminating the 1,375-square-foot parcel that had been previously dedicated to the City. He inquired if this would go back into the project.

Mr. Otto explained that the parcel was dedicated to the City back in the 1980's, and the applicant's plan was still showing it as part of this project. He indicated that it would be a matter of erasing the lines from the plans.

Commissioner Pentin noted the following typographical errors and requested that they be corrected:

- Conditions Nos. 39 and 41: "If the applicant's project ~~precedes~~ proceeds prior to the City's Capital Improvement Project...."
- Condition No. 46: "If the applicant's project ~~proceeds~~ precedes the City's decision to underground...."
- Condition No. 65: "...recommendations of the tree report prepared by Ed Brennan...."

Commissioner O'Connor stated that he believes the fencing would propose a problem. He noted that three different fence structures are proposed: one soundwall back by the railroad tracks, and one type of fencing called a sound wood fence versus a good neighbor fence. He inquired if the wood would overlap or be caulked. He noted that it is specified in the architect's plans as a "standard construction grade fence." He indicated that density is being upgraded and that he is not pleased with utilizing construction-grade fencing as it does not last very long in this type of environment. He recommended upgrading the fencing material to something like con-heart redwood, which is about two levels up from construction grade and would last 15 to 25 years.

Commissioner Pentin asked if Commissioner O'Connor recommended that all wood fences be upgraded to con-heart redwood.

Commissioner O'Connor said yes.

Commissioner Pearce inquired what the approximate sizes of each of the five parcels on the site were and the size of the parcel on which the existing house is located.

Mr. Otto replied that he did not have that information readily available.

THE PUBLIC HEARING WAS OPENED.

David DiDonato, applicant, stated that there are 20 trees on site that have not been maintained and are not very healthy. He added that 23 trees are being removing on site and being replaced with 35 trees that meet the City's palette requirement for street trees to be planted in the frontscaping and backyards. He indicated that there are some large cedar trees in the front that are dropping branches, breaking, and dying and that there is no way to replace trees of that magnitude as they are a couple of hundred years old.

Mr. DiDonato stated that they will be meeting the requirements of the City's planting but are limited with what they can plant. He added that they are paying \$60,000 into the tree fund. He indicated that they have worked on this high-quality project for almost three years and are excited to bring it forward. He noted that infill projects are tough

because there are many constraints and variables, and it is difficult to please everyone. He stated that they are relying on the General Plan and Specific Plan, meeting with staff and holding workshops, and feels the project is solid, architecturally outstanding, and meets density requirements. He requested the Commission to approve his project.

Commissioner Pearce inquired what the size of the parcel was where the existing house is located.

Mr. DiDonato replied that he believed the lot is about 5,000-6,000 square feet.

Commissioner Pearce inquired if the total area of all the parcels was 46,000 square feet.

Mr. DiDonato replied that he was slightly hesitant on the total square footage of the site because of the parcel that is being donated back to the City. He indicated that this information is outlined on the site plan.

Commissioner Blank stated that he asked at a workshop two or three years ago and inquired what the selling prices of the houses would be assuming the project is approved without any substantive modifications.

Mr. DiDonato replied that this is difficult to determine given the tough economy and declining market but stated that the selling price would probably be in the \$500,000's. He added that there are risks involved and the reason they are pushing the project forward is because they are a small, local developer and he is confident that things are going to get better economically. He indicated that should the economy improve by the time the project comes forward and the model homes are built, they could probably sell the houses for more, although he doubts this will be the case.

Commissioner Blank noted from the workshop minutes that Mr. DiDonato had indicated then that the project would take a year to 18 months to entitle, that there are a lot of economic concerns, and that he estimated the home prices may be in the \$750,000 to \$800,000 range.

Mr. DiDonato stated that they did not reduce the square footages by much; however, but 10 square feet on a house and where it has been reduced has helped them quite a bit as far as increasing the setbacks. He explained that they must accommodate the economy and what buyers will want, but they want to make money from it as well. He stated that the houses are modest and reasonable at 1,600 square feet to just under 2,000 square feet.

Commissioner Blank inquired if the construction cycle is still 12 to 18 months.

Mr. DiDonato replied that he has been in construction for over 30 years and cannot explain the cycle that they are in. He indicated that in a normal cycle, they could build homes within that timeframe, but given today's economic constraints, it is quite different.

He stated that what he envisions is to build the models and then get buyers into consignment, contingent upon construction loans. He added that this would minimize their risks.

Chair Olson commented that reducing the speculative nature of the project is really smart because it is difficult to obtain loans from banks at this time.

Commissioner O'Connor referred back to trees and stated that he was not asking for more trees to be planted but wanted to make sure that whatever is put along the streetscape will grow a little taller over time. He acknowledged, however, that the developer is constrained by the City's requirements for Stanley Boulevard.

Michael Palza, project architect, stated that during the work session in 2008, the 70-percent FAR presented by staff was incorrect and that they believe most of the Commissioners' comments were based on this percentage. He referred to page 18 of the staff report and stated that at that time, one Commissioner suggested that a study be conducted regarding other developments in the area and compare densities and FAR's. He noted that the City did the comparison and indicated that they are at 54-percent average FAR, which is considerably less than 70 percent. He further noted that the new homes built in the area, with the exception of one, are all above 75 percent, 65 percent, and 97 percent.

Emilie Cruzan voiced her objection to the development, stating that she is concerned about the density. She pointed out that at 54 percent, the project's FAR is greater than the townhome complex in which she lives, which is 44 percent. She inquired if there would be a condition addressing residents being required to park in their garages because she noted that neighbors are already impacted by parking and that after the modernization on Stanley Boulevard, parking will only be allowed on north side of the street and none on the south side.

Ms. Cruzan expressed concern about the type of housing proposed. She stated that she feels there is a need for more affordable housing, and the proposed development is for single-family homes which are among the more expensive types of housing. She suggested developments featuring smaller, affordable homes for younger families and seniors due to the proximity to the Downtown. She added that home prices in the \$700,000's are steep for even moderate incomes and requested that more affordable housing be built in the neighborhood.

Ms. Cruzan objected to the cutting down of almost all but two of the heritage trees. She acknowledged that the developer will pay \$60,000 to replace the trees, but it appeared to her that the trees will be planted elsewhere in the City and inquired whether this was a fair trade for the neighborhood. She added that it will also take a long time for trees to grow back to the size they are now. She disagreed that the existing trees are ugly, noting the existing habitat in the area, and asked that the number of housing units be decreased to save a few more heritage trees. She noted that trees provide more than just aesthetics; they also preserve neighborhoods, filter out particulate matter created

by traffic, and provide a noise buffer from trains. She stated that she thinks in many years, the area will be a sea of houses without trees, and indicated that she would appreciate anything the Commission could do in this regard.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that at the last workshop, there was a lengthy discussion about the Pleasanton Heritage Association (PHA). He inquired if staff made a determination as to whether the Association needed to be involved.

Mr. Otto replied that the plans were routed to the Association, and its representatives had provided a comment letter which was attached to the report.

Commissioner Blank referred to Condition No. 8, stating that there was a lot of discussion about the language used on deeds and disclosures being provided. He suggested that the phrase "in plain language" be added so the disclosures are easily understood.

Commissioner Blank added that also of concern in Condition No. 8 is that there is a lot of discussion about noise. He indicated that he understands the City is not going to try and mitigate the train whistle noise, which is not stated in the conditions. He stated that he believes that, having lived near a train track for many years, it is one thing to hear the train going by but quite a different thing when the whistle blows. He suggested that language be added to address the Union Pacific Railroad and possible noise including whistles and vibration impacts of the railroad.

Mr. Otto indicated that the condition could be modified to add the verbiage "in plain language" and to address the possible impacts of whistles and vibration.

Commissioner Pearce requested confirmation that there are 20 trees, including 12 heritage trees, which are proposed for removal, that the trees intended to be preserved are the two along in the Union Pacific Railroad corridor, that the project is not subject to the inclusionary housing ordinance because it has less than 15 units, and that, therefore, in-lieu fees will not be paid.

Mr. Otto stated that Commissioner Pearce's tree figures were correct and added that if the project were at 15 units or more, the developer would be required to provide at least 20 percent of the units at the affordable level.

Chair Olson commented that as far as marketability, he could see healthy seniors who can climb stairs and walk to the Downtown, as well as a young family, wanting to purchase the homes.

Commissioner Blank moved to find that there are no new or changed circumstances or information which would require additional CEQA review of the project and that the proposed PUD rezoning and development plan are consistent with the General Plan and Downtown Specific Plan; to make the PUD findings for the proposed development plan as listed in the staff report; and to recommend approval of Case PUD-82, subject to the Conditions of Approval listed in Exhibit A of the staff report, with the modifications that: (1) the applicant work with staff to determine the tree species that would ensure appropriate tree sizes and to maximize shading; (2) the fencing material be con-heart redwood; (3) plain language be utilized in the disclosures and restrictive covenants; and (4) train whistle noise and vibration be included in the train disclosure.

Commissioner O'Connor suggesting including for the record that the project fits with the zoning and Specific Plan for the Downtown Specific Plan as amended a couple of years ago, and that the Pleasanton Downtown will see higher density housing going forward.

Commissioner Blank noted that the applicant was very articulate when he stated that these types of infill projects are tough. He indicated that he likes the idea that, while technically not affordable housing, these units may be affordable.

Commissioner O'Connor agreed, stating they may be considered affordable by design because of the number of units that can be developed per acre.

Chair Olson added that Downtowns do better with higher densities.

Commissioner Blank inquired if there were any concerns by staff regarding the construction duration of the project, such as constructing the houses in phases, and any impacts it may have on the surrounding neighborhoods.

Mr. Otto replied that staff has not discussed phasing with the applicant but that this is something that occurs in projects. He indicated that staff would want to see a plan detailing which units the applicant would want to built first.

Commissioner Blank noted that phasing is not specifically called for in the project conditions and inquired if staff felt that the standard construction conditions would allow for such flexibility or if it would need to be specifically spelled out.

Mr. Otto replied that the Commission could add language that the applicant could propose phasing.

Chair Olson noted that the applicant had indicated that the project would likely be constructed in phases.

Mr. Dolan advised that the applicant had asked the City for flexibility to address the market. He indicated that it might be setting up an artificial construct if it is not known at this point how the construction would roll out.

Commissioner Blank stated that this was not his intent. He indicated that he would just want to ensure that staff has the ability to work with the applicant to phase as appropriate.

Mr. Dolan stated that an extended construction period creates additional challenges not only with the neighbors but also within the project itself. He added that the normal conditions for construction hours are good.

Commissioner O'Connor likened the situation to a custom development where some homes get built and some don't based upon the market.

Commissioner Pearce stated that she appreciates that there is a motion and a second but that she will not be supporting the motion. She indicated that she was not present at the workshop, and, therefore, her thoughts are not included in the Minutes. She added that she recognizes the need for more housing, but is dismayed that the only solution that was created and put before the Commission was one that bulldozes all trees except for two along the train tracks, including 12 heritage trees; bulldozes a house that is 102 years old which, while not in great condition is still a heritage house in the City.

Commissioner Pearce stated that while she did not get information on the parcel size, she would have liked to have seen a proposal that utilized high-density housing on the other four parcels at eight-plus units per acre working around the trees, possibly town homes versus single-family homes, and something that would have had 15 units on this parcel, thereby subjecting the project to the inclusionary housing ordinance. She added that what is missing is affordable housing and does not think the project rises to the standard of City-approved projects.

Commissioner Pearce stated that she is concerned that the City is bulldozing everything on the site in order to accommodate more single-family homes. She noted that the City considers itself a "*City of planned progress*," but rather, it appears to be a "*City of forging ahead at any cost*" when the only option it looks at is tearing down everything on a site that has stood for so long, including trees that are a few hundred years old and a house that is one hundred years old. She concluded that she is saddened that the Commission chooses, by approving this project, to not respect the history of the site. She reiterated that she would not support the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, and Pentin.

NOES: Commissioner Pearce.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Narum.

Resolution No. PC-2010-29 recommending approval of Case PUD-82 was entered and adopted as motioned.

c. PGPA-16, City of Pleasanton

Application for a General Plan Amendment to remove all references to the housing cap (Measure GG 1996, limiting the total number of residential units to 29,000) from the 2005-2025 General Plan.

Mr. Dolan presented some preliminary comments to supplement the written report. He noted that the next two items relate to the settlement agreement that the City has entered into regarding various litigations. He noted that as part of the settlement, the City has been required to take certain actions, and taking these items before the Commission is part of the administrative process for completing these actions. He indicated that these items were almost placed on the Consent Calendar, but staff chose not to do that in case the Commission had questions.

Commissioner Pentin inquired if the reference to “remaining few new housing units” on page 13-8, Economic and Fiscal Element of the 2005-2025 Pleasanton Plan was appropriate when the housing cap has been removed.

Ms. Stern replied that the City has not changed its land use designations. She noted that if the holding capacity of the Plan was calculated out, it would still come out to about 29,000 units currently planned for rather than housing units allowed.

THE PUBLIC HEARING WAS OPENED.

There were no speakers.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pentin moved to recommend that the City Council approve Case PGPA-16 amending the 2005-2025 General Plan to remove all references to the housing cap.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Narum.

Resolution No. PC-2010-30 recommending approval of Case PGPA-16 was entered and approved as motioned.

- d. **PRZ-57 (PUD-81-30-45M/PUD-85-08-19M), City of Pleasanton**
Application to amend the zoning for three sites in Hacienda Business Park by removing Section 5 (PUD Modification Contingency) from Ordinance 1998 to allow the submittal of development applications consistent with the Settlement Agreement approved by the City Council on August 17, 2010 in the Case of *Urban Habitat v. City of Pleasanton*. The three 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 and part of APN 941-2778-012-00); (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).

THE PUBLIC HEARING WAS OPENED.

There were no speakers.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pentin moved to recommend that the City Council repeal Section 5 from Ordinance No. 1998 to amend the zoning for three sites in Hacienda Business Park.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Narum.

Resolution No. PC-2010-31 recommending approval of Case PRZ-57 (PUD-81-30-45M/PUD-85-08-19M) was entered and approved as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Article by Scott Adams

Chair Olson distributed copies of an article written by Scott Adams in the August 21, 2010 Wall Street Journal entitled "How I (Almost) Saved the Earth" regarding what and what not to do when building a dream home. The Commissioners recalled the process Mr. Adams went through when his request to build his house in Pleasanton came before the Commission.

Heritage Building Ordinance

Commissioner Pearce noted that there has been a considerable amount of discussion in the past about a Heritage Building Ordinance but that the City does not one.

Mr. Dolan stated that the Downtown Specific Plan suggests that the City develop one. He indicated that his understanding is that a draft was written and the process was started; however, it died due to a lack of support.

Commissioner Pearce inquired if the Commission to look into such an ordinance. She indicated that she would like to have some more clarity when cases like the item on tonight's agenda come before the Commission. She added that the Commission has seen a couple of these items in the past where older homes near the Downtown are scheduled for demolition. She reiterated that she would really like to have guidelines that have been created by the City.

Mr. Dolan noted that what was not discussed tonight was the response to some of the other language in the Downtown Specific Plan which states that when there is a question about the historical architectural value of a building, a certain study needs to be done; however, the City has not really done this in the past. He stated that staff has started to evaluate these projects as they come forward and solicits a professional opinion as to whether or not the building meets the criteria for preservation. He noted when the building does meet the criteria, the ability to tear it down is much more limited because of that kind of resources addressed in CEQA. He indicated that in the case of the project considered earlier this evening, the evaluation was done and the conclusion by the City's expert was that this house was not one to preserve.

Commissioner Blank recalled that this topic was well-taken when he was first appointed to the Commission as an Alternate. He noted that the discussion about a historic preservation ordinance was very vigorous the first couple of years, but was not going anywhere and the interest waned.

Commissioner Pearce stated that she would like the City to have its own standards. She noted that she had read the documentation quite thoroughly and understood what it said; however, the standards were those not developed by Pleasanton. She acknowledged that there are standards developed by Federal and State heritage associations but that it would be great if Pleasanton could have its own standards because she does not like having to rely on standards developed by people outside this community when dealing with cases like this that come before the Commission. She asked the Commissioners if they would support having staff look into where the City is at this point with respect to creating such an ordinance.

Commissioner Pentin stated that when he saw the age of the house and read the report, he found the Architectural Resources Group's report lukewarm at best, which indicated that the house was dilapidated and not one that should or could be restored. He added that he also does not like to see homes that old bulldozed no matter how bad

a shape they are in. He supported Commissioner Pearce's suggestion to direct staff to further review the matter. He added that it would be good to have more clarity on the matter. He indicated that he was involved in the restoration of the Alviso Adobe and that it was such a gain for the City.

Commissioner O'Connor agreed with Commissioner Pearce, stating that when the report talks about a home being too dilapidated, by the same standards for the condition it was in, they could have said the same about the Kolln Hardware Store, which was worth saving. He indicated that it is difficult to determine where the line should be drawn. He noted that, as in the case of automatic fire sprinklers, it takes a long time to create an ordinance; he added that guidelines would be great if a full heritage ordinance is not adopted.

Chair Olson noted that there is a National Historic Registry of homes. He commented that he and his wife have a home in Oregon that they cannot tear down but can refurbish, which would be a tax credit on their Federal return. He inquired if the City could attempt to get an area in the City on the Historic Registry, which would then protect those homes and provide a benefit to people if they want to improve the home.

Mr. Dolan stated that he doubts there is anything in town that would merit a national level district, but there might be areas where a local district could be formed. He noted, however, that this has its pro's and con's and that there are some consequences, such as if they are eligible for tax programs, and standards of the Secretary of Interior must be complied with for historic preservation, which is something adopted at the Federal level. He added that if a City claims a local historic district, the City would be obligated to enforce those regulations, and approvals must be obtained for almost everything. He indicated that he has worked in two communities that have had historic districts, and they had to have an entirely separate commission just to deal with whether what is being proposed is consistent with the historic plan. He noted that it can be a very involved process.

Commissioner Pearce reiterated that she would still like to have something in place that allows the City to control what happens to its old homes. She added that she would like to know where the City is at in this regard.

Commissioner O'Connor stated that some cities, such as Palo Alto, have identified individual properties and districts for historical preservation. He noted that modifying a building along University Avenue is a major undertaking and would have to go through a heritage group before coming to the City. He indicated that he did not want to go to that extreme.

Mr. Dolan stated that he would be happy to summarize what has occurred with the proposed ordinance and identify some history after the Specific Plan was adopted.

Commissioner Pearce inquired if this could be agendaized for a future Commission agenda.

Mr. Dolan said yes.

Commission Packets

Commissioner Pentin stated that he would like to address the amount of paperwork he receives as Planning Commissioner. He indicated that he appreciates the hard copies provided for Planning Commission meetings because he goes back and forth and makes notations while reading the reports; however, some documents could be sent electronically in pdf format. He added that he receives agendas and minutes of other Commissions such as the Housing, Parks and Recreation, and Youth Commissions, which he would prefer to receive via email to save trees, postage, and time.

Commissioner Blank stated that he brought this up shortly after his appointment, and he was told that there were specific reasons for not sending documents electronically, such as making hard copies available to the public.

The other Commissioners agreed and stated that they also receive other Commissions' agenda packets in hard copy.

Mr. Dolan stated that he was not aware that Commissioners receive packets other than their own and that staff will follow up on whether documents could be sent electronically.

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.

d. Selection of Housing Element Task Force participants

Chair Olson advised that two members of the Commission are needed to participate in the ad hoc Housing Element Task Force.

Commissioner Pearce noted that Commissioner Narum had contacted her and indicated that she [Commissioner Narum] would like to be selected as a participant in the Housing Element Task Force. Commissioner Pearce then indicated that she would agree to participate, as well.

Mr. Dolan confirmed that meetings may be held either Thursdays or Mondays and that they would start in November.

**Commissioner Blank moved to select Commissioners Narum and Pearce as participants to the Housing Element Task Force.
Commissioner Pentin seconded the motion.**

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, and Pentin.

NOES: None.

ABSTAIN: Commissioner Pearce.

RECUSED: None.

ABSENT: Commissioner Narum.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

No discussion was held or action taken.

12. ADJOURNMENT

Chair Olson adjourned the Planning Commission meeting at 9:09 p.m.

Respectfully,

JANICE STERN
Secretary