



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Special Meeting**  
**Wednesday, September 22, 2010**

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

### **CALL TO ORDER**

The Planning Commission Special Meeting of September 22, 2010, was called to order at 7:00 p.m. by Chair Olson.

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

Staff Members Present: Janice Stern , Planning Manager; Julie Harryman , Assistant City Attorney; Steve Otto , Senior Planner; Jenny Soo, Associate Planner; Rosalind Rondash, Assistant Planner; Dennis Corbett, Senior Plan Checker; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Arne Olson; Commissioners Jennifer Pearce and Kathy Narum

Commissioners Absent: Commissioners Phil Blank, Greg O'Connor, and Jerry Pentin

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

##### **a. August 25, 2010**

Commissioner Pearce requested that consideration of the August 25, 2010 minutes be postponed to the next meeting due to the absence of three Commissioners.

#### **3. PUBLIC COMMENTS**

There were no public comments.

#### **4. PUBLIC HEARING AND OTHER MATTERS**

- a. PAP-148, Mark Lobaugh/Complete Wireless Consulting, Inc.  
Appeal of the Zoning Administrator's denial of a Design Review application (PDRW-38) for the construction of a 65-foot tall faux pine tree to be operated as a wireless facility for Verizon Wireless at 6890 Koll Center Parkway. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.**

Jenny Soo, Associate Planner, presented the staff report and described the scope, layout, and key elements of the proposed application.

Commissioner Narum inquired what the distance was between the project site and the closest house on Corte Monterey.

Ms. Soo replied that the distance is between 303 and 305 feet. She added that the minimum requirement is 300 feet and is measured from the facility to the closest residential property line.

Commissioner Narum requested staff to explain the second sentence of the second paragraph of the appeal letter which states that staff had provided a letter to the appellant, dated September 29, 2009, that the project was complete.

Ms. Soo replied that when an applicant submits an application, staff reviews the documents submitted based on the requirements for submittal, such as the number of exhibits required, the project site acreage, a location map, elevations, photo-simulations, and all information listed per the Municipal Code. She continued that if the applicant has provided all the documents as required, then the application is deemed complete.

Commissioner Narum inquired if it is part of the Code to investigate alternative locations and explain why they would or would not work, and if that would not be part of a complete application.

Ms. Soo replied that the applicant's initial site selection was within a residential zoning district, which does not allow wireless facilities. She stated that this time around, the proposed location is in a business park area next to the freeway, which is allowed, and staff believed this would be appropriate and assumed it would have minimal impact to a the residential neighborhood.

Ms. Stern explained the process and stated that there is generally a first level of submittal which is a checklist in terms of what is provided. She continued that an analysis is then done, and at the time the application is deemed complete, neighbors are notified that the City is considering the approval of the facility. She noted that in this case, neighbors expressed a number of concerns, and staff conducted a meeting with these neighbors in order to address these concerns. She added that staff then asked

the applicant to determine the viability of other locations because while the particular location might look fairly viable, the neighbors did not think so and found it to be too prominent.

Ms. Stern stated that staff, noting that another wireless facility was already operating from another site close by, then suggested that the applicant look more systematically at the viability of co-location and submit a definitive and technical report justifying why the new site would or would not work, comparing the percentages of coverage and signal between the proposed site and the new site.

Commissioner Narum requested staff to confirm that if the applicants are in a viable location and meet the distance required, the City deems the application complete, and as part of the process, the applicant is not required to submit other locations.

Ms. Stern replied that staff does not generally require the applicant to submit such technical details.

Commissioner Narum continued that this is except if there are concerns with the neighbors.

Ms. Stern said yes.

Chair Olson inquired who owns the co-location site.

Ms. Stern replied that she was not sure who owned the property but that it was not owned by the City. She added that wireless facility on the site is owned by T-Mobile.

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

Mark Lobaugh, Complete Wireless Consulting, Inc., representing Verizon, stated that while he was not part of the original search, the search for a suitable site to serve the residential area farther north of the proposed site was begun two years ago. He added that a lot of time was spent looking at various locations, and when they came upon the current City-owned site, they thought it was an ideal fit for a telecommunications facility.

Mr. Lobaugh stated that the facility is completely rimmed by trees and not visible to the neighbors; it is well fenced and works well for their purposes. He then presented site photographs to the Commissioners, showing the current pump station and noting that the proposed site is in the back corner facing north along I-680, which runs just west behind the site. He indicated that they designed a mono-pine with the intent of shooting the signal northward along I-680 and serving the residential group of homes farther north. He then displayed a picture aimed toward Corte Madera showing the tower that he believes is well-screened and well insulated with trees, with a cyclone fence around the entire perimeter and additional space in the yard. He indicated that the City had signed a letter of intent and a lease signed by the City Manager, contingent upon Planning Commission approval.

Mr. Lobaugh then presented a series of photo-simulations showing the site as being on the other side of a grouping of trees. He stated that they selected a mono-pine that would blend with the existing tree canopy, spent four or five meetings on site, met with staff on-site, and brought in ten different samples to match the Sequoia Redwood trees. He displayed the view from I-680 which is the only angle from which the tree can be seen and geared to blend in with the existing tree canopy. He indicated that there were limited areas within the proximity of the mono-pine location from which they could take pictures, and they chose locations that would be natural viewpoints.

Mr. Lobaugh stated that their application was submitted in September 2009, and met with the neighbors, listened to their very legitimate questions and concerns, brought along samples, took them over to the site, and walked through the fencing compound. He indicated that one concern the neighbors had expressed is that once the trees at the back of the neighbors' properties drop their leaves, visibility would be a problem. He then showed a photo-simulation, taken from the street by the property closest to the proposed site when there were no leaves on the trees. He noted that the faux pine tree could not be seen that clearly from that angle. He stated that he believed there is a very small window at the court from where the proposed mono-pine could be seen.

Mr. Lobaugh stated that they have submitted to staff two different site-alternative analyses explaining why they would not work. He add that ten months later, he received a request from staff to explore the alternative location that lies farther south and outside their search range. He indicated that shortly thereafter, he received a letter stating the project was denied.

Mr. Lobaugh explained why the alternative site proposed by staff will not work:

- The main reason is because it is a 35-foot-tall building, which is far too low to shoot through trees and reach the intended coverage area farther north.
- The site lies south within the Bernal Corporate Park; it is buried within an extensive grove of redwood trees all around.
- It is a privately-owned building, and T-Mobile has antennas on it; redwood trees rim the building. The intent is to face north, which would be directly into the trees. The very dense canopy of very mature redwood trees simply does not make it work.
- There is no room for ground equipment on the site. They have a backup diesel generator which they will put on-site to provide backup power in case of emergency. Verizon's equipment is a robust footprint; there is no room around the perimeter to put all of the equipment cabinets.

Mr. Lobaugh stated that he believes their application is complete. He indicated that they have exhaustively spent many hours working with staff on trying to arrive at a design that works and to address neighbor concerns. He asked for Commission approval to be able to provide the best cellular coverage in the City.

Chair Olson inquired why Verizon's tower would not work if the T-Mobile tower does.

Mr. Lobaugh replied that he believes T-Mobile's coverage objective is generally southward, which points away from all of the trees.

Stefano Iachella, Radio Frequency (RF) Engineer for Verizon Wireless, stated that he was not sure why T-Mobile chosen that site but that probably T-Mobile's coverage was the Business Park. He indicated that Verizon's intended coverage is not the Business Park but residences to the north, and it is difficult to find places to site their location outside residential areas. He added that the regional search ring for the site was farther north than where they settled, and they have exhausted everything in that area and settled on this location which has no trees on the northern and eastern portion of the plot. He noted that they can get their signal into residential areas to the north.

Chair Olson inquired if the lease was signed with the City before or after they met with the neighbors.

Mr. Lobaugh replied that it was signed before they met with the neighbors.

Commissioner Pearce noted that the visual taken by Verizon from Monterey Court was not included in her packet. She inquired if this was taken recently.

Mr. Lobaugh replied that the photo was provided about three to four months ago.

Ms. Soo confirmed that the photo was submitted to staff but was not forwarded to the Commission.

Gerry Gire stated that she is one of the residents on Monterey Court and that she had drafted a letter sign by residents of the Court opposing Verizon's request. She indicated that she has since obtained an additional 16 residents' signatures, and also submitted a letter herself in opposition to the proposal. She read the letter into the record as follows:

*"On behalf of residents on or near Corte Monterey, we were pleased to hear the Planning Commission had denied the Verizon application to place a cell phone tower in the adjoining Bernal Corporate Park. A number of us have been working with Jenny Soo, Associate Planner, on evaluating the impact of this project on our neighborhood and families.*

*"After months of requesting to meet with the applicant, we were finally able to get the parties together with Ms. Soo's help on June 9, 2010 in the hopes of openly exchanging information and concerns. We were pleased to have Ms. Janice Stern, Planning Manager, take the time to attend our on site (in Corte Monterey) meeting along with Verizon representative, Mr. Mark Lobaugh, Project Manager (Complete Wireless Consulting, Inc.). We spent well over an hour listening to Mr. Lobaugh and asking questions to both the city representatives and Verizon. In an effort to look at alternative placement, we even drove to Bernal Corporate Park to assess other site options.*

*“Explaining our concerns to the Verizon representative, we asked if the company had explored other more suitable options, like the nearby Zone 7 water treatment plant where aesthetics, safety, and property devaluation would not likely be concerns. Mr. Lobaugh had not known of this property or its close location. He seemed singularly focused on our site, expressing that he had put in a tremendous amount of time with the City already. He declined to show us other options that had been considered or where other sites were active already. We understood that his company wanted a line of site [sic] along Interstate 680 within a 5 mile range south from the 580/680 junction. He explained that our area was considered a ‘dead/drop’ zone for Verizon calls and the company wanted to address this need through a new tower. As a significant number of us living in the area are also Verizon customers, we noted there was no dead or drop zone in this area for any of us and are puzzled with such company information.*

*“We now understand that Verizon has requested an appeal to your denial of their application. Currently, that appeal is scheduled to be heard at your September 22 meeting.*

*“We would like to formally present our opposition to this appeal. To summarize our concern, we believe this cell tower is not appropriate in this location for reasons of safety or health risks, property devaluation, and poor aesthetics. A more detailed list of neighbor concerns is included.*

*“Most importantly to us is the safety of our families, children, and visitors. While long-term radiofrequency (RF) safety is still under debate, we are pleased to note that our City has established cell tower location limitations for childcare facilities, schools, homes and parks. Our neighborhood court is a key access point to the Arroyo del Valle Centennial trail. The proposed cell tower will be placed within line of sight to several of our residences and within the zoning prohibition for city parks. We ask the commissioners to consider the trail and the court access point as an informal park for our neighborhood. In addition to hiking and biking activities, many of our children and their friends spend hours after school playing or fishing in the arroyo. This youthful activity would place our children at risk to daily RF exposure.*

*“Aesthetics are another significant concern for our neighbors. No matter the promises of the contractor, a fake tree looks false in geometry, coloration, and appropriateness. Aging will only exacerbate these distinctions as dirt sticks to painted and metal surfaces differently than on real leaves and branches. We are proud to be Pleasanton residents and enjoy the zoning restrictions to keep our neighborhoods of high quality. This “fake tree” will take away from the quality look of our area.*

*“Lastly, as concerned citizens, we have been made aware by real estate professionals that the proximity of the cell tower would be considered a ‘material fact’ and must be disclosed upon selling our property. We find this requirement to be a negative feature to any future homeowner and expect that home sales would*

*slow with this disclosure and conceivable, reduce the value of our properties. This fact is further consideration for pursuing opposition to the cell tower.*

*“With the passage of time, we worry that this cell tower station might expand in height, shape and emission, making the safety or health risks, property devaluation, and poor aesthetics even worse in a long term contract with Verizon and the City. We ask that the Planning Commission again deny the Verizon request for the cell tower in the Bernal Corporate Park. As neighbors, we are uniformly against allowing the cell tower in this location. As local citizens, we expect to continue to be active in the hearings and decisions forthcoming. We believe there are better options for placement that do not put us at risks.”*

Ms. Gire indicated that contrary to Mr. Lobaugh’s statement, the tree is visible from their houses. She added that most of the photos are taken from the freeway rather from the court where they live. She noted that the trees drop leaves for about five months out of the year, during which time there is absolutely nothing there except for the stump of the tree, which does not look good.

Ms. Gire stated that she and her husband moved to Pleasanton 25 years ago and chose Pleasanton for the charm and quality of life of the town. She noted that they then chose Corte Monterey because it was a small court with nice people whose friendships they value in a community they have developed. She added that they also chose living with the Arroyo behind them because they liked the open space, even if they might have some noise impacts from the freeway. She concluded they do not choose to look at cell towers.

Nancy Wedge thanked Jenny Soo, Janice Stern, and Verizon for their efforts and for making her feel included in the process. She stated that she attended a meeting on June 15, 2010 regarding a notice sent by the City reminding the neighbors they were assessing Landscape and Lighting Maintenance District 184-1 for City landscaping that goes behind the Arroyo. She noted that they pay taxes to help landscape this area. She indicated that she did not understand why a cell phone tower would be allowed to be installed if this area was considered a trail.

Ms. Wedge stated that she read in a letter sent to her that the proposed site has been designed to accommodate future carriers and would provide the additional benefit of limiting the need for additional towers. She added that they were told that if there was another project that goes in there, it would not be another tree farm; there was a lot of room in the blacktop area where south towers could be located. She indicated that they were informed that in 20 years, this project would generate \$600,000 in revenue, which may be appealing to the City but is not what the residents want.

Hugh Metzler stated that he has lived in Corte Monterey since 1991 and has been a realtor since 1997. He indicated that he knows some people are selling their homes in the court while others are thinking about it, and the cell tower would definitely have to be disclosed and would affect the value of their property. He noted that many people are

undergoing economic hardship and a significant drop in property value could put them in a possible short sale situation.

Mr. Metzler stated that if he were a project manager looking at an alternative site where his competitors already have towers, he would try to find out in detail all he could about his competitor's site so that he would have a definite answer rather than just a guess. He added that there are also health risks that could be associated with this project that could affect adults, children, and animals in the area. He stated that he felt there were viable alternatives that should at least be investigated and information provided in detail before a decision is made.

Lori Hansen stated that her home is the most southwestern home in the tract, is the closest home to the tower, and is currently for sale. She expressed concern that anyone living on the court already has a disadvantage with selling their homes due to the freeway, and she hates the idea of having another obstacle for the sale of her home. She added that she took on the disadvantage of living by the freeway when she bought the home; however, she did not take on the cell tower.

Ms. Hansen stated that the picture Verizon provided of the court was from her home. She noted that although the cell tower cannot be seen from that point, the cell tower can be seen from all of their bedroom windows along the trail as well as from those residences across the street on the north side from their second stories. She agreed with her neighbors that the trail should be considered a public park as it is used every day by people walking their dogs along the trail and kids play on it. She requested, if the trail is not considered a park because it does not fall under the guidelines for parks, that there be a motion to consider the trail as a public venue.

Ms. Stern clarified that the 300-foot prohibition between cell phone facilities and residential area and parks is somewhat unique to Pleasanton and that there are cities where cell towers can be placed within residential areas. She indicated that the 300-foot City prohibition was related more to aesthetics.

Chair Olson asked the applicant if the tower could be placed farther back on the property along the tree line and still get the coverage.

Mr. Lobaugh replied that some neighborhoods across the freeway farther to the northwest would be affected if the tower is moved farther south on the property. He indicated that the more it is pushed south, the less coverage they would get because of the line of trees along I-680. He noted that it could probably be shifted slightly by 10-30 feet but not to the other side of the parcel.

Commissioner Pearce noted that the Zone 7 water treatment plant was brought up and inquired if this was considered as an alternative location.

Mr. Iachella stated that he was not sure where the site was located.



Ms. Stern stated that Commissioner Pearce was referring to the DSRSD facility located almost at Stoneridge, which is a bit farther north than Verizon had anticipated locating and which is within 300 feet of a City park.

Mr. Lobaugh noted that it is difficult to locate towers to sites. He stated that during their searches for cell sites in California, they have seen antennas at schools and in parks. He pointed out that Pleasanton is unique in having a 300-foot requirement. He added that the Telecommunications Act was very clear in terms of health concerns and addressing what can be brought up in opposition to cell towers.

Ms. Wedge stated that when she received the notice on April 12<sup>th</sup>, she canvassed the area on the other side of the freeway and found out that they had not been contacted because they were outside the 300-foot radius. She noted that those residents as well as those living up on the hill would have a view of the cell phone tower.

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

Chair Olson stated that when he read the August 19, 2010 letter from Complete Wireless Consulting, he got the impression that this was a moving target from their point of view. He added that they probably interpreted "complete" as meaning that this was approved. He acknowledged that a lot of time was spent on the matter and a lease was signed apparently prior to any knowledge that the neighborhood would be concerned.

Commissioner Pearce inquired if, given what has been heard at the meeting, the additional visual presentation she has seen, and the discussion regarding alternative site locations, it was staff's opinion that Sections 18.110.040 and 18.110.070 of the Municipal Code had been satisfied.

Ms. Stern stated that in terms of the coverage, she had anticipated getting something in writing and as well as some graphic showing coverage from the pump station versus from the other location in terms of how much coverage would be lost. She added that the Commission could evaluate this further if it feels not enough information had been presented.

Chair Olson noted that Verizon had indicated that they provided a detailed study.

Ms. Stern clarified that what they provided was a listing of locations north of this location, all of which were in residential areas and, therefore, not viable. She noted that the response staff has received when they asked specifically about this particular building was that it was not viable because it reduced the amount of coverage; it was presented in a sentence or two and was not backed up or signed by the RF Engineer. She added that in connection with the lease signing, the City is changing its procedure so that no lease would be signed until after the proposal has been approved.

Commissioner Narum stated that there are three buildings between the proposed site and the T-Mobile site. She inquired if these would be options to locate a tower.

Ms. Soo replied that these are possible options. She added that at that time, staff knew that T-Mobile had a tower on the building and asked Verizon to explore options to co-locate. She stated that she was not certain if the applicant had explored the option or contacted the property owner.

Commissioner Narum stated that she felt this could be an option and voiced the need for more information, indicating she was not satisfied with the visuals. She noted that it is important to see what the tower looks like from the neighborhoods and from different points in the City where residents would be looking at it and not where people driving through the town on I-680. She added that she can appreciate getting the best signal; however, there is not enough data to say other options do not make sense. She requested a diagram showing coverage area and what the impact of moving it to one of the locations to the south might be, and why it would not work, whether it be because the property owner is not interested or coverage would be affected. She suggested continuing the item to get this information.

Commissioner Pearce agreed, given the level of neighborhood concern. She asked for more concrete information and in writing that this is absolutely the only viable location.

Chair Olson inquired if the neighbors would be looking at a tree on top of the building or a naked cell tower, assuming a cell tower is co-located on the building.

Ms. Stern replied that the City has requirements that facilities on the tops of buildings be screened.

Commissioner Narum noted that there were fat flag poles similar to the one on Main Street and a Public Storage on Stoneridge Drive.

Ms. Stern stated that the City's preference is not to be able to see it and have it screened on the roof of a building. She agreed, however, that there were alternatives.

**Commissioner Pearce moved to continue PAP-148 and to require the applicant to provide coverage maps contrasting the coverage at the T-Mobile location versus the pump station location and a letter signed by the property owners of alternative buildings that the location is not available or that the location does not meet requirements, with quantitative information that has been developed by the RF Engineer.**

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

Mr. Lobaugh stated that they had already supplied coverage maps which he could show again for the proposed site. He added that staff had requested they do another set of coverage maps for the alternative site. As he had explained earlier, he requested this of Mr. Iachella, who stated that there would not be a significant difference in what the coverage map would show.

Mr. Iachella stated that the coverage maps they provide use a prediction tool which does not have the granularity to show a difference from 65 feet to 30 feet or it does not take the trees into account. He noted that it is not intended for this type of use but to help them design a site in conjunction with a site visit and seeing what the surrounding buildings are. He indicated that plugging in values at different heights will not show much difference. He noted that, as an engineer, he visits sites and makes determinations on what he will get from a site, given trees, terrain, buildings, etc. He added that the reason they like this location is because of its low buildings with trees around them.

Commissioner Narum said she envisioned that whatever its configuration or disguise, the tower would go on the top of a building.

Mr. Lobaugh explained that the antennas would not be on top of the building but would be mounted to the fascia of the building or three- to four-foot tall tripods so that it will be seen just above the roof parapet. He indicated that even at that height, it would still be significantly lower than their 60-foot tall antenna. He stated that he believed the building was two stories, about 35 feet tall, and the antenna would stick up above the parapet on tripods, and viewing into it is a gigantic canopy of redwood trees that would block the signal. He added that there is also no room for ground equipment which is another significant issue. He indicated that he has verbally informed staff about this and has a letter to this effect which he could provide to staff.

Chair Olson asked Mr. Lobaugh if the environment was such that T-Mobile would not talk to them about coverage data from that site.

Mr. Iachella said yes.

Mr. Lobaugh added that the fact that it may work for T-Mobile is irrelevant to whether or not it would work for Verizon.

Chair Olson stated that his sense is that the packet was not complete. He indicated that the Commission learned things via photographs and other items which were not included in the packet. He added that he is in favor of continuance and asked staff to specify again what the applicant is expected to produce.

Ms. Stern stated that it is apparently not within the capability of any software or predicting tool to provide what staff is requiring. She added that she was not sure how decisions are made and guessed that it was based on the RF Engineer's signed letter, which the Commission may accept. She noted, however, that no information was provided regarding possible alternative locations or buildings, and she was not sure whether an independent RF Engineer can be used to evaluate these things.

Chair Olson stated that it is clear that based upon height, the T-Mobile location will not work as it will be too low and no trees will be cut down.

Ms. Stern stated that it would then be a question of whether or not the Commission wants the applicant to investigate other buildings in the general location.

Commissioner Narum inquired if there would be room on the southern end of the City site which would mitigate some of the visual issues and push it farther away from residences.

Ms. Stern stated that the applicant has indicated that they could move back only 20-30 feet.

Mr. Iachella stated that they would like to provide a signal north of the freeway and would like to go as far north on the site so the trees do not block or absorb the signal. He indicated that the farther they move southward, the more the signal will be compromised as the line of trees going north and south along the freeway will block the neighborhoods across the freeway. He reiterated that they are within the 300-foot radius requirement from a residential area.

Chair Olson stated that he would like to see if moving the tower 30 feet to the south of the site would provide the necessary coverage.

Commissioner Narum stated that whatever distance they could move to the south would be helpful.

Commissioner Pearce agreed, given the concern of the neighbors.

Ms. Stern suggested that a peer review opinion be obtained in terms of the T-Mobile location.

Commissioner Pearce stated that she was not interested in a peer review. She indicated that she want to make a decision and move on as quickly as possible. She asked Mr. Lobaugh if ten days would be sufficient for him to provide the additional information of alternative locations.

Mr. Lobaugh stated that ten days would be sufficient to provide an alternative analysis of moving the site farther south; however, he would need additional time if he is to contact other property owners.

Commissioner Narum inquired if the building immediately southeast of the property site could be utilized. She indicated that she would like to see something in writing to the effect that the building site will not work or if the property owner has some interest or not. She added that she did not believe the applicant had to evaluate every single building in the area.

Commissioner Narum also requested to see a visual simulation of what the tower would look like from the back of the homes along Corte Monterey on the south side along the trail on the Arroyo.

Mr. Lobaugh stated that they would need about two weeks to accomplish this. He discussed how photo simulation is done and explained that it is not an exact science. He indicated that it may not have the branch density or color, and reiterated they were using very high quality and high branch count mono-pine.

Commissioner Narum asked the applicant to also provide a picture of what the mono-pine structure would look like.

Mr. Lobaugh replied that he had provided staff with numerous photos demonstrating what the tower would look like.

**Commissioner Pearce modified her motion to include that the application provide within 15 days, a written evaluation on how far south on the site they could move the tower; additional photo simulation taken from the Arroyo adjacent to the site; photographs of what the mono-pine tower would look like; and an evaluation of coverage from the immediate building to the southeast of the site. Commissioner Narum seconded the motion.**

Commissioner Narum inquired how soon the item could be scheduled to come back to the Commission if the applicant provides the information within that timeframe.

Ms. Stern relied that the item would have to be noticed and suggested that it be continued to a date certain.

**Commissioner Pearce amended her motion to continue the item to the October 27, 2010 meeting. Commissioner Narum seconded the amended motion.**

**ROLL CALL VOTE:**

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

Chair Olson called for a five minute break, and thereafter, reconvened the Special Meeting.

**b. PRZ-55, City of Pleasanton**

**Work Session on the amendment of the Pleasanton Municipal Code to reference the California Green Building Standards (CALGreen) Code, with local amendments to address specific green building issues, and other related green building amendments**

Ms. Stern advised that Mrs. Rondash will be presenting the workshop item. She noted that the item will return to the Commission next week to make a recommendation to the City Council. She added that any concerns the Commissioners may have at this meeting would be addressed at next week's meeting.

Rosalind Rondash, Assistant Planner, introduced Dennis Corbett, Senior Plan Checker with the Building and Safety Division. She then gave a PowerPoint presentation on the California Green Building Code.

Mrs. Rondash stated that staff is proposing to amend the Pleasanton Municipal Code to reference the California Green Building Standards (CALGreen) Code, as well as local amendments to address specific green building issues and other related green building amendments. She explained that the purpose is to avoid having two regulations in effect at the same time; if the amendment is not adopted, both regulations will be in effect January 1, 2011. She noted that staff's proposal will result in having only one set of requirements for building structures in the City.

Mrs. Rondash noted that green building is a whole-systems approach to the design, construction, and operation of buildings, which significantly reduce the negative impacts of buildings on the environment and occupants in five broad categories:

- Sustainable site planning;
- Safeguarding water and promoting water efficiency;
- Energy efficiency and renewable energy;
- Conservation of materials and resources; and
- Indoor environmental quality, which is another way of saying the air that we breathe while inside

Mrs. Rondash then gave the history of the green building requirements, stating in 2002 when Pleasanton adopted green building requirements for new commercial buildings of 20,000 square feet or more and civic buildings. She continued that in 2004, Governor Arnold Schwarzenegger signed an Executive Order, known as the "Green Building Initiative" focusing on state-owned buildings, and in 2006, the Pleasanton City Council expanded its green building requirements to new residential projects. She noted that In 2010, the California Building Standards Commission adopted the Green Building Standards Code (CALGreen), with the final version of CALGreen being published in July 2010, and automatically going into effect state-wide on January 1, 2011. She indicated that the City has historically formally adopted California building codes, with local amendments, and staff expects the same to take place for CALGreen. She added that those local agencies that take no action will have CALGreen in effect in their jurisdictions.

Mrs. Rondash reviewed the elements of CALGreen as follows:

- In addition to the mandatory regulations (also known as CALGreen basic measures) CALGreen also provides for additional voluntary measures (known as Tier 1 and 2).
- Tier 1 and 2 levels encourage local communities to take further action to green their buildings and to reduce greenhouse gas emissions, improve energy efficiency and conserve natural resources.
- City staff has evaluated and compared Pleasanton's existing green building requirements with CALGreen's basic measures, and its Tier 1 and Tier 2 optional provisions.

Mrs. Rondash indicated that CALGreen will help the State to meet its goals of achieving 33 percent renewable energy by 2020 and will curb global warming by requiring the following

- Reducing water consumption,
- Diverting construction waste from landfills,
- Requiring the installation of low pollutant-emitting materials,
- Requiring separate water meters for nonresidential buildings' indoor and outdoor water use,
- Requiring moisture-sensing irrigation systems for larger landscape projects, and
- Requiring mandatory inspections of all energy systems for nonresidential buildings over 10,000 square feet.

Mrs. Rondash stated that CALGreen provisions will be inspected and verified by the City Building Division staff. She noted that the City's current process relies on programs from outside agencies, with commercial and public buildings being handled with LEED requirements produced by the United States Green Building Council (USGBC) and residential projects by Build It Green guidelines. She then provided an example of the LEED scorecard/checklist

Mrs. Rondash stated that the current rating systems measure how environmentally friendly or green a project is based on a point system. She noted that CALGreen is not a point system; it includes mandatory measures and electives with Tier 1 and Tier 2.

Mrs. Rondash stated that staff was charged with comparing the two systems, and in order to compare the point system to a non-point system, staff converted measures in CALGreen to the points listed in the City's current programs. She then presented a table which was established to indicate categories evaluated and the minimum points for the current system as well as minimum total points. Staff listed CALGreen basic measures in the first column, CALGreen basic measures plus Tier 1 requirements in the second column, and CALGreen basic measures plus Tier 2 in the third column. Staff then assigned points which were already being required to evaluate how the points for each measure compared to the City's current system.

Mrs. Rondash explained that in the LEED scorecard for commercial and public buildings, there is no category minimum; just a total point minimum, which is currently 40 points. She noted that when basic measures are calculated, 15 points are achieved; however, in CALGreen basic measures plus Tier 1 measures, 46 points is achieved, which is equivalent to the City's current system. She then displayed an example of achieving the total minimum points but not all category minimums.

Mrs. Rondash stated that only "must haves" are considered for total points; however, there are also 66 electives from which to choose in the residential categories, and 99 electives in the commercial category. She then described a scenario to meet current standards for the single-family residential and repeated the scenario for multi-family residences.

Mrs. Rondash stated that staff's recommended action is consistent with Pleasanton's existing requirements, with a few minor changes to meet the State's new mandatory minimum requirements. She added that staff believes the developer cost to implement the CALGreen Tier 1 is equivalent to the cost to implement the City's existing green building ordinance, and that taking the action is likely to help developers save time and money while working on construction drawings.

Ms Rondash then presented a cost analysis based on standard construction versus the Tier 1 measures in effect. She stated that Tier 1 would be equivalent to the City's current standards and would have a no cost impact. She added that the cost analysis does not include savings from reduced energy, water, medical bills, or existing incentive programs such as tax credits or rebates which would also reduce the payback projection from the approximately 10-15 years.

Mrs. Rondash also described the cost effectiveness study and payback projection prepared for the City's climate zone, which states incremental improvements in overall annual energy performance of buildings exceeded Title 24 by 15 percent. She added that the study further notes that the building's overall design, occupancy type, and specific design choices may allow for a larger range of incremental first cost and payback projections. She noted that the study did not consider the tax credit or rebates.

Mrs. Rondash presented what other jurisdictions have in place, as follows:

- City of Livermore
  - Has a green building ordinance; will amend their green ordinance to default to the CALGreen. They are looking to enact something that is not less than their current ordinance. They are still analyzing the new code, but think that their recommendation will ultimately be similar to Pleasanton's.
- City of San Jose
  - Going with CALGreen basic for now. After next year they will be looking at offering an option for developers to go with a tier as an alternative to using the third party system.



- City of Dublin
  - Has a green building ordinance; is recommending CALGreen basic with a local amendment to require PV prep on all new construction. They will keep their existing ordinance for all other projects.
- City of Walnut Creek
  - No existing green building ordinance; will be adopting CALGreen basic.

Mrs. Rondash indicated that the City is currently preparing a Climate Action Plan (CAP), and it is possible that the Green Building Ordinance will need further amendments later next year as a result of that Plan. She noted that the CAP will also be looking more in-depth at opportunities for City incentives to be offered.

Mrs. Rondash presented staff's recommendations as follows:

- Adopt CALGreen Tier 1 for those "Covered Projects" currently subject to Pleasanton's Green Building requirements;
- Adopt CALGreen basic for new Downtown buildings, and for new buildings not located in Downtown which are currently exempt from green building.
 

*[This would be consistent with State law as CALGreen is intended to set mandatory minimum standards for all new construction. The CALGreen basic measures are the minimum standards for all new construction. Downtown Pleasanton is currently exempt from the Pleasanton Green Building Ordinance as are commercial buildings smaller than 20,000 square feet in size and residential structures smaller than 2,000 square feet in size.]*
- Adopt CALGreen, with amendments as appropriate, to incorporate the current regulations on additions, and to continue to exempt historic structures.
- Amend the Pleasanton Municipal Code to incorporate CALGreen as the reference standard.
 

*[As drafted the City's Construction and Demolition Waste ordinance would still apply.]*
- Adopt an alternative compliance option for developers to pay a verified third party rater for LEED/BIG certification process as a substitute to the City's green building plan check review process and provide the City with proof of completion.
 

*[Staff believes that certification through a third party rater (for Build It Green™/LEED™/other approved organization) will provide an acceptable level of confidence that the structure is achieving CALGreen Tier 1. A developer may want to choose this option if he/she is applying for grant funding tied to LEED/BIG, or is in pursuit of some other form of financial or public recognition with third party rating system certification requirements.]*

Mrs. Rondash then presented the following points for Commission discussion:

1. Staff's initial recommendation
2. Additional local amendments (e.g., PV ready):
  - Staff has received comments about the additional conditions of approval which require a "greener" project. The Commission may wish to discuss whether or not this practice should continue.
  - The Commission can recommend additional local amendments to the green building ordinance which would require some of the more standard conditions (such as PV ready) and/or continue to add conditions on a case-by-case basis as deemed appropriate.
3. Not requiring Initial pre-permitting review of the green building measures:
  - Staff is considering a recommendation that Planning staff simply talk to applicants about the green building requirements during an initial application review and the green building measure be reviewed at the building permit stage.

In conclusion, Mrs. Rondash presented a timeline of the tentative meeting schedule. She stated that the item will return to the Planning Commission for a formal recommendation on September 29, 2010, and the item is agendaized for City Council on October 19, 2010 to introduce the ordinance and on November 16, 2010 for a second reading and adoption of the ordinance. She noted that staff training will be held during the months of November and December, in time for implementation of the CALGreen Building Code on January 1, 2011.

Mrs. Rondash stated that staff received a letter from Peter McDonald which was forwarded to the Commission. She indicated that staff would clarify that the current proposal removes the requirements for outside programs but allows applicants to opt for outside programs to substitute for the City's process with their own choice. She noted that these applicants could be doing this for a number of reasons but that the City would not require them to do the City's process in addition; the third-party certification would be taken as substantial compliance with the City's process.

Chair Olson requested staff to include the slides in the agenda packet for the September 29<sup>th</sup> meeting.

Commissioner Narum referred to the chart of the point comparison for single family and noted that the City is currently requiring a minimum of 40 points but would go up to 46 points in the new program, which is a 15 percent increase. She voiced concern that it appears to be a big jump and that too much added cost and requirements would be placed on homes and commercial businesses, given the comparison of other cities in the area adopting the CALGreen minimum. She noted that builders are going to pass the additional costs onto their clients in the form of higher rents or sales prices.

Mrs. Rondash responded that it would be tied to the measure actually being implemented. She noted that some measures have minimal costs associated with them, and in a comparison of CALGreen basic and CALGreen Tier 1, the increase is

found in the sustainable site measures, which is placing the building properly on the site, such as taking advantage of the solar orientation, wind, landscaping, existing trees, and shading, all of which could be low in cost.

Commissioner Narum inquired, if this is the case, why some of the neighboring cities are not adopting Tier 1.

Mrs. Rondash explained that City staff began the review several months ago with draft documents while other cities had not even looked at the CALGreen Code and requirements. She added that cities are now starting to question where they will fall in the coming months, and she believes they would not stay where they are for very long.

Dennis Corbett, Senior Plan Checker, stated that he spoke with Livermore and Dublin in the past week, and Livermore is inclined to recommend the same thing Pleasanton is doing while the City of Dublin is going in a different track in that they currently have a green building ordinance [similar to Pleasanton's] which they will maintain in addition to requiring people to have all minimum and basic measures that CALGreen requires. She noted that in this sense, theirs will be similar to Pleasanton's. She added that Dublin's process requires the developer to do two sets of documentation for the same measures.

Chair Olson inquired if there were requirements in the basic CALGreen that are not currently in the City's requirement.

Mrs. Rondash replied that there are some measures that do not translate to the current system.

Chair Olson requested to have an outline of those measures for the September 29<sup>th</sup> meeting. He stated that he had attended the meeting held at the Chamber of Commerce, and one of his requests was an outline of all measures that are possible. He asked Mrs. Rondash if Exhibit C of the staff report was intended to provide this information.

Mrs. Rondash said yes.

Chair Olson stated that he shares Commissioner Narum's concern about added cost, but the way to address it with the community and business community is to show them how much flexibility there is and how easy it is to accumulate points under Tier 1 at very little cost, such as the location of the property on the site.

Mr. Corbett stated that one difficulty staff had is that every organization that establishes some type of green standard has different internal priorities. He mentioned, for example, that one group may emphasize water conservation where another is emphasizing resource conservation. He added that Build It Green and LEED are point based but CALGreen is not; it has required measures with a lot of electives to choose from such that there is not always a straight comparison of different measures. He

noted that because of the wide array of electives, designers have a lot of flexibility in how they design their ultimate project. He pointed out that there is overlap in many things such that some electives chosen to meet the 15-percent greater efficiency will also qualify as an elective. Mr. Corbett stated that in all the systems, some measures are very easy and inexpensive and some are more difficult and more expensive. He noted that the earlier the designer thinks about that, the easier it is for them to build green. He stated that a company that builds a good product is already doing a lot of these measures; however, for the company that is trying to cut every corner to keep costs to the bare minimum, its product is not going to be as nice and will have a more difficult time with this.

Mr. Corbett stated that the CALGreen code was developed with input from many stakeholders from the industry, such as the American Institute of Architects (AIA), the California Building Industry Association (BIA), who are all supportive of and endorsing the Tier 1 level. He indicated that because Tier 2 requires such an additional level of energy efficiency, resulting in increased costs, many do not support this tier. He stated that Tier 1 is established for cities like Pleasanton to facilitate transition. He noted that in the meetings he has attended, as many people voiced concerns about rising costs for construction as those people who did not want the City to lower the level of green the City has in place. He indicated that it will be difficult to enforce the existing green building ordinance and the new CALGreen measures simultaneously; hence, this was the most logical and well received level for transitioning. He added that as it goes forward and because it is a statewide standard, architects and designers will have a more standardized understanding of the product and it will be less expensive for them to develop something rather than having to learn the specific rules in Pleasanton versus those in other cities.

Chair Olson stated that one of the things that came out at the Chamber of Commerce meeting was the “requirement creep” which means that when a project is designed that meets the requirements, it is taken to the Planning Commission, and things get added on which adds to the cost. He noted that this can make Planning Commissions’ job easier if they can restrain from adding things when a project comes in.

Commissioner Narum stated that she can think of a couple of instances where things were added as a trade-off for extreme FAR’s or density.

Chair Olson agreed and noted that he commented on this at the Chamber meeting and gave the example of individuals wanting to build extremely large homes and the Commission wanting to see more LEED points. He further stated that the practice of adding on needed to stop.

Commissioner Pearce agreed as well. She stated that she likes the standards because they are easily manageable and easily understandable. She added that her sense from reading all of the documentation is that if these are things the City will hold to, a lot of the concerns would go away such as how complicated and costly things are.

Commissioner Narum recommended an amendment that new buildings must be photovoltaic-ready. She stated that it is easier to incorporate this into the building during the construction stage and that once something is built, it is more difficult and expensive to retrofit. She indicated that the way she reads the requirements is that they would have the flexibility to not build the building PV-ready and still meet the requirements.

Mrs. Rondash stated that the City currently requires it as a condition of approval; hence, the question is whether or not to include it in the ordinance.

Commissioner Pearce stated that it feels like more of a “creep” if it is in the conditions of approval and not in the ordinance.

Commissioner Narum agreed and supported this amendment.

Mr. Corbett stated that a couple of the electives to choose that are not that difficult to achieve are to provide enough roof area under the right orientation for a PV installation and the conduit space for the equipment.

Commissioner Pearce stated that she thinks the point is that if the City adds it as a local amendment, it will become easier to achieve the points and would help people along the way.

Commissioner Narum agreed.

Mr. Corbett added that in meeting with groups involved in the green business, one thing that is emphasized is not to require so many things that it takes design choices away from the designers. He stated that the Bay Area Climate Collaborative which was established with the cities of San Jose, Oakland, and San Francisco established their recommendations, and this is what they are proposing. He noted that Pleasanton came up with it prior to the Collaborative making their recommendations, but it is in line and consistent with how people are starting to evaluate this. He noted that staff started on the process very early to meet with all of the different groups to obtain their input, and the City is happy with how it has turned out thus far and has incorporated input from everyone.

Commissioner Narum noted there were many comments about the diversion requirement for recycling versus going to the landfill and construction materials. She inquired what the percentage would be for recycling.

Mr. Corbett replied that the City has an existing construction and demolition debris ordinance in place, and staff is using this without requiring a higher standard of diversion at this time. He indicated that it is 50 percent for overall debris and 90 percent for asphalt and concrete debris, which is fairly consistent across Alameda County. He added that in order to be eligible for certain funding, the City was required to have this ordinance in place almost two years ago.

Commissioner Narum recalled that there were recycling rates as high as 80 percent. She noted that if the City's ordinance is 50 percent, she wants to get to a point where this is what is in place, and someone coming forward knows this is what they must meet and that the City is "creeping" on them.

Mrs. Rondash stated that it is part of staff's recommendation to not require the initial pre-permitting review. She added that those documents would therefore not be incorporated into a review packet that comes before a discretionary hearing but would only be incorporated into the building permit plan sets. She noted that in this sense, there would be no information for that debate to start happening. She added that having it in the City's existing code provides people with the knowledge upfront of what they need to meet. She noted that this would eliminate the opportunity for those discussions to happen, and they would have a specific standard already in place in the code.

Commissioner Narum indicated that this makes her want an amendment even more to include that the buildings be photovoltaic-ready.

Commissioner Pearce agreed.

Mrs. Rondash indicated that there are also items in the City's current system that have more than one point assigned to them. She noted that a CALGreen measure that achieves two or three points in the current program would be an increase in point value, but there would still be only one measure.

The Commissioners acknowledged the amount of staff work that went into the development of the green building amendments.

Mrs. Rondash advised that comments at tonight's meeting would be responded to verbally or in writing at the September 29<sup>th</sup> meeting.

## **5. MATTERS FOR COMMISSION'S REVIEW/ACTION**

### **a. Selection of Vice Chair for the Bicycle, Pedestrian, and Trails Committee (BPTC).**

**Commissioner Pearce moved to nominate Commissioner Jerry Pentin as Vice Chair for the Bicycle, Pedestrian, and Trails Committee (BPTC).  
Commissioner Narum seconded the amended motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Narum, Olson, and Pearce.

**NOES:** None.

**ABSTAIN:** None.

**RECUSED:** None.

**ABSENT:** Commissioners Blank, O'Connor, and Pentin.

**6. ADJOURNMENT**

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

Respectfully,

JANICE STERN  
Secretary