



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, May 26, 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 May 26, 2010, was called to order at 7:02 p.m. by Chair Olson.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Steve Bocian, Assistant City Manager; Michael H. Roush, Former City Attorney; Janice Stern, Planning Manager; Mike Tassano, City Traffic Engineer; Robin Giffin, Senior Planner; 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

a. May 12, 2010

In regard his statement in the fourth paragraph from the bottom on page 3, Commissioner Blank noted that prior to his comment, Mr. Pavan had given an explanation on why it would be in the best interests of everyone involved to approve this extension. He requested that this background information be added to provide the context for his comment.

Chair Olson requested that the sentence in the third paragraph from the bottom of page 4 be modified to read as follows: "Chair Olson inquired what considerations the City might need in terms of received for granting this extension."

Commissioner Blank moved to approve the Minutes of May 12, 2010, as amended. Commissioner Pentin seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the May 12, 2009 meeting were approved as amended.

3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

There were no speakers.

4. REVISIONS AND OMISSIONS TO THE AGENDA

There were no revisions or omissions to the Agenda.

5. CONSENT CALENDAR

There were no Consent Calendar Items.

6. PUBLIC HEARINGS AND OTHER MATTERS

- a. The Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report (EIR) and Related California Environmental Quality Act (CEQA) Documents (CEQA Findings, Mitigation Monitoring and Reporting Plan (MMRP), and Statement of Overriding Considerations (SOC)), Case PSP-11 (Stoneridge Drive Specific Plan Amendment), Case PRZ-44 (Pre-Zoning /Rezoning of the Staples Ranch Site) Consider and make a recommendation regarding: (1) Certification of the Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR; (2) Rescission of: (a) CEQA Findings, MMRP, and SOC adopted by City Council on February 24, 2009 for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR; (b) Stoneridge Drive Specific Plan Amendment (PSP-11) adopted by the City Council on February 24, 2009; and (c) Pre-zoning/Rezoning of the Staples Ranch site (PRZ-44) adopted by the City Council on March 3, 2009; (3) Adoption of: (a) CEQA Findings, MMRP, and SOC for the Stoneridge Drive Specific Plan Amendment/ Staples Ranch EIR,

including the Supplement; (b) Stoneridge Drive Specific Plan Amendment (PSP-11); and (c) Pre-zoning/Rezoning of the Staples Ranch site (PRZ-44) to: PUD-C (Commercial), PUD-HDR/C (High Density Residential/ Commercial), PUD-P (Park), PUD-MDR (Medium Density Residential), or some similar combination of PUD zoning. The property is owned by Alameda County Surplus Property Authority and is located at the southwest intersection of I-580 and El Charro Road.

Brian Dolan introduced the item as a somewhat unusual event in which a Supplemental Environmental Impact Report (SEIR) is being brought before the Planning Commission, as well as some recommendations to rescind prior approvals that the Planning Commission will be requested to take. He then explained the sequence in which staff will present the application, starting with his discussion of the purpose of the meeting, some background information, and the purposes of the California Environmental Quality Act (CEQA) and the SEIR. He stated that Robin Giffin, Senior Planner, will then present the details of the SEIR findings, and he will then present concluding comments about some of the required findings, the significant unavoidable impacts, and the project benefits. He indicated that he will then close with some additional non-CEQA-related items for Commission consideration.

Before starting the staff presentation, Mr. Dolan acknowledged the presence of a number of people who have been involved in the project and who were present at the meeting to help respond to any Commission questions: Steve Bocian, Assistant City Manager, who has been very involved in the project from its inception; Michael Roush, former City Attorney, who's still on board to assist in the processing of this project which started before he retired; Mike Tassano, City Traffic Engineer; and Stuart Cook and Pat Cashman, who have been involved in the project as representatives of the Alameda County Surplus Property Authority (ACSPA), the project applicant and property owner. He added that also present to provide detailed technical assistance were project consultant Randy Waldeck from Charles Salter and Associates, and two consultants from the biological consulting firm of WRA – Jason Yakich and Geoff Smick.

Mr. Dolan stated that the purpose of the meeting is to present the project and lead the Commission to a point where it can make three different decisions: whether to recommend to the Council to (1) certify the SEIR; (2) rescind the previous CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan, as well as the actions taken by the Council approving the Specific Plan Amendment and the Pre-zoning and Re-zoning of the project site; and (3) approve the revised CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan reflecting the preferred project, as well as the revised Specific Plan Amendment and the Pre-zoning and Rezoning of the property. He added that staff would also discuss some potential additional non-CEQA related actions for Commission consideration, should it be interested in recommending them to the City Council.

Mr. Dolan then presented a brief timeline of the important events that have occurred since the City Council certified the Final EIR and approved the Staples Ranch project in

February 2009. He noted that the most critical date is September 2009, when a lawsuit against the City was settled, and as part of that agreement, the City agreed to prepare an SEIR to address some of the issues raised in that lawsuit. He added that at the same time, introduced into the process was the concept of an additional alternative, the Two-Lane Constrained Extension Alternative, which is discussed in the SEIR and the staff report.

Mr. Dolan then displayed a map of the area, showing the outline of the original Stoneridge Drive Specific Plan area, of which Staples Ranch is only a portion. He also displayed the Staples Ranch Land Use Map which showed the various proposed Staples Ranch projects: the continuing care retirement community facility, the auto mall, the neighborhood and community parks, and the area reserved for retail commercial. He noted that the Commission has already made a recommendation on the Planned Unit Development (PUD) approvals for the individual projects, which will come before the Council should the items being discussed tonight get approved by the Council.

Mr. Dolan indicated that the purpose of the SEIR is to address several issues as required by the settlement agreement: (1) determine whether the supplemental updated surveys for various plants and animals would result in impacts different than were identified in the Final EIR, in particular, the California tiger salamander, the California red-legged frog, the Western pond turtle, and the San Joaquin spearscale; (2) update the analysis related to greenhouse gas (GHG) emissions, which is primarily in response to an evolving regulatory world which, over the period of time that this project has been in process, has changed substantially and continues to evolve such that the conclusions have changed in this updated analysis; and (3) re-evaluate the previous analysis of the project's impacts on cumulative biological resources and noise impacts in relation to the nearby quarry operations.

Mr. Dolan stated that one of the biggest issues related to the request for an SEIR was the fact that the previous EIR did not include the precise project that the Council approved in February 2009. He noted that while all the information regarding its environmental impacts were in the environmental and other documents, the project was not explicitly identified as an alternative; thus, that particular project, and its impacts, have been included in the SEIR. He indicated that the SEIR also included an additional alternative, a Two-Lane Constrained Extension Alternative, since that evolved as a potential policy choice that the Council may wish to consider.

Mr. Dolan stated that in terms of its scope, the SEIR is not an all inclusive document and is intended to be used in conjunction with the Final EIR. He noted that the SEIR only presents the information that was challenged as being inadequate, so it was not necessary to repeat everything that was included in the previously approved EIR. He added that the SEIR is just like a regular EIR in that staff prepared responses to the comments and recommendations received during the comment period from the public, the Commission, and outside agencies, and staff made revisions to the Draft EIR text where necessary.

Mr. Dolan then introduced Robin Giffin to present the more detailed discussion of the SEIR.

Ms. Giffin stated that the SEIR re-evaluated the potential biological impacts to several species. In regard to the California tiger salamander (CTS), WRA, the biological consultant, completed two years of surveys related to the species, and based on the surveys, concluded that CTS do not occur on the Staples Ranch site; as a result, the mitigation requiring the completion of the CTS survey has been removed (because all surveys have now been completed), and no new mitigation (other than what was identified previously) is proposed.

Ms. Giffin continued that WRA also re-evaluated its biological reports related to the California red-legged frog (CRLF), and based on the negative field results in 2009 as well as previous surveys conducted in 1993 and 2002, WRA concluded that the CLRF are not currently present in the Arroyo Mocho channel adjacent to the Staples Ranch property; hence, no new mitigation (other than what has been previously proposed) is proposed.

With respect to the Western pond turtle (WPT), Ms. Giffin stated that the 2004 Monitoring Report for the Arroyo realignment project noted that two WPTs were observed following the completion of that project; therefore, the Draft SEIR has been revised to reflect this. She indicated that the addition of this information does not change the conclusion that the proposed project could affect the WPT during bridge construction; accordingly, the mitigation measures for the WPT during bridge construction, as well as other mitigation measures concerning the WPT, are not proposed to change.

Ms. Giffin stated that the EIR determined that the San Joaquin spearscale (SJS) was mitigated as part of the Arroyo Las Positas realignment project and that as part of that mitigation, the County was required to collect SJS seeds and spread them on the banks of the Arroyo Mocho. She added that a recent 2009 survey and analysis determined that 1.7 acres of the San Joaquin spearscale habitat on the Staples Ranch property as well as .07 acre on the north bank of the Arroyo Mocho would be lost due to the project. She noted that this is considered a significant impact, and to mitigate the impact, the ACSPA will purchase 1.77 acres worth of credits from the Springtown Natural Community Preserve in Livermore or permanently protect 1.77 acres of other San Joaquin spearscale habitat in Alameda County through the use of a conservation easement or other similar method.

Ms. Giffin indicated that the SEIR also re-evaluated potential noise impacts along Stoneridge Drive, noting that without roadway and wall modifications, the traffic noise level by the two homes closest to the proposed bridges would be 64 dB. She stated that as part of the CEQA documents, staff is recommending that a mitigation measure be adopted, including repaving of Stoneridge Drive between Kamp Drive and Trevor Parkway with noise-attenuating pavement and installing a soundwall by the two homes

closest to the proposed bridges on Curry Street and Maria Street. Ms. Giffin noted that staff has received a return call from one of these two residents stating that both he and his neighbor spoke about the proposed soundwall and that it was acceptable to them. She further noted that the proposed wall would be one foot higher than the existing wall and that the repaving and the new soundwall would reduce traffic noise levels near Staples Ranch to 60dB. She added that ACSPA has agreed to install the new soundwall and to contribute \$500,000 to the repaving of Stoneridge Drive between Kamp Drive and Trevor Parkway.

Ms. Giffin stated that it is important to note that even with this mitigation measure, there will still be a significant unavoidable noise impact since noise levels will increase by more than 4dB near Stoneridge Drive.

With respect to the GHG emissions, Ms. Giffin stated that even with the inclusion of Best Management Practices (BMPs) such as greenbuilding, bicycle parking, bicycle and pedestrian connections and bus stops, the GHG emission thresholds for this project will also still be exceeded, and, hence, GHG emissions are likewise a significant unavoidable impact.

Ms. Giffin indicated that the project staff is recommending is a Four-Lane Concurrent Extension Alternative with a phasing modification, called the Preferred Project in the staff report and related CEQA documents. She explained that under this alternative, Stoneridge Drive would be extended to El Charro Road, and the Stoneridge Drive bridges would be constructed to accommodate two lanes of travel in each direction, with both bridges being initially striped such that there would only be one lane of travel in each direction, with an expectation that in the future, the City Council would approve re-striping the bridges to accommodate two lanes of traffic in each direction. She added that because eventually there will be two lanes of traffic in each direction, the mitigation measures for the Preferred Project would be the same as for the Four-Lane Concurrent Extension Alternative without the phasing modification.

Ms. Giffin stated that as drafted, the Preferred Project provides flexibility and allows the City Council to gauge changing traffic conditions, the efforts of the City's regional partners to support funding, and construction timing of regional improvements. She added that it also allows the City Council to make a determination to re-stripe the Stoneridge Drive bridges to two lanes in each direction even if the regional improvements have not been completed, thereby vesting the City Council with the freedom to exercise its discretion on how best to manage Pleasanton's roadways. She noted, however, that peak traffic volumes by the proposed bridges will be less when the bridges are initially striped for one lane in each direction.

Ms. Giffin stated that under the Preferred Project, seven intersections in Pleasanton are impacted but are proposed to be mitigated to a less-than-significant level: Hopyard Road at Owens Drive, Hopyard Road at Stoneridge Drive, Santa Rita Road at Stoneridge Drive, Santa Rita Road at Valley Avenue, Santa Rita Road at I-580EB

off-ramp; West Las Positas Boulevard at Stoneridge Drive, and El Charro Road at I-580EB.

Ms. Giffin stated that the Alameda County Congestion Management Agency (ACCMA) requested that the City run ACCMA's traffic model and analyze impacts to its adopted link segments to determine if there are any impacts to the link segments resulting from the project. She noted that under the Preferred Project, there would be impacts to five of ACCMA's link segments: Stoneridge Drive east of Santa Rita Road, Stanley Boulevard east of Valley Avenue, SR-84 between Stanley Boulevard and Vineyard Avenue, SR-84 near Little Valley Road, and I-580 between Airway Boulevard and Isabel Avenue.

Mr. Dolan stated that after staff had gone through the analysis and identified the impacts and mitigations for the project, staff identified the following significant unavoidable impacts which are discussed in the SEIR:

1. The impacts to aesthetics and visual quality are purely related to the fact that the project would convert the site from a purely rural site to a developed site.
2. This project will have the same air quality impacts that the original approval had.
3. There would be climate change impacts that would exceed the current threshold, notwithstanding that threshold continued to evolve.
4. There would be a significant unavoidable noise impact related to the fact that the City's General Plan 2005-2025 has a new threshold which states that if noise increases more than 4dB, regardless of baseline noise levels, it is identified as a significant impact.
5. There are some impacts related to traffic; in particular, one outside of Pleasanton's jurisdiction at the intersection of Dublin Boulevard and Dougherty Road, in which the City of Dublin has indicated that it does not believe mitigation is feasible. There are also several roadway link segments between intersections where volume will exceed the ACCMA standards.

Mr. Dolan indicated that when there are significant impacts that are unavoidable, CEQA states that there is still an opportunity to move forward with the project by fully disclosing those impacts and making findings related to the benefits of the project, including why the benefits outweigh the significant unavoidable impacts. He noted that staff has prepared that analysis and that these benefits are the bases for the proposed Statement of Overriding Considerations. These include:

1. The project would allow the retention of the existing auto sales business in a facility that is very suitable for the business and which would provide benefits to the City, including jobs, convenience to residents, and tax revenue.

2. It would also provide a site for a senior continuing care community for which the City has a very demonstrated need. A large number of seniors in this community have shown interest in this project and cannot wait for that development to occur. There will even be a greater need for living arrangements and services for that segment of the City's population in the future.
3. It would allow for the ice center, which, together with its special events, will draw people from outside of town to do business at the City's hotels, stores, and restaurants.
4. A very specific direct benefit identified is that the ice center developer has offered to construct a substantial share of the community park.

Mr. Dolan then discussed some additional actions the Commission may want to take regarding non-CEQA-required matters that have been an important part of the ongoing evaluation of this project:

1. Work in cooperation with ACSPA to plant San Joaquin spearscale seeds on the community park site as part of the park construction. This is in response to input from members of the community who are interested in a greater level of mitigation for impacts to that particular species, as well as the interest of some in providing the opportunity for mitigation closer to the area where the impact would occur.
2. Construct a new soundwall along Stoneridge Drive between Guzman and Trevor Parkways, the only area along Stoneridge Drive that does not have a soundwall. This is part of the neighborhood where the front of the houses face Stoneridge Drive, thereby facing the noise source; however, the applicable standards for exterior usable space do not apply to the front yards, and, therefore, a sound wall is not required as CEQA-based mitigation. If this were to be pursued, there are multiple residents who would have to be surveyed; costs would have to be explored, and a specific design and detailed plan would have to be prepared and approved by the City Council before moving forward.

Mr. Dolan noted that these actions would be the financial responsibility of the City as they are not directly associated with an impact of the project.

Mr. Dolan then presented once again the actions the Commission could take: whether to recommend to the City Council to (1) certify the SEIR; (2) rescind the previous CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan, as well as the actions taken by the Council approving the Specific Plan Amendment and the pre-zoning and re-zoning of the project site; and (3) approve the revised CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring Reporting Plan reflecting the preferred project, as well as the Specific Plan Amendment and the pre-zoning and rezoning of the property. He likewise presented

the additional actions for Commission consideration regarding the non-CEQA-based items.

Commissioner Blank cited the traffic impact the project would have on the Dublin Boulevard/Dougherty Road intersection and inquired what the City of Pleasanton's responsibilities are towards impacts that occur outside its jurisdiction.

Mr. Dolan replied that the City's only responsibility is to identify the impact and disclose it.

Commissioner Blank further inquired if the City of Dublin could sue the City for impacting its intersection.

Mr. Roush replied that in addition to disclosing the item, one of mitigations is to engage in a cooperative process with cities that this project's traffic may impact to see if some cooperative agreement can be reached by which Pleasanton would agree to contribute to solve the problems in those communities if they are agreeable to paying for and helping to solve some of the problems their traffic creates in our community. He stated that it is a kind of *quid pro quo* and that the mitigation requires Pleasanton to engage in that process with its regional partners without necessarily reaching an agreement. Mr. Roush added that the answer to whether Dublin could sue Pleasanton is that it is a possibility; however, the City tries to create mitigation in such a way that part of the onus would be on Dublin to engage in that process and if it did not do so or chose not to do so, its lawsuit would not have a lot of merit.

Commissioner Blank requested confirmation that his understanding is correct that because Dublin did not believe the impact could be mitigated, it would engender a discussion about potential impacts in Pleasanton that Pleasanton believes Dublin might not be willing to mitigate.

Mr. Roush replied that there is an overarching attempt to reach a cooperative agreement that would mitigate all the intersections in Dublin that might be impacted by this project's traffic. He noted that Pleasanton has identified certain mitigations with respect to Dublin Boulevard and Dougherty Road that Dublin could do to render the level of service acceptable; however, essentially it would mean the intersection in question would need to be made larger, and Dublin has concluded that it is not a feasible improvement for it to consider, which is what it has advised Pleasanton.

Mr. Dolan stated that it is important to note that this impact is identified as a cumulative impact, which means that it will occur whether or not the project is done.

Commissioner Blank requested clarification that the recommendation is to repave a portion of Stoneridge Drive with noise-attenuating pavement and to construct a soundwall and that ACSPA would contribute \$500,000 for that effort.

Ms. Giffin replied that ACSPA would pay for the entire soundwall and contribute \$500,000 toward the repaving between Kamp Drive and Trevor Parkway.

Commissioner Blank inquired if staff had any idea how much the repaving would cost and what percentage ACSPA's contribution would be.

Mr. Bocian replied that it would be a significant portion of the entire cost but that the actual percentage would not be known until the time the repaving would be done.

Commissioner Blank inquired what the life expectancy of this particular pavement is and if this is a specialty pavement that would reduce the life expectancy in comparison to regular pavement.

Mr. Bocian replied that it has the same life expectancy and is now being used throughout the City on major arterials.

Commissioner Blank inquired if the standard would be the 20 years.

Mr. Tassano confirmed that the standard was 20 years.

Commissioner Pentin inquired if the \$500,000 and the cost of the soundwall is part of the up-to-\$1.5 million for traffic mitigation from the ACSPA.

Ms. Giffin replied that the \$500,000 for the repaving is part of the \$1.5 million but that the soundwall is not.

Commissioner Pentin noted that there are two soundwalls under consideration and inquired if the second soundwall is included in the \$1.5 million as well.

Ms. Giffin replied it was not.

Mr. Bocian noted that, in relation to an earlier question regarding whether Dublin would sue the City, the comment letter received from Dublin stated that Dublin supports the full extension of the road, notwithstanding its impacts in Dublin.

With respect to the installation of the second soundwall in the additional actions, Commissioner Pentin noted Ms. Giffin's statement that the noise level would be within an acceptable limit of 60dB. He inquired if the noise level for these residences would be right at the limit.

Ms. Giffin replied that all the levels in the rear yards would be 60dB or below.

Commissioner Pentin inquired if the soundwall is being proposed as a "good neighbor" gesture.

Ms. Robin indicated that this is the only area along Stoneridge Drive where there are homes that might be said to front Stoneridge that do not have a soundwall.

Commissioner Pentin inquired if the noise level would exceed 60dB without a soundwall.

Mr. Dolan replied that it would in the front of the residences.

Commissioner Pentin inquired if a cost estimate of \$300,000 would still be a valid figure.

Mr. Bocian said yes.

Commissioner Pentin noted the use of the word "may" on page 8 of the staff report regarding lane-striping on the proposed bridges if the Preferred Project is approved. He inquired why the word "shall" is not used instead since the interim striping would be done if the Preferred Project were approved.

Mr. Roush replied that the word "may" is used because the timing regarding when the bridges will actually be constructed is not certain. He noted that it is possible that the regional improvements will have been constructed or be underway, such that it may not be necessary to do the interim striping if the bridges are actually built. He added that this provides the City Council with the flexibility to look at the traffic conditions, what efforts have been done by the regional partners, and what the concerns of the community are, and at that point then, the Council could make its decision.

Commissioner Blank commented that it would also provide the ability for the Council to put the four lanes in.

Mr. Roush replied that was correct. He added that while it may not necessarily be the case, it leaves the option open.

THE PUBLIC HEARING WAS OPENED.

Ralph Kanz, Conservation Director for the Alameda Creek Alliance, stated that his organization does not oppose the project but that what the organization opposes is not properly mitigating with regard to the biological resources on the site. He indicated that more and more, it appears that the problem is that Alameda County does not want to invest the dollars to mitigate for this project, and that its bottom line is hanging this project up and will continue to do so. He added that he has tried multiple times for over a year to sit down and negotiate a good faith agreement with Alameda County about mitigation for biological resources, and it has not happened because his organization has not been able to get anybody to the table to negotiate in good faith.

Mr. Kanz noted that there was an email from the mayor dated December 2009 that was not included in the record. He further noted that he made an error in the email he sent

yesterday, stating that in the last paragraph at the bottom of the first page, the date of the Streambed Alteration Agreement should read April 29, 2003, and not 2010.

Mr. Kanz stated that one thing that was never discussed in the EIR is the requirement in the Corps permit for the Arroyo project that a conservation easement be placed upon the mitigation areas along the Arroyo Mocho. He noted that this is important because of the potential impacts of the bridge construction, and it would add another mitigation in that any impacts in that area would have to be mitigated if it were a conservation easement.

With respect to the San Joaquin spearscale (SJS), Mr. Kanz stated that both the City of Pleasanton and Alameda County are party to the East County Conservation Strategy, which, at present, is proposing that the mitigation ratio for the SJS be 5:1, which means that for every acre, there would be five acres of mitigation replacement. He noted that if that is what the County and the City think is appropriate for the Strategy, then he would suggest that it would be appropriate for this project as well. He added that spreading seeds in the park is not advisable and has no benefit, as it is unlikely that the habitat in that particular location will be appropriate for that species.

Mr. Kanz stated that his review of certain emails brings him to the conclusion that Congdon's tarplant might be present on the site. He indicated that PBJ&S had a botanist who said that he found it there, and PBS&J later stated that since the botanist no longer works for PBJ&S, then PBJ&S need not worry about it. He stated that what should have happened at that point was that the site should have been surveyed; but no one went to the botanist to inquire where the plant that the botanist thought was tarplant was found on the site. He noted that every botanist has said that one can miss something once in a while, that maybe somebody found it, or maybe it does not exist there; but the issue is that no one knows at this point because whether or not it exists was never questioned. He indicated that it has been found across the freeway and that it would not be surprising to find it on the Staples Ranch site.

Mr. Kanz noted that on page 13 of the staff report, it is stated that one of the two biological mitigations from the 1988 Stoneridge Drive Specific Plan is a California tiger salamander (CTS) survey prior to realignment. He pointed out that no survey was done where the fill was placed prior to the realignment taking place. He added that there were surveys done in the old Arroyo Las Positas, but none on the higher land, a potential wetland, which was a potential breeding habitat for CTS until it was filled in 2003.

Mr. Kanz stated that the biological resources section needs to be peer reviewed by an independent consultant because it contains contradictory information put out by the consultant on the issue.

The next speaker was Matt Morrison.

Commissioner Blank disclosed that he knows Mr. Morrison socially but they have not discussed this matter.

Mr. Morrison read the following prepared letter

"I urge the Planning Commission, following tonight's presentations, to schedule an additional meeting for public comment on the Supplement to the Stoneridge Drive Specific Plan Amendment/Staples Ranch Environmental Impact Report. The Final SEIR and staff report total 372 pages, longer than the 344-page Draft EIR. Pleasanton citizens are at a disadvantage to thoroughly review these documents and prepare sufficient comment in less than two weeks. Please provide residents and other members of the public more time to review these documents.

"I also want to thank Ralph Kanz of Alameda Creek Alliance for reviewing and preparing comments on the biological sections of the EIR in the face of ongoing personal attacks from the mayor. As I note in my comments for the Draft EIR, in a December 9th, 2009 email that included distribution to City Staff, Mayor Hosterman called Mr. Kanz a "disgrace to the environmental movement" and "one of those hackers...."

"Yesterday, on May 25, 2009, Mayor Hosterman sent another email (attached) derogatory of Mr. Kanz and his comments. Mayor Hosterman copied her opinion to the Pleasanton City Council, in an apparent violation of the Brown Act. An important Brown Act interpretation is the inseparability of deliberation from the decision-making process:

"Deliberation and action are dual components of the collective decision-making process and the meeting concept cannot be split off and confined to one component. The term 'meeting' extends to informal sessions or conferences of members of legislative bodies designed for discussion of public business." (Sacramento Newspaper Guild v. Sacramento County Bd. of Suprs. (1968) 263 Cal.App.2d.41)"

And

"The public has a right to notice of and attendance at such meetings irrespective of whether individual members of the council intend or do not intend to take "action" at such gatherings." (Ops.Cal.Atty.Gen. 61 1963)

"Conference calls and, presumably, email that involve a majority of council members are prohibited. Even the fact that no action is taken as a direct result of these communications does not relieve them of the requirement that they be public and properly noticed. The informal fact-finding and discussion phases of developing a 'collective concurrent' must be subject to public scrutiny and public input to the same degree as is the vote-taking at a scheduled meeting.

"As to the substance of Mayor Hosterman's comments, she accuses Alameda Creek Alliance of 'looking for a boondoggle' and that Alameda Creek Alliance 'no longer stands for anything.' Mayor Hosterman then directs her remarks to Jeff Miller, Alameda Creek Alliance's Executive Director that the group started out as 'a great grass roots organization, but with Ralph, you've diminished to the nth degree,' concluding with a cryptic 'Your call.'

"It is clear that by publishing her inflammatory and unsubstantiated views to the entire City Council, Mayor Hosterman is deliberating in the 'collective decision-making process' of the City Council while ignoring the public's right of notice and attendance. A violation of the Brown Act is a crime punishable as a misdemeanor.

"I ask the Planning Commission to determine whether Mayor Hosterman's email complies with the Brown Act and, if appropriate, to follow up with the District Attorney."

Mr. Morrison then submitted his letter to staff.

Chair Olson stated that Mr. Kanz stated that he was in favor of the project and asked Mr. Morrison if he was.

Mr. Morrison replied that he is not opposed to the project as it stands as long as it can appropriately mitigate for the biological impacts and the impacts on the neighbors and that the project is done in a proper way. He added that he agreed with Kay Ayala that the prior City Council had determined at the time that it was appropriate for Stoneridge Drive to go through when El Charro Road was extended to Stanley Boulevard. He indicated that he would approve the project at that time.

Richard Pugh stated that as a member of the Board of the Stoneridge Homeowners Association, he is interested in what goes on in the neighborhood. He indicated that he has comments on three areas of the documentation that came back with the preparation of the revised report. He referred to one of the items in the proposal for extra mitigations regarding the installation of the soundwall where none exists. He stated that it is a mystery to those who have property in that general region how the gap actually went through in the design process, and no one knows how it happened and whether it was an architectural oversight or some other reason. He noted that the gap is significant for those who live in area and encouraged the Commission to consider that favorably.

With reference to the discussion on repaving the road from Trevor to Guzman Parkways, Mr. Pugh pointed out the block between Kamp and Rheem Drives was not specifically mentioned and must have been overlooked. He stated that there are over 200 homes in that area with no repaving proposed and urged the Commission to consider that suggestion.

Mr. Pugh indicated that he had talked to staff briefly about air quality and would like to recommend that the Commission ask staff to include one or two small extra explanatory paragraphs in the mitigation. He stated that the comments on air quality should not only focus on the ozone and other oxides and nitrogen issues but also on diesel. He noted that a good authority stated that particularly in Livermore, diesel is the cause for serious health problem for youth and those with asthma, as well as for the quality of life for senior citizens who will live in the project. He suggested that a specific call out be made for truck route enforcement, hours of operation, and gross tonnage restriction on Stoneridge Drive. He recommended that staff add mitigation to ensure that when it comes to establishing those issues at the PUD level, there can be enforcement and diesel trucks do not come pouring down Stoneridge Drive.

Lastly, Mr. Pugh stated that in relation to noise, there is a description in the documentation of 30-35 miles per hour for sound assessment and how adjustments would be made in the data provided to the City. He noted that it is common knowledge that 40 miles per hour is not an uncommon speed, despite the posted 35 miles per hour speed limit. He requested the Planning Commission to ask staff to add a paragraph on what the decibel reading and the impact might be for realistic driving speeds down that road and to see how that may be mitigated.

Patricia Kohnen, a Dublin resident since 1978, stated that she would like to move into the Stoneridge Creek Retirement Community in Pleasanton. She indicated that she and her husband were the first couple to put down the 10 percent in escrow for the project and that although the process is lengthy, she was optimistic it will happen. She noted that it is a wonderful project; as are the other elements of the Staples Ranch project, and will be good for Pleasanton and the Tri-Valley area of Pleasanton, Dublin, Livermore, and San Ramon. As hopefully a future resident of Pleasanton, she urged the Planning Commission to certify the SEIR, rescind the old documents, and approve the revised documents, including the Preferred Project.

John Carroll was the next speaker.

Commissioner Blank disclosed that he knows John Carroll socially but has not discussed the project with him.

Commissioner O'Connor likewise disclosed that he knows John Carroll socially but has not discussed the project with him.

John Carroll stated the he was opposed to certain aspects of project, noting that he likes the Continuing Life Communities project and some aspects of the park, and would like the auto mall to be maintained within Pleasanton. He indicated that early on at a City Council discussion, it was implied that the Stoneridge Drive extension was not going to be put through until SR-84 is widened, in order to alleviate the traffic that comes north on I-680 and then traverses SR-84 over to I-580. He added that promises were also made for a regional traffic agreement among Pleasanton's regional partners

so the traffic impacts would not be as severe as they are today. He stated that he felt this project does not mitigate its impacts sufficiently in that the impacts will be much greater than anticipated. He noted that certain alternatives are shown as "Not Feasible" and that impacts are "Significant but Unavoidable"; he felt that Alameda County has not stepped up to provide the proper mitigations for the project.

Mr. Carroll stated that because the Stoneridge Drive extension will likely open before SR-84 is widened, before regional agreements are done, and before other anticipated arterials are open, the anticipated impacts will be much greater than originally anticipated by the community. He indicated that they stepped up and tried to work with the community, but at the last minute on February ²⁴, 2009, the Council pushed through the Stoneridge Drive extension in advance. He added that all materials provided before then indicated that there would be an emergency vehicle access (EVA) only connection. He noted that in his previous comments, he felt there was some obligation to provide clarification, but the response was there was no further clarification required. He stated that he was looking for the City to own up and say that it realizes that all information provided before February 2009 stated that the connection on Stoneridge Drive was going to be an EVA only and that only at the last minute, it became a four-lane connection right through a neighborhood community.

Mr. Carroll stated that he felt it is unfair for the City to push this through with only a small soundwall planned near the bridge area and possibly another soundwall between Guzman and Trevor Parkways, and these mitigations are fairly small in comparison with other mitigations that they had requested, such as air monitoring or air filtration in Mohr Elementary School or Hacienda School and the Saint Elizabeth Seton gym. He noted that with all this traffic coming through this neighborhood, there should be greater protections and more mitigations put in place. He added that there should be additional mitigation for Nielsen Park, which is right on Stoneridge Drive, which now has a small berm in place but should have something more substantial such as a soundwall to ensure that the public is protected. He indicated that he felt generally disappointed there is not more mitigation, that they were told they were going to be protected, and now they are being ignored. He noted that some of the biological mitigations are minimal, particularly the San Joaquin spearscale which should have a 5:1 ratio but has only a 1:1 ratio. He indicated that he was opposed to the approval of the SEIR at this point without additional mitigation.

Scott Raty, speaking on behalf of the Pleasanton Chamber of Commerce, stated that he was in support of the Staples Ranch project and the completion of the Stoneridge Drive extension. He indicated that Staples Ranch will be a fantastic addition to the community and that he appreciated the additional work that Alameda County and the City did for environmental concerns. He compared the current economic concerns to the project, noting that jobs these days are becoming, unfortunately, closely parallel to an endangered species.

With respect to the inadequacies of the mitigations that some have pointed out, Mr. Raty stated that he would like to recall when West Las Positas Boulevard was

intended to be the road to connect with Livermore, parallel to the freeway, but the City wisely saw that it did not make any sense to go ahead with that project with numerous residential driveways abutting the road. He noted that the greatest single mitigation for that was Stoneridge Drive, where there is no single residential driveway that enters or exits onto Stoneridge Drive east of Santa Rita Road. He stated that the City made the right decision on West Las Positas Boulevard and having Stoneridge Drive go through is also the right thing to do. He urged the Commission to support the project unanimously and to move it forward to the City Council.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank asked staff to address the timing of this project in terms of moving it forward to the City Council.

Mr. Dolan replied that the item is tentatively scheduled for the June 15, 2010 City Council meeting.

Referring to a speaker's request to schedule an additional hearing before the Commission, Commissioner Blank inquired if doing that would disrupt further scheduling in terms of proposed tenancies or the projected completion dates.

Mr. Dolan replied that the future individual development entities are incredibly anxious to get through this process. He noted that the project was theoretically at this same point more than a year ago, and during this additional year the SEIR was prepared and issues were addressed. He indicated that staff believes all issues are on the table and have been available for review and that staff can recommend with confidence that the proper documentation is available for a decision.

Commissioner Blank stated that the speed limit in the document struck him as odd as he has seen people drive through that area at significantly higher speeds. He inquired if the standard is that a speed limit is chosen and it is assumed that people will follow that.

Mr. Dolan replied that the speed limit stated in the document is the actual speed limit.

Mr. Roush stated that there were speed surveys done on Stoneridge Drive in the past, and based on that information and taking other factors into consideration, the City Council established that the speed limit would be a 35 miles per hour. He added that the posted speed limit is typically what is then used for purposes of doing the noise analysis under CEQA.

Commissioner Blank noted that the idea of gross tonnage restriction was brought up by one of the speakers and inquired if staff had considered this.

Mr. Dolan replied that many of those restrictions already exist. He asked Mike Tassano to address the issue.

Mike Tassano stated that the Pleasanton Municipal Code (PMC) identifies only one roadway segment which a vehicle exceeding three tons can utilize, and that is the segment on Sunol Boulevard/First Street/Stanley Boulevard, which is an established truck route. He added that the provisions in the PMC prohibit any vehicle over three tons from using any roadway within Pleasanton except when delivering to a set location; for example, the PMC would prohibit a truck exceeding three tons from exiting on El Charro Road, to Stoneridge Drive, and back on I-680 to bypass the I-580 congestion. He noted that this PMC provision is not planned to be changed. He indicated, however, that vehicles legally have the right to be on the roadway to deliver to the auto mall or another establishment along Stoneridge Drive.

Commissioner Blank inquired if this could become a Code enforcement issue.

Mr. Tassano replied that staff has conditioned previous development projects concerning truck routes. He added, however, that it cannot be done, for example, if there were an existing concrete company on Stoneridge Drive.

Commissioner Pentin inquired if a truck exceeding three tons delivering to CLC could get off at Stoneridge Drive, drive across town, and come across the bridge.

Mr. Tassano replied that the PMC stated that these trucks must use the most direct route. He noted that this is the same procedure staff requires for construction projects.

Commissioner Pentin inquired if it can be stipulated that deliveries must come via El Charro Road.

Mr. Roush replied that this is possibly already part of the PUD conditions that the Commission has looked at. He added that staff can certainly look at that and make a final recommendation to the City Council on whether or not that is the kind of condition that is appropriate to impose.

Commissioner Pearce stated that she recalls when the Commission considered the Home Depot project, there was a discussion about restricting truck routes through the city, and there was a discussion that when one roadway is specifically restricted from having trucks of a certain tonnage other than over three tons, another truck route must be designated. She inquired if this was accurate.

Mr. Tassano replied that he believes that situation came about because the proposed Home Depot just happened to be on the City truck route. He explained that delivery trucks could exit on Sunol Boulevard and drive to the site; some preferred that these deliveries be via SR-84. He added that there was a discussion about eliminating the established truck route and establishing a new one.

Commissioner Blank asked staff about the request for additional paving.

Ms. Giffin explained that the houses located west of Kamp Drive are multi-residential, and the threshold for multi-residential housing is 65dB instead of 60dB.

Commissioner Pentin inquired what the schedule was for repaving in this area as the Commission may not have to address the issue if that portion of the road may be repaved at about the same time.

Mr. Tassano replied that reviews are conducted on a two-year basis, and whether or not a road would be repaved would depend on the traffic volume on that roadway. He gave as an example that Santa Rita Road may be scheduled for repaving in 2014, and Stoneridge Drive is scheduled for 2012, but when staff reviews Santa Rita Road in 2012 and finds that the road has deteriorated to a point where it is worse than other roads, it would be scheduled for repaving instead of Stoneridge Drive. He indicated that Stoneridge Drive is not scheduled for repaving at this time but that it makes sense to repave the entire section at a single time from the viewpoint of cost savings.

Commissioner Blank noted that a couple of speakers spoke about the 5:1 ratio vs. the 1:1 ratio and asked staff to address the issue.

Mr. Dolan stated the 1:1 ratio was what was recommended by the consulting biologist, and that is what staff included as adequate mitigation.

With reference to the Congdon's tarplant, Commissioner Pentin stated that there was mention that there was one report that the species was present in the area, which was then withdrawn because another biologist stated that it was not there. He inquired if it was ever identified that spike weed was there instead.

Ms. Giffin replied that spike weed is present on site.

Commissioner Pentin commented that the first biologist may have been confused and inquired if something was done to address this confusion.

Ms. Giffin replied that PBS&J went back and looked through the records. She added that WRA also sent over information that, after looking at the plant found on the site under the microscope, WRA concluded that it was spike weed that was on the site.

Commissioner Pentin stated that he has heard of different mitigation ratios, including a 7:1 in connection with the golf course. He inquired who is responsible for determining ratios.

Mr. Dolan replied that there can be a ratio set forth in the General Plan, and there can be other guidance documents. He indicated that because there is no City-based CEQA threshold of significance that is extensive enough to apply to each different species, staff relies on the recommendation of professionals. He added that, theoretically, there is consistency from project to project relative to a particular species.

Commissioner Pearce noted that there are experts present and asked for their opinion.

THE PUBLIC HEARING WAS RE-OPENED.

Geoff Smick, senior biologist at WRA, stated that he has been working on the Staples Ranch project since 2006 and has documented the common spike weed in the area. He indicated that the spike weed is almost indistinguishable from the Congdon tarplant and that the two species are differentiated by the hairs inside the flower. He explained that one has to examine the flower very closely, and he always carries a hand lens in the field so he can see it magnified 20-fold. He stated that after it was reported that the Congdon tarplant was present on site, he went to that area where the first biologist thought he saw the plant, and he took samples of a number of plants from the area, every one of which was common spike weed. He added that he then went to other areas of the property and found quite a multitude of individual spike weeds. He noted that every sample he looked at was common spike weed and did not have the attributes of the Congdon tarplant. He added that he had specimens of both plants in his office, and he brought back some of those samples from the project site, looked at them with other senior biologist in his firm, and they all concluded that the samples were common spike weeds.

Mr. Smick stated that the San Joaquin spearscale is a California Native Plant Society (CNPS) plant and is not State- or Federally-listed. He noted that the mitigation ratios for State- and Federally-listed species are typically much higher. He added that there is no one entity that necessarily sets mitigation ratios and that different documents can set ratios for specific plants. He indicated that the plant is a relatively common rare plant. He stated that he recommended a 1:1 ratio because this is a common species and the previous mitigation already has occurred and was clearly successful along the Arroyo Mocho.

THE PUBLIC HEARING WAS CLOSED.

With respect to the recommendation to construct additional soundwalls, Commissioner Pearce noted that there is not enough information at this time about what it looks like, whether it is feasible, what the cost would be, and if the neighbors want it. She inquired if, should the Commission decide to go in that direction but without sufficient information, the Commission should recommend "consider the construction."

Mr. Dolan said yes.

Commissioner Blank commented that, in effect, the Commission would be recommending the Council consider the feasibility of the construction.

Mr. Dolan stated that he thinks if the Council received a positive recommendation from the Commission, the Council would direct staff to explore that. He added that he did not know what the timing for such a soundwall would be.

Commissioner Pearce noted that one speaker mentioned air monitoring at Mohr Elementary School. She inquired if this has been discussed and if this was feasible. She stated that she has seen surveys for pollution in elementary schools, some of them adjacent to major roadway such as Alisal Elementary School.

Ms. Giffin replied that the California Air Resources Board recommends that these studies are to be done once the road reaches 100,000 ADT, and Stoneridge Drive is substantially less than that, which is the reason it is not recommended as mitigation.

Chair Olson noted that one speaker mentioned that there was not sufficient time to review the documents. He inquired what the requirement is for review and if the City has met it.

Mr. Dolan replied that the minimum time that the SEIR must be available is ten days.

Commissioner O'Connor inquired if staff tries to exceed that limit when there are hundreds of pages of documentation or for larger projects.

Mr. Dolan replied staff definitely padded that requirement by bringing the document to the Planning Commission and added that there will be additional time between now and when it comes before the City Council.

Commissioner Olson requested confirmation that the original EIR was available for over a year.

Commissioner O'Connor commented that, however, it is not the original EIR but the SEIR that is subject to review,

Mr. Dolan stated that the original EIR has been available for considerably longer than a year.

Commissioner O'Connor stated that there has been much controversy about the biological aspects of the SEIR. He noted that the Commission had heard from Mr. Kanz of the Alameda Creek Alliance about the 5:1 ratio, and the applicant's biological expert came up to present his findings. He requested Chair Olson to re-open the public hearing to give Mr. Kanz an opportunity to respond to the biological expert's comments about the 1:1 ratio.

THE PUBLIC HEARING WAS RE-OPENED

Commissioner Pearce clarified that the public hearing is limited to just this one issue.

Mr. Kanz stated that he is on the User Advisory Group of the East Alameda County Conservation Strategy. He indicated that the City of Pleasanton is represented on the Steering Committee by Ms. Janice Stern and that the County has its own representative on the Committee as well. He indicated that the group has been working for two years

on a Conservation Strategy, which deals with all the different special status species and some focal species for this part of the County. He stated that it was agreed to that for this species, the migration ratio should be 5:1. He noted that this could change but that this was the agreement among all the agencies, including the Fish and Wildlife Service, the California Department of Fish and Game, and all the local agencies who are parties to the Conservation Strategy. He indicated that the 5:1 ratio is a marked increase from what has been traditionally the mitigation ratio for this type of species. He added that the final product is due to come out in about a month.

THE PUBLIC HEARING WAS CLOSED.

Chair Olson inquired what is the impact of the 1:1 ratio vs. the 5:1 ratio. He stated that the biologist indicated that the measures that were taken along the Arroyo had been quite successful.

Mr. Dolan stated that basis for the biologist's recommendation is not only the relative scarcity of the plant but also the unique situation for this piece of property where mitigation for that species has already occurred as part of a previous project.

Mr. Roush indicated the Commission may wish to recommend to the City Council that the Council consider a higher ratio.

Commissioner Blank stated that it was his understanding that the County would buy 1.7 acres. He inquired if the City could ask the County to purchase more.

Mr. Roush replied that what he is saying is that if the Planning Commission feels that it would be a better policy to adopt a higher ratio, it could make that as part of its recommendation to the City Council.

Commissioner O'Connor inquired if staff had any guesstimate of how much an extra six or seven acres of that type of mitigation would cost.

Mr. Dolan replied that staff does not have that information.

Commissioner Pentin noted that page 12 of the staff report talks about the new soundwall and inquired if the funding for that soundwall is in addition to the \$1.5 million provided for off-site improvements.

Ms. Giffin said yes.

Commissioner Pentin inquired if that should be included in Exhibit G under No. 6.

Mr. Roush indicated that it is on page 59 of the redlined version.

Commissioner Blank moved to recommend to the City Council to: (1) certify the SEIR; (2) rescind the previous CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan, as well as the actions taken by the Council approving the Specific Plan Amendment and the Pre-zoning and Re-zoning of the project site; (3) approve the revised CEQA findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan reflecting the Preferred Project, as well as the Specific Plan Amendment and the Pre-zoning and Rezoning of the property; (4) consider directing staff to study the feasibility of installing a soundwall along the south side of Stoneridge Drive between Guzman and Trevor Parkways; (5) direct staff to work in cooperation with ACSPA to plant San Joaquin spearscale seeds on the community park site if appropriate; and (6) carefully consider the appropriate ratio for the mitigation of the San Joaquin spearscale as part of this project.

Commissioner Pearce inquired about the use of the phrase “as appropriate” as opposed to establishing a standard ratio with respect to the planting of San Joaquin spearscale seeds on the community park site.

Chair Olson indicated that he would like to have two motions, with the first including the required action and the second addressing the non-CEQA additional items

Commissioner Blank withdrew Nos. 4, 5, and 6 from his motion.

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.

Resolutions Nos. PC-2010-10 recommending the certification of the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR Supplement (SEIR); PC-2010-11 recommending the rescission of the CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan related to the EIR for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR adopted on February 24, 2009, and the approval of the revised CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan related to the EIR and SEIR for the Stoneridge Drive Specific Plan Amendment/Staples Ranch EIR; PC-2010-12 recommending the rescission of the Stoneridge Drive Specific Plan Amendment adopted on February 24, 2009 and the approval of the revised Stoneridge Drive Specific Plan Amendment; and PC-2010-13 recommending the rescission of the Pre-zoning and Rezoning of the Staples Ranch site (PRZ-44) and the adoption of an ordinance

concerning Pre-zoning and Rezoning the same site, were entered and adopted as motioned.

Commissioner Blank inquired if it was staff's intent for the planting of the San Joaquin spearscale to be in lieu of the 1:1 ratio.

Mr. Bocian said no; it is in addition to the 1:1 ratio.

Commissioner Blank moved to recommend to the City Council to consider directing staff to study the feasibility of installing a soundwall along the south side of Stoneridge Drive between Guzman and Trevor Parkways; to direct staff to work in cooperation with ACSPA to plant San Joaquin spearscale seeds on the community park site as appropriate; and to carefully consider the appropriate ratio for the mitigation of the San Joaquin spearscale as part of this project. Commissioner Pentin seconded the motion.

Commissioner O'Connor proposed an amendment to the third item that a specific ratio be recommended in place of the term "appropriate."

Commissioner Blank stated that the reason he did not want to recommend a ratio was in deference to the difference in opinion in what was presented. He indicated that he thinks staff can determine the recommended ratio when it is taken to the City Council.

Commissioner O'Connor noted that this is just a recommendation; the Council does not have to accept it and can take it into consideration along with whatever staff recommends.

Commissioner Pentin stated that the Commission heard 5:1 ratio and 1:1 ratio and that he does not know which is right.

Commissioner O'Connor indicated that is why the Commission is making a recommendation.

Commissioner Blank indicated that he does not feel he is qualified to make that determination.

Commissioner Pentin stated he does not feel qualified either.

Chair Olson stated that the most qualified person in the field had indicated that it worked out pretty well with a 1:1 ratio.

Commissioner Pentin stated that the Council will have this recommendation, and when staff takes the report to the City Council, it will include the discussion of the Commission. He added that the Council would have the Minutes from the meeting, and it can go with the 1:1 ratio or modify the ratio.

Commissioner Pearce stated that picking a number is arbitrary and that she was not comfortable picking a number if she did not have the back-up information detailing the rationale behind the ratios employed by the various agencies.

Commissioner O'Connor indicated that other issues that were brought up include the truck route and the timing. He indicated that the Commission does not have the conditions of approval at hand, and, therefore, there is no way of knowing if these were included or not.

Commissioner Blank stated that the City Code has a provision for vehicles exceeding three tons.

Mr. Dolan indicated that staff has committed to adding those conditions if they are not already included in the PUD recommendation to the City Council.

Commissioner O'Connor stated that the only other item that has not been covered is the sound-attenuating pavement. He asked the Commissioners if they wanted to make a recommendation.

Commissioner Blank replied that the reason he did not include this was that when he initially asked the question, he was not aware that the threshold for multi-family residential units was 65dB. He added that Mr. Tassano had indicated that from the City's perspective, it would make sense to repave the entire area if the City is repaving in the area. He stated that he did not think it was not necessary to include this as a recommendation.

Commissioner O'Connor inquired if the Commission would like to recommend having the Council consider doing all the repaving at one time.

Commissioner Blank stated that he did not have data to make that call.

Commissioner O'Connor stated that he is trying to be sensitive to fact that he believes the Commission is recommending extending Stoneridge Drive earlier than when several hundred residents thought it was going to happen, and he wanted to find a way to mitigate these earlier impacts. He added that most people know the road was going to come through at some point, but he believed there were some promises made, and these homeowners will undergo impacts earlier than when they anticipated. He noted that there were not going to have other mitigations in place, such as a bypass road, and he was looking at what can be done to reduce the impact.

Commissioner Blank stated that when this issue comes up, the homeowners can come forward and ask the City Council to repave all of Stoneridge Drive. He reiterated that he did not have enough data to make a recommendation, and Mr. Tassano was not ready either to speak in detail regarding the cost of that additional repaving.

ROLL CALL VOTE:

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

Resolution No. PC-2010-14, recommending to the City Council to consider directing staff to study the feasibility of installing a soundwall, to work with ACSPA to plant San Joaquin spearscale seeds, and to carefully consider the appropriate ratio for the San Joaquin spearscale mitigation, was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Chair Olson informed the Commission that on May 11, 2010, he attended a breakfast briefing at the law firm of Bingham McCutchen LLP in Palo Alto on land use and development. He stated that he received a copy of the presentation which provides a great outline and talks about land use, affordable housing, and climate change, and looks at all the CEQA changes resulting from the CEQA actions by the court from January 2009 through April 2010. He requested staff to make copies of the presentation for the Commissioners.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

Hacienda Task Force meeting tomorrow. At Library.

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 8:45 p.m.

Respectfully,

JANICE STERN
Secretary