



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, June 24, 2009**

*(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 June 24, 2009, was called to order at 7:00 p.m. by Chair Pearce.

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

Staff Members Present: Brian Dolan, Director of Community Development; Michael Roush, City Attorney; Steven Bocian, Assistant City Manager, Robin Giffin, Associate Planner, and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None.

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

##### **a. May 13, 2009**

**Commissioners Narum moved to approve the Minutes of May 13, 2009. Commissioner Olson seconded the motion.**

#### **ROLL CALL VOTE:**

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

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 public comments.

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

Mr. Dolan requested that Item 5.a., PRZ-27, City of Pleasanton, Code Amendment regarding fencing; Item 5.b., PRZ-41, City of Pleasanton, Code Amendment regarding the Planned Unit Development District; and Item 5.c., City of Pleasanton, Code Amendment regarding massage establishments, be continued to the July 8, 2009 meeting.

5. **CONSENT CALENDAR**

- a. PRZ-27, City of Pleasanton  
**Review and consideration of amendments to Sections 18.20.010 and 18.84.090, and various related sections of the Pleasanton Municipal Code regarding fencing.**

This item was continued to the July 8, 2009 meeting.

- b. PRZ-41, City of Pleasanton  
**Review and consideration of amendments to Section 18.68 and various related sections of the Pleasanton Municipal Code regarding the PUD Planned Unit Development District.**

This item was continued to the July 8, 2009 meeting.

- c. PRZ-43, City of Pleasanton  
**Review and consideration of amendments to Section 18.44 and various related sections of the Pleasanton Municipal Code regarding massage establishment.**

This item was continued to the July 8, 2009 meeting.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

- a. PUD-57, Hendrick Automotive Group  
**Application for Planned Unit Development (PUD) development plan approval to establish allowed uses and the construction of six buildings (for auto sales, service, rental, etc.) and three car wash buildings totaling approximately ±291,750 square feet and related improvements**

on ±37 acres located at the southwest intersection of I-580 and El Charro Road (Staples Ranch).

**b. PUD-68, Continuing Life Communities**

**Application for Planned Unit Development (PUD) Development Plan to establish allowed uses and the construction of a senior care community totaling ±1,079,150 square feet and related site improvements on ±46 acres located at the southwest intersection of I-580 and El Charro Road (Staples Ranch).**

**c. Staples Ranch Project Development Agreement**

**Review of a proposed Development Agreement for the proposed 124-acre Staples Ranch development located southwest of I-580 at El Charro Road.**

Steven Bocian advised that staff would be approaching the presentation of the Staples Ranch projects in a different way than the usual procedure. He then presented an overview of the process, stating that staff would first present the report on the three projects – Robin Giffin on the Hendrick and CLC projects and Michael Roush on the Development Agreement – followed by a presentation by the developers for Hendrick and CLC. He continued that the Commission will then have the opportunity to ask questions of staff and the developers, after which the Commission will take public testimony, deliberate, and take action.

Mr. Bocian then presented a brief overview of the entire Staples Ranch development and displayed the land use map approved by the City Council, pointing out the two projects for discussion this evening, as well as the Neighborhood and Community Parks which will come before the Commission at a later date. He also identified the 11 acres approved for retail development which has to be originally developed by Fremont Land but which no longer has a developer at this time.

Mr. Bocian then displayed the conceptual site plan which showed the location of the retail center, the auto mall, and the senior community project, as well as Stoneridge Drive, Charro Road, and I-580.

Mr. Bocian continued that on February-March 2009, the City Council approved an amendment to the Specific Plan, the Environmental Impact Report (EIR) for the project, and the pre-zoning and rezoning of the project area. He added that the City had received the Planned Unit Development (PUD) application for the ice center proposed for the community park area and that staff is currently working on a draft ground lease with the developer as the ice-skating center would be operated by a private firm. He noted that staff is also involved with a purchase and sale agreement for the neighborhood park and is working cooperatively with the City of Livermore regarding the El Charro Road design.

Mr. Bocian stated that the City Council authorized a Supplemental EIR for the project which will review the environmental impacts of a two-lane Stoneridge Drive, as opposed to four lanes, and update the biological studies. He indicated that staff is working together with Alameda County on the Supplemental EIR, with public hearings to be held toward the end of summer or early fall. He noted that from staff's perspective, the Supplemental EIR does not restrict the Planning Commission from taking action as recommended by staff.

Robin Giffin then presented the staff report for PUD-57, Hendrick Automotive Group, and briefly described the scope, layout, and key elements of the project. She then proceeded to present the staff report for PUD-68, Continuing Life Communities, likewise describing the scope, layout, and key elements of the proposal.

Michael Roush presented the staff report for the Staples Ranch Development Agreement, providing a brief description of the Agreement's purpose and scope and discussing the key terms of the Agreement as outlined in the staff report.

Ron Tye, Hendrick Automotive Group, stated that Hendrick has been in Pleasanton for over 21 years and is requesting to move its auto mall complex to the new site in Staples Ranch. He noted that Uwe Waizenegger from Mercedes Benz of Pleasanton, was present in the audience.

Mr. Tye gave a brief PowerPoint presentation and thanked staff for their report. He then presented an example of other projects which Hendrick Automotive Group has done in other parts of the country along the luxury car line. He displayed the site plan, stating that they have agreed to some enhancements, particularly to landscaped areas which are in addition to what is seen on the presentation. He showed the presented elevations and noted that roof-top parking has been removed, and building heights have been reduced considerably. He added that the Volvo franchise is no longer in Pleasanton and that the building will strictly be an Infinity dealership. He indicated that the height of the Mercedes Benz dealership building has likewise been reduced considerably and that the BMW Mini store has also removed their rooftop parking. He indicated that the Acura building is unchanged from the last presentation.

Regarding signage, Mr. Tye stated that they tried to select modern signage representative of their lines. He then presented the freeway, monument, and individual dealership pylon signs at the ends of each dealership operation, noting that they provided a visual of the nighttime look of the large sign which has a subdued halo illumination in comparison to other signs. He presented three aerial fly-arounds of the site, noting that the neighborhood park margin and the CLC site will have much more landscaping as depicted on the presentation and that landscaping along the Caltrans right-of-way which runs along the front of the property would be enhanced. He presented the main entrance drive of the proposed project and noted that trees will form a canopy in the center median as one drives down the main entry. He then presented another tree-lined drive between Acura and BMW and BMW Mini stores, which will have

trees on both sides, and described egress and ingress to and from the entrance to the dealership.

Rick Aschenbrenner, Chief Executive Officer of Continuing Life Communities (CLC), stated that they are a builder but think of themselves as owners/operators of retirement communities. He indicated that he hopes their pursuit of the property will result in being part of Pleasanton town for a long time. He then introduced Dennis DiBiase, project architect; David Gates, landscape architect; Charles Salter, sound consultant; John Koehler, air quality consultant from ERM; members of the project staff; and future residents of the project.

Mr. Aschenbrenner indicated that they are very pleased with the plan and thanked staff for their assistance. He presented slides of the project and noted that in response to parking comments, they had changed the apartment building to a garden terrace building, which reduced density by about 30 units and freed-up space for parking.

Mr. Aschenbrenner stated that the site plan was designed to protect from the freeway and to make the best possible impact from the neighbors. He pointed out a connection where neighbors will receive some ground and grading of land and add that they have agreed with building some walls. He presented homes on Vermont Place with an eight-foot high wall in place, noting that they are 150 feet from the two-story health center building with a mansard. He also presented the site line study for homes along Staples Ranch Road, showing that they have no impact and will actually receive a reduction from freeway noise.

Mr. Aschenbrenner then displayed a slide showing West Las Positas Boulevard, stating that buildings present the least amount of profile. He showed the seven-foot tall fence separating the buildings from existing houses, and the single story villa, and the three-level and four-level buildings.

Mr. Aschenbrenner then described the berm area along the edge of the property, cross sections of what the berm would look like, the elevation difference between the property and the freeway, and a 20-foot berm with an eight-foot high retaining wall on top, which would protect the property from sound and also screens the building from the freeway and vice versa.

Mr. Aschenbrenner then presented the site looking west from the auto mall property, noting that the height of the building and the top of the berm and wall are exactly the same. He presented a cross section looking west from the freeway, the proposed installation of trees in the PG&E easement, and photographs of similar berms they propose to emulate. He noted that buildings will look much different than the auto mall buildings.

Mr. Aschenbrenner noted that the community would include many site amenities and presented samples from other communities and actual residences. He added that they

are pet-friendly and have many gardening areas on their properties as well as a golf amenity.

Mr. Aschenbrenner stated that the garden terraces are two-story flats in buildings that are broken up with courtyards. He described the units as having glass on both sides and presented an example of a community in Southern California. He stated that the clubhouse building would be 70,000 square feet and would have many recreational amenities. He indicated that they would take excess dirt and build up a ramp such that a person will enter onto the second floor, and there would be another ramp which can service trucks at a separate level and separated from homes at the back by a retaining wall. He presented a front elevation of the building which showed only the second floor of the building. He concluded by presenting an example of a swimming pool, elevations of the independent living units, nine-foot high ceilings, courtyards, transportation services, the health center, and a phasing plan for parking. He noted that that it will most likely take eight to ten years to complete the building of the project.

Commissioner Blank stated that he noticed that in the Hendrick Automotive package, it is stated that the Hendrick property is outside the Airport Protection Area (APA). He indicated that he believed an edge of it was inside the APA as defined by Alameda County in 1993, noting that a condition of approval on page 21 states that "dwelling unit shall not be located east of the Airport Protection Area Line from Livermore Municipal Airport documented by Alameda County Land Use Commission in 1993." He added that earlier it states that "Grantee hereby acknowledges and agrees to the properties located within the vicinity of an active airport but is outside the Airport Protection Area." He requested clarification from staff.

Ms. Giffin stated that Hendrick Automotive was actually in the APA boundary and that the APA line for the CLC project runs just east of the villas and the health center. She added that there is an Airport Safety Zone line that was adopted by the Airport Land Use Commission (ALUC), which is separate from the APA line and runs east of El Charro Road.

Commissioner Blank noted that on page 19 of the Appendix Conditions for the Hendricks Automotive report, the third and fourth lines from the bottom state "...outside the City of Livermore's designated Airport Protection Area." He stated that he believed that was not correct based upon Ms. Giffin's comments.

Ms. Giffin stated that the reference was a requirement from the EIR that goes on every single approval within the Staples Ranch project, according to the Pre-Development and Cooperation Agreement.

Commissioner Blank reiterated that he felt it was not correct and that this is a legal issue for the City Attorney to review. He recalled that there were lengthy discussions about not having assisted living up against El Charro Road because of the Airport Protection Area and Airport Safety Zone.

Mr. Bocian stated that as mentioned earlier by Ms. Giffin, staff had extracted this reference from another document and added it to a condition as a requirement from the EIR.

Commissioner Blank stated he noticed in the CLC documentation that there are provisions for an emergency generator. He inquired if this was also subject to noise limitations, as he did not see it specifically spelled out in the conditions.

Ms. Giffin replied that the applicant is proposing two emergency back-up generators; one for the health center and one for the central plant. She added that there is a condition of approval which reiterates the standard conditions of the Pleasanton Municipal Code.

Commissioner Blank inquired whether there is also a need to state that noise limits apply to the generators or whether they were exempt.

Ms. Giffin replied that generators are not exempt and that the standard noise conditions would apply to them.

Commissioner Pentin noted that on page 3 of CLC's Exhibit B, it states: "All exterior streetlight bollards and building lights will be compact fluorescent" but that he sees different types of lights elsewhere. He inquired what the lighting for both projects would be.

Ms. Giffin replied that Hendrick Automotive Group would have metal halo lights as required by the EIR. She suggested that CLC clarify the lighting for their project.

Dennis DiBiase, project architect, stated that they have not identified the type of lamp for the project's lighting fixtures. He noted that they have done a lighting study which was submitted to staff to ensure they had enough foot candles and that they were shielding lighting from the neighbors.

Commissioner Pentin referred to page 7 of the CLC Exhibit A, which states: "if a carwash area is provided" and inquired if a carwash area would be provided.

Ms. Giffin replied that a carwash area is not proposed at this time; however, staff added the condition in the event that if one was proposed in the future, the applicants would be aware that they do have to cover the carwash area and grade the site such that storm drainage goes into the carwash area instead of throughout the rest of the site.

Commissioner Pentin referred to the golf course for the CLC project and noted that the legend states the shots are only possibly 20-30 yards. He pointed out that the last hole is right at Stoneridge Drive and inquired if netting would be used.

Mr. DiBiase replied that it is pitch-and-putt and agreed to fine-tune it.

Commissioner Narum noted that in both sets of conditions of approval, she did not find any reference to hours of construction and inquired whether or not this would be included.

Ms. Giffin replied that the hours of construction, which are set per the EIR, are located in the Appendix.

Commissioner O'Connor noted that the hours are from 8:00 a.m. to 5:00 p.m., Monday through Saturday, as noted on page 7.

Ms Giffin indicated that earlier construction times would be allowed if deemed appropriate and necessary by the Director of Community Development, for such things as foundation work.

Commissioner Narum referred to page 6 of the Hendrick staff report and inquired why fruit trees are specifically called out.

Ms. Giffin replied that the applicant was concerned that the drought-tolerant trees initially recommended by staff would drop many leaves and seed pods on their inventory, and they would continuously have to wash the cars. She added that Hendrick suggested fruitless fruit trees with large evergreen canopies, which staff supported.

Commissioner Narum asked Mr. Tye why he does not want to build PV-ready buildings.

Mr. Tye replied that there are other alternative energy solutions for the project besides PV and that they have requested that they be allowed to look into those alternatives, including PV. He indicated that they would be willing to prep the buildings for a PV project, but not they are not quite that far along to commit to building a PV project. He noted that it is likely they may need to do something like this to be energy-compliant with LEED, but they would like to keep it voluntary at this time.

Commissioner Narum asked if Mr. Tye was willing to accept a condition that buildings be made ready for PV panels. She further inquired if PV panels might ultimately be one of the things they may do to achieve the required LEED points.

Mr. Tye replied that there are a number of ways to achieve LEED points; however, if they run into this problem and PV is the way to solve it, they would go ahead with it.

Commissioner Blank stated that it is less expensive to prep buildings for PV at construction, and going back later to do it almost eliminates the possibility as it would be more expensive and reduces future flexibility.

Mr. Tye agreed that there is a cost factor but they are not sure where they will end up with LEED. He reiterated that they would like to keep it voluntary before construction if it makes economic sense, and he did not want it to be a condition of approval at this

time. He noted they are looking at a number of alternatives to PV, such as power purchase agreements, third party ownership, and other strategies that would keep costs down. He expressed concern with the initial cost of PV installation which becomes fixed overhead. He agreed that it would lighten utility costs but that there is a 15-20-year payback on it.

Commissioner O'Connor clarified that the Commissioner is actually talking about prep work and not the actual installation of a PV system.

Mr. Tye stated that there is an additional cost for prep work as the structure of the roof would need to be increased to take the load of panels, conduit must be run up, and there must be room prepared for housing converters as well as ancillary equipment. He added that the issue of LEED for car dealerships is difficult to meet and that they have not determined how they are going to approach the energy issue. He indicated that they would find a creative way to do it but do not want to be pushed at this time into one solution that may not be the best solution.

Commissioner Narum stated that the applicant could add another 31,000 square feet of building and asked Mr. Tye if they had any plan on how to accomplish this.

Mr. Tye replied that the service operation in auto dealerships is what typically gets expanded. He noted that showroom areas built as office areas are typically adequate for long periods of time; but eventually, more cars will be sold or repaired, there will be a greater demand, and the manufacturer will require more service bays for customers. He indicated that the buildings are sited in a way to accommodate potential future additions.

Commissioner Narum inquired if the buildings would be located away from Stoneridge Drive.

Mr. Tye replied that the buildings would be parallel to Stoneridge Drive; none of them would face Stoneridge Drive.

Commissioner Narum referred to the eight-foot wide landscape buffer between Hendrick and the park on page 17 of the staff report. She inquired if this buffer would be four feet on each side of the wall that would be landscaped.

Ms. Giffin replied that the buffer on the neighborhood park side will likely be wider than four feet. She stated that the tentative map plans, which would include the Neighborhood Park, have not yet been submitted but that she believed the buffer would most likely be about ten feet on the Neighborhood Park side. She indicated that the applicant had requested that the landscape buffer on its side be reduced in size in large part because they are proposing only trees right now and not a substantial number of shrubs. She added that staff believes this is fine as long as the trees can still be accommodated.

Commissioner Olson noted a double negative in a sentence on page 3 of the Hendrick Automotive report and page 4 of the CLC report: "Staff does not believe the SEIR will not have an impact on either the CLC or Hendrick Automotive PUD's...." and stated that staff was probably trying to say that there would be no negative impacts. He requested that both areas be changed.

Commissioner O'Connor inquired whether or not staff also believes there would be no impact to the Development Agreement.

Mr. Roush replied that it is possible that some of the terms and conditions of the Development Agreement may have to be revised in light of what comes out of the SEIR. He stated that, for example, if the Specific Plan Amendment as approved is amended in a certain way or requires additional mitigations, those would have to be reflected in the Development Agreement. He noted that staff assumes that these amendments would be fairly minor in nature and reflected in the Specific Plan Amendment, and that the bulk of the Development Agreement would not have to be modified.

Commissioner O'Connor inquired how the Development Agreement would be modified after the fact if it is approved tonight.

Mr. Roush replied that staff is recommending that the Commission make a recommendation to the City Council that it be approved. He added that if there are substantial revisions to the Development Agreement, staff would return it to the Planning Commission for its review and consideration prior to the City Council taking final action on it.

Commissioner O'Connor inquired if staff expected the SEIR to be completed before it goes to Council.

Mr. Roush said yes. He stated that staff would expect to have the SEIR completed before the City Council takes action on any of the plans or agreements.

Commissioner Olson stated that page 9 of the CLC report indicates that the health center will be under separate ownership. He inquired if the reason for this is that CLC is really not in the healthcare business.

Mr. Bocian replied there will be a separate LLC that will own the center but that the ownership will be common.

Commissioner Olson referred to discussion on the housing cap on page 18 of the CLC report. He noted that this has nothing to do with CLC's project but everything to do with Pleasanton's politics and inquired if it would be possible for the Planning Commission to recommend to the Council that none of the units be counted toward the housing cap.

Mr. Roush replied that it is within the Commission's purview to make this recommendation to the City Council. He stated that staff's concern was that staff really

did not present any significant analysis to the Commission concerning what impacts the project may have on infrastructure, which are the factors that give rise to how much should count toward the housing cap. He added that notwithstanding that analysis, staff would pass along to the City Council whatever the Commission recommends in terms of whether none, some, or all units count toward the housing cap.

Commissioner O'Connor noted Ms. Giffin's statement that the trees that will be planted to buffer neighboring properties with no view in-between at maturity and inquired what the maturity dates of those trees might be. He further inquired if there would be more than one tree type.

Ms. Giffin replied that she did not know the maturity dates for the trees. She noted that the recommended conditions of approval are written such that a licensed landscape architect would have to review this and provide information to staff prior to issuance of a building permit. With respect to the types of screen trees between CLC and Hendrick's site, Ms. Giffin stated that staff is recommending the *Deodora Cedrus*, which are evergreen and drought-tolerant and would grow to about 80 feet in height and its canopy would be 40 feet in diameter.

Commissioner O'Connor noted that it seemed like the entire Staples Ranch property is in the 100-year flood plain.

Ms. Giffin confirmed that was correct. She stated that as part of the City of Livermore's El Charro Specific Plan project, the Staples Ranch property will be removed from the flood plain by implementing flood improvements on the Specific Plan property. She added that a number of improvements are planned to be constructed later this year or early next year and that the entire site will need to be taken out of the flood plain for construction on Staples Ranch to be completed and occupied.

Commissioner O'Connor inquired if the City was prevented from doing anything prior to the property being removed from the 100-year flood plain.

Ms. Giffin replied that the site cannot be occupied until it is removed from the flood plain and construction occurs in the El Charro Specific Plan area.

Commissioner O'Connor inquired if this referred to the entire property or just the residential portion.

Ms. Giffin clarified that the law applies to the residential portion. She added that the EIR mitigation measure does require the entire site to be brought out of the flood plain and that there is an agreement addressing improvements done within the Livermore property, which is part of the Pre-Development and Cooperation Agreement between the City of Pleasanton, Alameda County, and the City of Livermore.

Commissioner Olson referred to page 6 of the draft Development Agreement and inquired if the City is comfortable with 180 days to complete everything. He further inquired if LAFCo could delay this.

Mr. Roush replied that LAFCo could deny it or could cause the application not to be approved within 180 days. He stated that the idea is that if all project approvals are in place, it is likely that the County will support the annexation, and LAFCo presumably would not have an issue with approving the annexation as proposed. He noted that the agreement also provides that if, for some reason there was a delay, this does not automatically expire because the Surplus Property Authority can agree to an extension of time beyond 180 days. He added that staff was concerned about the amount of time as well, and suggested something longer; however, the Surplus Property Authority believed that six months was ample time to have it resolved.

Commissioner Blank noted that from experience and knowledge, automatic fire sprinklers systems comprise of about one percent of the construction cost for commercial buildings. He stated that it would be valuable to come up with a number for the City Council with respect to a guideline or percentage as to what it takes to prep a commercial building for a Photovoltaic system. He added that he believed this might provide future approving bodies some valuable information in order to make a determination.

Ms. Giffin responded that staff has no guidelines at this time.

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

Howard Matthews stated that he loves the community and believed that such a development will enable him to continue to live in Pleasanton if he qualifies to become a member of the retirement center. He spoke of the variety of care and indicated that he believes the facility would enhance the quality and real estate value of property in Pleasanton and would benefit residents who want to live in town without being a burden on their children. He requested the Commission to recommend approval of the project.

Barbara Hempill stated her understanding was that the SEIR was to be completed by mid-summer and that those interested in living on Staples Ranch property anticipated they would be making a firm commitment last October; however, it now appears that the earliest would be this coming October. She noted that any further delays can mean a difference between aging in place at a nearby continuing care community versus having to be moved from facility to facility; the difference between having the elderly decide where they want to spend the rest of their lives versus having families decide for them; and the difference between remaining in the community versus having to relocate.

Ms. Hempill stated that as a member of the Pleasanton Assisted Living Subcommittee, she had visited many facilities for the aging and found that such communities are the most desirable way to age in place. She urged the Commission to be mindful of resident needs and asked for approval as soon as possible.

Stephanie Yue referred to the light standards at the back of Staples Ranch which are proposed to be ten feet tall and inquired whether or not they would be in operation all night long. She stated that she attended the October 11, 2005 workshop for the project and urged the Commission to speed up and approve that project because she did not want it developed by the City of Livermore as Pleasanton has higher standards and will receive the tax base.

Marge Johnson stated that she sold real estate in town for many years. She added that she believed Pleasanton is forward-looking and that she does not want to move out of state. She asked the Commission to approve the project.

John Carroll inquired whether or not there will be a 45-day review period for the public to review the results and proposed mitigations of the SEIR. He noted that he felt it is important for people to be aware of CEQA requirements and is hopeful that construction equipment can use access and egress off of El Charro Road as opposed to Stoneridge Drive.

Peter MacDonald stated his support of all the projects and indicated that he would like the option of living in a retirement community when that time comes in the future.

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

Commissioner O'Connor inquired if there is a notification requirement for the Airport flight path noise.

Commissioner Blank stated that he thought this was included in the information.

Ms. Giffin stated that there are several disclosure requirements regarding the airport which are located in the Appendix. She added that they are also required by the EIR and Pre-Development and Cooperation Agreement.

Commissioner Blank requested staff to go back and review the requirements, stating that he thought they contain the notification period, although this may not affect the CLC because he believed they were possibly outside the Airport Protection Area but within the noise area.

Commissioner O'Connor recalled that in earlier discussions, it was confirmed that they were outside the APA, but the Planning Commission wanted them specifically disclosed. He emphasized that he wanted to be sure this happens.

Commissioner Pentin inquired whether there are two required bus shelters and pads and whether or not they are shared.

Ms. Giffin replied that two were required per the recommended conditions of approval: one would be by the Hendrick Automotive site in front of the Neighborhood Park, and the second would be in front of the CLC site.

Commissioner Pentin inquired if the matter on delivery trucks for the CLC health center had been resolved.

Ms. Giffin replied that CLC had agreed but that the trucks to the health center will be the smaller trucks, not exceeding 30 feet in length. She added that an addendum to their project narrative had been submitted addressing this matter. She explained that as required by the recommended conditions of approval, they would need to modify the rear of the health center to accommodate the delivery trucks. She noted that the living area is currently in the drive isle, which would also be used for fire trucks, and would need to be relocated.

In response to Commissioner Pentin's inquiry about the original proposal to use white alder trees, Ms. Giffin replied that the original proposed trees are East Coast trees and do not thrive in town.

Commissioner Pentin inquired if there was a plan for future fuel dispensing areas.

Ms. Giffin replied that they are not being proposed at this time.

Chair Pearce requested to have the public's questions addressed regarding construction truck access off of El Charro Road versus Stoneridge Drive, the timeframe for the SEIR, and the nighttime lighting issue.

Ms. Giffin replied that there is an EIR mitigation measure requiring all construction access come off of El Charro Road to the extent possible. She added that during the beginning phases of construction, however, trucks will most likely come down Stoneridge Drive because the bridges will be built first.

Ms. Giffin confirmed that there will be a 45-day review period for the draft SEIR. She added that with respect to lighting, the ten-foot tall lights are street lights and would remain on all night long; however, they are required to have shieldings such that lights would shine downward instead of outward.

Chair Pearce referred to the 60 dBA issue regarding the car wash and proximity to the closest habitable structure and inquired if this was measured from the lot line or from inside the structure.

Ms. Giffin replied that it is measured from the outside wall of the structure and that the closest habitable structure is currently 125 feet away from the car wash.

Chair Pearce recalled that a suggestion was made at the joint workshop about adding landscaping for the Hendrick site. She noted that page 13 of the Hendrick report shows

that trees would be removed by the Neighborhood Park. She inquired how this related to additional landscaping.

Ms. Giffin replied that there is a recommended requirement that the trees be put back, which has been agreed to by the applicant, who is proposing the fruitless fruit trees as a buffer.

Chair Pearce inquired why the 50-foot tall signs have been reduced to 48-foot tall signs versus 47 feet or some other size.

Mr. Tye replied that 48 feet generally works better for tile and other pertinent standard sign sizes.

Commissioner Olson inquired if the freeway sign was too subdued at night.

Mr. Tye replied that he believes it will be fine. He noted that the halo lighting does create a more subdued look but that it would be very readable and look nice.

Commissioner O'Connor recalled that one recommendation from the last meeting was to move one of the car washes closest to CLC and noted that this was not done. He inquired whether or not one of the mitigating items was that a third car wash be added at Mercedes Benz and if He asked if this was to take volume away from the one closest to CLC.

Mr. Tye replied that the original plan submittal showed a car wash right next to the wall between CLC and the Mercedes Benz project. He stated that it has been moved back into the project and away from the wall to provide some additional distance to the first habitable structure.

Commissioner O'Connor noted that the new condition states that mitigation was to not exceed 60dBA at the closest habitable structure and inquired how this would be done.

Mr. Tye replied that there are now controllable blowers which cut the initial power consumption and varies fan speed to control the amount of noise coming from the fan. He stated that the car washes are put in a CMU block tunnel which looks architecturally like the building it belongs to, and this attenuates and contains much of the noise. He added that wing walls can also be used to attenuate which way the noise goes. He noted that the freeway is located right up next to the building and much of the noise from the car wash will be background noise. He stated that he believes they will easily meet all the requirements. He added that the other two car washes are far away from the CLC project.

Chair Pearce said as Chair of the Bicycle Pedestrian Advisory Committee, she noticed the City has committed bus stops in front of CLC and Hendrick and they have shelters. She inquired if documentation should be specific to state that they also have seating.

Ms. Giffin replied that she believes the requirement for bus shelters includes seating, lighting, and a trash receptacle.

Chair Pearce inquired if the bus stops also have pedestrian accessibility as she has seen bus stops that cannot be walked or biked to safely.

Ms. Giffin replied that a sidewalk is required along Stoneridge Drive.

Chair Pearce stated that she understood there was access on the Arroyo Mocho maintenance road and inquired if there would be pedestrian access to the Neighborhood Park for resident access from CLC.

Ms. Giffin replied that there is a sidewalk that would be installed on the eastern side of the public entrance road which would connect to the project.

Chair Pearce inquired if there would be walking access to bus stops at the other sidewalks.

Ms. Giffin replied that a sidewalk is also required on the western side.

Chair Pearce inquired what the statutory obligation is for the Planning Commission with respect to the SEIR.

Mr. Roush replied that as done with most Draft EIRs, once the SEIR has been issued and is sent to the State Clearinghouse and provided to public agencies, staff will then schedule a hearing before the Planning Commission at which time the Commission and the public will have an opportunity to raise questions. He noted that in addition to the opportunity for oral comments, individuals will also have 45 days to submit written comments.

Commissioner O'Connor inquired if the City had special requirements for materials for the bus stops and how they are built. He noted that the bus stop by Applied Biosystems on Sunol Road is stainless steel, which he believed was cost-prohibitive.

Ms. Giffin stated that the bus stop by Applied Biosystems was actually a public art amenity. She noted that there are no salvage requirements for the bus stops except for the basic minimum such as the trash receptacle, seating, and the shelter itself.

Commissioner Pentin inquired if the wall on the berm for CLC is a wrought-iron wall that will have vines on it.

Mr. Bocian replied that it will be some kind of CMU block wall or concrete wall.

Commissioner Pentin stated that he thought one of the projects proposed a clear wall with vines growing on it and inquired if that was for the Hendrick project.

Mr. Tye confirmed that the wall in question is the one next to Caltrans along the freeway. He added that if Caltrans agrees, they would remove the chain link fence that runs about 1,000 feet across the project and replace it with an attractive, black wrought-iron fence to front the property, starting where the berm ends and extending completely around the project until it stops at El Charro Road.

Commissioner Pentin inquired if there would be vines covering it.

Mr. Tye replied that he did not recall it having any vine treatment. He stated that the green wall is on the buildings.

Ms. Giffin stated that Commissioner Pentin may be thinking of a recommended condition of approval that vines and shrubs and trees be placed in front of the berm wall and the wall for the storage area by the central plant. She noted that the reason for this screening is to deter graffiti tagging.

Commissioner Pentin stated that with this in mind, he inquired if it would be possible to consider the same kind of wall with some vegetation for the seven-foot tall wall between Hendrick and the Neighborhood Park to deter similar graffiti tagging.

Mr. Tye replied that they would actually prefer this, if possible.

**Commissioners Blank moved to make the PUD findings for the proposed development plan as listed in the staff report and recommend approval to the City Council of Case PUD-57, subject to conditions of approval listed in Exhibit A, including the Project-Specific, General and Appendix 1 conditions, with a modification to Condition No. 9 of the Project-Specific Conditions that the landscaping plans be revised to completely screen with landscaping the southern and western elevations of the proposed wall by the Neighborhood Park to deter graffiti tagging.**

**Commissioner Narum seconded the motion.**

Chair Pearce stated that if there were no objections, she would like to add a condition that the rooftop parking issue undergo a PUD modification process and inquired if it would be a minor modification and therefore go through the Zoning Administration process.

Mr. Dolan said yes; he believed, however, that it is a substantial change which staff would typically bring forward to the Planning Commission.

Chair Pearce inquired if it would be a significant change if language were added that it return to the Planning Commission.

Mr. Dolan confirmed that was correct.

**Chair Pearce proposed an amendment to the motion to revise Condition No. 6 to require Planning Commission review of any future proposal for rooftop parking.**

**Commissioners Blank and Narum accepted the amendment.**

Commissioner Narum inquired whether the Commission was comfortable with the approach on the green building and allowing Hendrick to determine how they are going to achieve LEED points without requiring PV.

Commissioner Blank stated that he is hopeful staff will have numbers and believed that if the construction cost to prepare the building is ½ percent of the cost of total construction costs, he would ask that it be done to allow the flexibility for it to be installed in the future. He noted, however, that if the percentage comes out to be ten percent of construction costs, Hendrick has a good point.

Commissioner Narum noted that they may end up having to do PV to achieve the required number of green building points.

**ROLL CALL VOTE:**

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

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: None.**

Resolution No. PC-2009-17 recommending approval of Case PUD-57 was entered and adopted as motioned.

**Commissioners Blank moved to make the PUD findings for the proposed development plan as listed in the staff report and recommend approval to the City Council of Case PUD-68, subject to conditions of approval listed in Exhibit A, including the Project-Specific, General and Appendix 1 conditions, and staff's memo, dated June 23, 2009, modifying Conditions 3.I. and 5.b. of the General Conditions and Condition 1.I.A.3. of Appendix 1. Commissioner Narum seconded the motion.**

Commissioner O'Connor stated that he would like to ensure that the airport flight path is disclosed to potential buyers.

Commissioner Blank confirmed it was included in disclosures.

Commissioner Narum commented that she thinks the project is great and will be a great addition to the City.

Chair Pearce agreed and recalled that in the 2005 joint meeting, she inquired whether or not an affordable housing element was possible with this. She indicated that she is so pleased to see it return with an affordable component. She added that she believes the project will be a great addition to the community. She stated that people have asked her why this is needed, and she noted that all one must do is look at the demographics of the community. She noted that many retired people end up having to move out of the community, and this will allow them to age in place.

Commissioner Olson commended Ms. Giffin for her work and for the excellent manner in which she fielded questions on a fairly complex project.

**ROLL CALL VOTE:**

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

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: None.**

Resolution No. PC-2009-18 recommending approval of Case PUD-68 was entered and adopted as motioned.

**Commissioners Blank moved to find that the Development Agreement for the Staples Ranch project is consistent with the General Plan and the Stoneridge Drive Specific Plan as amended and to recommend its approval to the City Council.**

**Commissioner Narum seconded the motion.**

Commissioner Olson stated for the record that he brought up the point regarding the housing cap but that if the Commission does not want to include that amendment, he would not push for it.

Commissioner Blank noted that the Commission has held discussion on this before. He stated that he passionately believes that it is the Commission's job to do the analysis based on the merits of the case and that the Measures PP and QQ issues are highly political. He indicated that he believes it is the Planning Commission's job to stay as apolitical as possible and that he would not support Commissioner Olson's proposed amendment. He added that the Council has already indicated that it does not want to make any rulings and that while he approves of all three projects, he thinks the Commission needs to send these forward and have the Council make the decision.

Commissioner Olson concurred.

**Commissioner Narum noted that the lawyers representing Vulcan Materials Company, Western Division, had requested a modification to Section 12.04 of the**

**Agreement. The Commissioners agreed that it should be included in the Agreement.**

**Commissioners Blank and Narum accepted the proposed amendment.**

**ROLL CALL VOTE:**

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

Resolution No. PC-2009-19 recommending approval of the Development Agreement for the Staples Ranch Project was entered and adopted as motioned.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

**Commissioner Blank moved that the Planning Commission unanimously commend Ms. Giffin for her outstanding job in managing the project, for the staff reports that were extraordinarily done, and for fielding questions. Commissioner Narum seconded the motion.**

Chair Pearce and Commissioners O'Connor, Olson, and Pentin agreed. Commissioner O'Connor stated that he would like his vote to be counted on this motion.

**ROLL CALL VOTE:**

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

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

**a. Future Planning Calendar**

No discussion was held or action taken.

**b. Actions of the City Council**

No discussion was held or action taken.

**c. Actions of the Zoning Administrator**

No discussion was held or action taken.

**9. COMMUNICATIONS**

No discussion was held or action taken.

## 10. REFERRALS

No discussion was held or action taken.

## 11. MATTERS FOR COMMISSION'S INFORMATION

### a. Brief report on conferences, seminars, and meetings attended by Commission Members

Chair Pearce reported that the Bicycle and Pedestrian Advisory Committee approved the Master Plan, which will be forwarded to the Parks and Recreation Commission in October.

## 12. ADJOURNMENT

Chair Pearce adjourned the Planning Commission meeting at 9:10 p.m.

Respectfully,

DONNA DECKER  
Secretary