

**P12-1706, Nearon**

**Work Session to review and receive comments on a preliminary application to construct 168 apartment units, surface parking, residential amenities, and related site improvements at the property located at 5729 West Las Positas Boulevard. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.**

Rosalind Rondash presented the staff report and described the scope, layout, and key elements of the application.

Commissioner Olson referred to Item 3 under Exceptions Requested by the Applicant on page 10 of the staff report and inquired if the distance between the proposed building and the Valley Care Health System building would be about 40 feet.

Ms. Rondash replied that she did not have the exact measurement handy.

Mr. Dolan stated that on the site plan, it looks to be about twice the distance of the depth of a parking space, so it is at least 40 feet.

Ms. Rondash stated that the applicant is indicating that it is 70 feet.

Commissioner Olson commented that the phrase “exception to allow a 3-foot setback” threw him off.

Acting Chair asked Commissioner Olson to hold off for a while on that matter as the applicant might address that matter more specifically during his presentation.

Commissioner Narum referred to page A-1.5 of Exhibit A, Preliminary Development Plans, and inquired if the residents will be able to go in and out of the complex only through the entrance off of West Las Positas Boulevard or if they can also use the other opening on the east side of the property. She noted that the other entrance appears to be an Emergency Vehicle Access (EVA) for fire trucks.

Ms. Rondash replied that the main access is provided off of West Las Positas Boulevard, and there is an additional access off of Stoneridge Drive which residents could use. She added that they could also access their units from Stoneridge Drive, and ValleyCare could also access its facility from West Las Positas Boulevard.

**THE PUBIC HEARING WAS OPENED.**

Commissioners Pearce, Narum, and O’Connor disclosed that they had met with the applicant about this project.

Ardie Zahedani, with St. Anton Partners, presented a brief background of the company. He stated that unlike a lot of other developers who acquire land, develop it, and then sell it off, St. Anton Partners purchases land and then develops it, builds on it, and

retains ownership and management of the property for the long term. He indicated that St. Anton Partners has built and still manages over 6,000 units throughout California, 1,700 of which are in the Bay Area. He noted that they have recently completed a project in San Ramon and have projects in San Jose and Sunnyvale.

Mr. Zahedani stated that the company is privately owned with 300 employees and was founded and formed in 1995 by two gentlemen who have been involved in every detail of their projects. He noted that one of them, Steve Eggert, who is present tonight, knows where the water feature and the dog park are located, and that his cell phone is always available to anybody who might have any concerns about the project.

Mr. Zahedani stated that because the company is a long-term holder, it is important to develop strong relationships with the homeowners associations (HOA) around the projects. He noted that in Sunnyvale, their high density transit-oriented development was approved the past week and both of the neighborhood HOAs came out in support. He added that the HOA Chairman from their project in Sacramento came out to their Napa project for its approval.

Mr. Zahedani stated that when they first looked at the site and began negotiations with Nearon, they went across the street to look at the Verona complex, which is what this proposed project is patterned after: a mission-style pitched roof with traditional architecture, tuck-under parking, and private parking garages. He noted that it took three architects and two landscape designers to come up with the site plan that would yield 168 units. He pointed out that the real beauty of this plan are the three-story buildings in the front, the one-story community amenity center in the middle, and the 92-unit four-story building in the back.

Mr. Zahedani stated that landscaping veils most of the buildings from pedestrians along West Las Positas Boulevard. He added that all of the buildings have private garages; there is pedestrian circulation from every access point to the pocket park, which has a dog run, an earth sculpture, and a village green where residents can throw a football around. He noted that since their research showed that tenants/ renters and neighbors now enjoy the rental lifestyle and prefer the long-term rather than for a six-month or one-year lease, they have opted to have the amenities there so when the residents get home, they can spend time with their families and live the lifestyle in a traditional for-sale home.

Mr. Zahedani pointed to the fact that the project connects to the trail as well. He noted that the Hacienda Design Guidelines are very prescriptive with how to gain credit for private and public open space, with a ratio of 2:1 and 1:1 for public open space. He indicated that they are not asking for any open-space credit for the 33-foot wide front walkable portion which has some direct access from the buildings, but for the village green, for the community areas, the new pocket park and small open space areas, and the private patios in every single unit that were designed consistent with the Hacienda Guidelines.

Mr. Zahedani stated that they are very sensitive to their relationship with neighbors and are very, very open to working with the Verona residents across the street. He noted that they have asked to meet with these neighbors to give them a hand in designing the project. He indicated that in response to the requests made by neighborhood speakers at the July 11, 2012 Planning Commission public hearing on the Design Guidelines, whose requests included facilities for pets, a pool with a fence around it, open space, circulation, and parking, they have added a dog park to the project, expanded the pool, installed the fence, incorporated two play areas, and included appropriate parking.

Keith Labus, project architect, KTG, stated that he would like to talk briefly about the massing concept of the project. He indicated that they have broken up the project into four components: two three-story buildings flanking the entry on either side, the four-story building pushed to the back of the site, the core of the project in the community and leasing building, and the village green or central park concept for the project. He noted that this town square concept comes straight out of the Design Guidelines and uses this hierarchy of public streets and alleys to create efficient circulation to maximize the open space. He added that by spacing out the buildings the way they have done, they have avoided the uninterrupted building wall at the street that would be unattractive and would not work with the Verona project across the street.

Mr. Labus then presented a slide of the street scene from West Las Positas Boulevard. He indicated that they cut out about half of the trees on both sides of the entry so the building would be visible. He pointed out the monumental entry tower of the community building which is located directly across the street from the entry into the Verona project; to the rear of the site is the four-story building which kind of disappears into the background at the back; and the two three-story masses flanking the entry and the massing of the one-story building with the community room pushed back on the site to create that movement in and out at the entry.

Mr. Labus then showed the village green concept with the public street going around and the resort-style design and community space living off of it with plenty of room for lounging and socializing. He referred to the tot lot to the rear between the community building and the four-story building, and the arcade where there is an open breezeway that connects the buildings from the back, the tot lot area, all the way through the indoor amenities, as well to the front of the project.

Mr. Labus then presented some of the features in terms of materials and the architecture, noting that they broke down the scale of the building utilizing different scale building elements and putting the roof forms, the opposing gables both two- and three-stories, very interesting colors and materials, including the stucco and adobe style brick veneer. He stated that breaking it down to final level detail, they have detailed things like the wood like trim, the window surrounds and trims of the decks and windows, the pre-case type trim around the windows and some of the bellybands and stone accents there, ornamental decorative railings, pot shelves, awning frames, window details, and then finally some canvas awnings there to take the scale of this larger building and break it down to mid-level and then down to a finer level to create

that pedestrian scale on the street. He noted that this gives that walkable feel along West Las Positas Boulevard and helps bring it down to the smaller scale to be compatible with the buildings across the street.

Commissioner Pearce noted that the Guidelines indicate that there should be a minimum of 75 percent of the ground floor units with access onto the street, internal street, paseo or open space. She inquired why there are 16 instead of 23.

Mr. Zahedani stated that not all of the units have direct access points. He noted that with respect to the buildings that front onto West Las Positas Boulevard, there is a berm which presents a problem for having direct access points. He pointed out that they tried to work around that and have sites or locations where the berm does not exist and residents can walk around. He added that if this is a big issue for the Commission or staff, there may be ways to find flexibility to have either pony gates or some sort of entrance at the balcony or patio level on the ground floor of some of the other units.

James Paxson, General Manager of Hacienda Business Park Owners Association, stated that he was pleased to be working with a project that is so well-designed and the progress on the project in terms of what the applicant has done with some of Hacienda's preliminary comments. He indicated that they have done an informal review of the project several weeks ago and that some of the changes before the Commission night were a response to some of the Association's initial comments. He noted that after tonight's Work Session, the design will be taken back to their Design Review Committee for its formal response before it comes forward for the regular Planning Commission public hearing. He stated that he has been really impressed with the response of the applicant, the creativity in design for such an unusual lot and for basically what is very much an infill project in Hacienda. He noted that the Association has also been working with the applicant on the architecture of the project and that it has progressed very, very nicely. He added that they are looking forward to a favorable review when the final application comes in.

Diane Birchell, resident at the Verona Townhouses since 1995, stated that their principal concerns that affect the Verona residents directly are traffic and parking. She noted that their development is smaller than the proposed project but has more parking per unit than these apartments will have. She indicated that they have always had a parking problem, and this will become worse and would impact the residents because when people are looking for some place to park, they will go wherever they can find it.

Ms. Birchell stated that the quality of life for all the Verona residents will be impacted by the 300 trips coming out of the community center/child care center proposed directly across the Arroyo from Verona, because those coming out of that development have no choice but to come toward them. She added that having the Nearon development with their only entrance and exit directly across from Verona's main entrance will create massive traffic hazards. She noted that about half of Verona's residents are retired and do not have to get to work on time, which is not the case with the Nearon residents. She indicated that with 168 units, traffic is going to be a problem even if only one car

per unit leaves every day. She added that there will be left turns out of there and the traffic problems will just be huge with no way to avoid it.

Ms. Birchell stated that she understands the City's position between a rock and a hard place as far as approving high-density housing. She noted that while the City just does not have many options, it can mitigate the effects of these high-density housing on the surrounding neighbors, particularly those in the Verona development because they are right across the street from Nearon. She indicated that, if it is possible, there should be a traffic light rather than a stop sign, at the very least, one that could be triggered only when traffic requires it, to prevent accidents.

Ms. Birchell stated that the new development will have a more serious parking problem than Verona, which has always had inadequate parking. She noted that given that the bulk of that development is going to be two-bedroom units and mostly market rate, there are going to be more vehicles coming out of there than 168. She indicated that she knows change is inevitable; that is the way California is, but there are things the City could do with this project that would make it much less of a threat to the quality of life of the residents that are already here.

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

Acting Chair Blank ask Mike Tassano to give the Commission an overview of and his perspective on the traffic circulation and the pro's and con's of the concept of a traffic light.

Mike Tassano stated that the original plan for the site was an office building, which would have slightly higher trips. He noted that with the 168 units, there would be 85 peak-hour trips in and out in the morning and 100 trips in the afternoon. He added that because it is residential, it is anticipated that 70 percent of those trips would be leaving in the morning and then coming back home in the PM peak hour. He continued that if all these vehicles use that front entrance, there would be one car a minute as far as the additional number of trips, and then 30 cars coming out every two minutes.

Mr. Tassano stated that he has looked at the site several times, and he was out there again today in both peak hours. He noted that there is a sufficient number of gaps on West Las Positas Boulevard to make the turns into and out of the site. He added that ValleyCare currently uses that driveway with about 15 to 20 vehicles in the peak hour with delays under 10 seconds to get into and out of the site. He indicated that staff does not anticipate that volume changing as far as the number of gaps available.

Mr. Tassano stated that the City has a traffic consultant who works on addressing issues such as the need for a traffic signal. He indicated that from his analysis, it does not look like given the traffic volume on West Las Positas Boulevard and the volume generated by the existing residential home site, as well as the anticipated volume from the proposed home site, the installation of a traffic signal would decrease, delay, or change safety in any fashion. He explained that when the City installs a traffic signal,

one of the things staff looks at is safety, and, one of the things that is compromised with safety is that drivers sitting at the traffic light for two or three minutes start to think that they missed that gap the last time by three seconds and so they are going to try and take this next one; and that is where broadsides occur because people are so frustrated that they want to try and jump out there. He reiterated that there are enough gaps out there, and the longest delay he saw was about 50 seconds for one of the vehicles that wanted to leave, which is probably about how long it takes the traffic signal to get off the main street because it is going to wait for a gap in traffic on West Las Positas Boulevard and would not actually decrease that delay for that vehicle but would increase the delay for the other vehicle.

Mr. Tassano stated that the circulation looks good within the site. He indicated that he saw truck turning templates for the fire truck. He noted that one of the things he tries to look for is the pedestrian and bicycle access and ensures that they are present because there is a trail amenity in the area. He stated that from his initial glance, with the exception that maybe there are one or two tight turns in there, it appeared to work just fine for a fire truck, so the circulation would work well for this site. He indicated that the only other thing he would look at are the alleys for the parking; he stated that he did not have the dimensions for them but that he can work on that with the design engineers.

Acting Chair Blank inquired if there would be a difference in the traffic flow between an office building and this project in terms of quantity.

Mr. Tassano replied that the office building that would be there would have 80 trips in the PM peak hour, and this residential project has 100 trips, so it is just slightly higher. He noted that the distribution would be different: 80/20 for the office where everyone goes in the morning and goes out in the afternoon; and 70/30 for residential where everyone goes out in the morning and comes back in the afternoon.

Acting Chair Blank commented that it would be a slightly higher number but with a little bit less concentration on the in's and out's.

Mr. Tassano said yes. He added that the peak is distributed a little bit more evenly in the residential because people coming home are coming from different locations, whereas in the office, everyone generally leaves at 5:00 p.m.

Commissioner Olson stated that it seems to him that it would be a service to the residents of this facility to have a traffic light that would stop traffic on West Las Positas Boulevard and create a gap to allow residents to get out of there en mass rather than sit in line and wait for gaps to develop.

Mr. Tassano replied that there is a balance between those two scenarios. He explained that when a car pulls up to that signal and a car shows up every three seconds on West Las Positas Boulevard, the light is not going to change off of West Las Positas Boulevard. He noted that this is the way the arterial signals are timed, and if there are cars that are slowly going across, that signal will continue to be extended as vehicles

continue to come across. He continued that when there is a gap sufficient to not significantly impede the West Las Positas Boulevard traffic, then the light would change. On the other hand, he noted that some people who live off of Santa Rita Road or on Pickens Lane have a wait time that exceeds a minute. He explained that if one car is waiting for a signal to change to make a left turn and there are four cars behind that car waiting to turn right but cannot do so because of the front car waiting for a left turn, then it actually slowed down those four vehicles.

Mr. Tassano stated that the other thing to consider is when a traffic signal is installed, the rear-end collisions increase. He noted that it is a condition of traffic signals that somebody is changing the radio station when the light turns yellow, and the car behind sees the light change and moves forward, but the front car has not moved and a rear-end collision occurs. He indicated that it is something that needs to be balanced: access versus safety. He noted that there are no collisions right now with the existing volume, and he does not anticipate them occurring there with future volumes.

Acting Chair Blank stated that it is really a phenomenon he got familiar with in the City of Livermore. He noted that he uses a small road that accesses Jack London Boulevard, and it was great until the mall opened; now he sits there four or five minutes waiting for the light to change, and he has actually seen people run the red light because they just got tired of waiting. He added that he would not have imagined that it cuts both ways had he not witnessed it.

With the assumption that the project goes in and a traffic light is not installed; and the level of service decreases significantly, Commissioner Pearce asked Mr. Tassano if staff can go back in and ascertain that a light or some other kind of mitigations is needed after the fact.

Mr. Tassano said yes. He stated that staff annually monitors all City-signalized or future signalized locations and all the locations where there has been excessive delay. He explained that these are then ranked and prioritized to determine if they do need a traffic signal. He indicated that there are currently 17 locations that have been written into the General Plan for a future traffic signal.

Commissioner Pearce inquired if staff would go out and visit locations that residents have concerns about and communicates them to staff.

Mr. Tassano said yes. He noted that he has talked with residents in that area.

Commissioner O'Connor inquired how delays are monitored at an intersection that is not signalized.

Mr. Tassano replied that what he would do with a location like this where there is no existing use that generates trips is look for available gaps. He noted that it is a pretty straight-forward process where he sits at the intersection and judges as a driver how long it will take him to identify the vehicle that is downstream; then he has his five-

second gap; he then judges on the other side what that five-second gap is, after which he tried to balance the number of gaps he has versus the number of vehicles he is going to have generated.

Commissioner O'Connor inquired if the 30 trips or 70 trips coming into and going out of the projects only refer to peak hours and do not represent the total number of vehicles that go in and out that day:

Mr. Tassano replied that was right. He explained that staff looks at traffic signals and traffic impacts during the worst time of the day, and the busiest time on West Las Positas Boulevard is during the PM peak hour, when there would be the fewest gaps to get onto that roadway.

Commissioner O'Connor inquired if the 70 trips are just for one hour.

Mr. Tassano said yes.

Commissioner Narum asked Mr. Tassano if he took the proposed childcare center into account when he looked at the traffic numbers for this project.

Mr. Tassano said yes. He stated that the design capacity of West Las Positas Boulevard far exceeds the number of vehicles that are out there. He added that a lane on West Las Positas Boulevard is currently closed because of the sinking next to the creek, dropping the three lanes to two but still providing sufficient gaps. He continued that dropping it to a single lane would result in fewer gaps because everyone has to draw into a single lane and filter by the front. He indicated that West Las Positas Boulevard carries a lot of volume and that even with the additional traffic from the day care facility, the numbers would still be the same as if it were the anticipated standard office use.

Commissioner O'Connor inquired what the plan was for the repair of that third lane that is currently closed.

Mr. Tassano replied that the repair is planned for the spring. He explained that the soil in the road expands and contracts, creating dips and keeps the road sinking. He indicated that staff is looking at an innovative solution that would limit the expansion and contraction by pumping some material like a silicon foam into the sub-base to solidify that surface.

Acting Chair Blank stated that he wanted to make sure for the record that the project meets all the requirements for parking as he did not any exceptions for that.

Ms. Rondash confirmed that the project meets the Code requirement for parking and that no exceptions are being requested for parking.

Commissioner O'Connor inquired what the Code requirement is for parking.

Ms. Rondash replied that the Code is broken down into requirements for bedrooms: two or fewer bedroom units are required to have two spaces for the first four units and then 1.5 spaces for the remaining units; units with four or more bedrooms require two spaces per unit. She noted that the site meets those requirements and also provides for 24 guest parking, which meets the requirement. She added that the covered parking requirement is met as well.

Mr. Dolan noted that the site is adjacent to a commercial parking lot so if there is ever a day when there are more cars than usual, that parking lot is available as opposed to going across the street to the residential neighborhood.

Commissioner O'Connor inquired if there is a reciprocal parking agreement between the two properties.

Ms. Rondash said yes. She indicated that those are the 22 spaces already accounted for in the 122 surface uncovered parking spaces.

Commissioner O'Connor noted that there would really be no place else for cars to go if the calculations are wrong and the site ends up with more cars; there is no parking allowed on the surface streets like in a regular residential neighborhood. He inquired if there is a reason why the City did not look for a larger number on the reciprocal parking or if ValleyCare was not interested in going beyond the 22 spaces.

Mr. Dolan replied that 22 is the number that exists in the current arrangement.

Mr. Zahedani stated that the reciprocal agreement is a recorded, long-standing private agreement with ValleyCare. He added that there is additional commercial parking adjacent to the site that could be used for parking at this point rather than running across the street. He indicated, though, that the parking ratio is 1.7-to-1, which is almost two cars per unit. He reiterated that they own and manage their buildings and they have on-site management; so if there is a problem, it would be their problem and they would resolve it. He added that that is the number they are comfortable with in their 6,000 units.

Commissioner O'Connor asked Mr. Zahedani if a 1.7-to-1 ratio is more than adequate in their other apartment complexes.

Mr. Zahedani said yes. He stated that they made a mistake once with 1.5-to-1 as led by the jurisdiction, and this resulted in problems for which they had to find alternative means of parking.

The Commission then proceeded to discuss the Work Session Topics.

*A. Would the Planning Commission support the exceptions noted above if the project were to move forward?*

Commissioner Olson stated that he did not have any problem with any of the four exceptions.

Commissioner Narum stated that she would like the applicant to explore possible access from the street level patios to the units that front West Las Positas Boulevard to get up to 23 units with direct street access.

Commissioner Pearce agreed with Commissioner Narum that she would like to see that possibility explored so the Commission can take a look at it.

Commissioner O'Connor stated that he would also support that. He indicated that he did not think it was that critical but that it would be good if it could be accommodated.

Acting Chair Blank agreed. He added that he did not think it is a deal breaker but that it would surely be a nice amenity and the applicant to say they went the extra mile and did this.

Commissioner Pearce stated that having sat on the Hacienda Task Force and the Housing Element Task Force, a large part of the discussions was the walkability and the community feel that the City is trying to engender as integral to the project.

Commissioner Narum agreed, noting that the intent is to give the residents the possibility of just walking over to where the future WalMart grocery store is going to be.

*B. Are the on-site circulation, parking layout, and positioning of the buildings acceptable?*

Commissioner Pearce stated that she was comfortable with the circulation, especially given Mr. Tassano's comments. She added that parking appears to be sufficient; the parking ratio is good, and she is fine with the positioning of the building.

Commissioner O'Connor stated that he was fine with the circulation layout. He indicated that he may have missed one follow-on question on setbacks and that he was a bit concerned about the three-foot setback in this one corner which is pretty tight.

Commissioner Olson stated that it was the reason he inquired about how far apart the buildings are.

Mr. Dolan stated that it is a very relevant question about the buildings because that property line is just an imaginary line in the middle of the parking lot; it is not a distance from anything except ownership line and so there is quite a bit of distance between it. He noted that upon re-examination of the graphic, he thinks it is at least 75 feet or the width of two parking spaces.

Commissioner O'Connor inquired if that three-foot setback is away from the grass area that currently exists there.

Mr. Zahedani explained that it is an imaginary line going down the street. He added that one more caveat is that the reciprocal agreement essentially makes that a part of the property.

Commissioner O'Connor commented that since it is then really right in the middle of the reciprocal parking area where one would drive down, his concern is gone. He added that he is fine with the circulation plan.

Commissioner Olson said that he is good and has no problem.

Commissioner Narum stated that she is also good with it. She added that she would like to take the opportunity to encourage the other access for those living off of Stoneridge Drive, potentially to alleviate a little bit the fear on West Las Positas Boulevard.

Acting Chair Blank agreed with Commissioner Narum. He indicated that he has no real question about traffic but just a couple of general comments for the applicant concerning the community's concern about traffic and parking. He encouraged the applicant to do whatever they can when the application comes back to the Commission to dissuade the fears of the community in those areas. He noted that the Safeway project presented extremely high-quality visuals that showed the project from all different viewscapes, with landscaping as well as without landscaping, and it really helped the public understand what the project would look like. He encouraged the applicant to pursue that as part of their application package.

*C. Are the proposed on-site recreation facilities and amenities acceptable?*

Commissioner Narum said yes. She indicated that she was thrilled to see the tot lot and the open space where little children can play.

Commissioner Pearce agreed with Commissioner Narum.

Commissioner O'Connor stated that he was happy with the proposal.

Commissioner Olson stated that he was glad to see the open space for dogs.

Acting Chair Blank stated that he is really pleased. He noted that he particularly really liked the positioning of the tot lot and thought it was very cleverly done.

*D. Are the building designs, colors, materials, and heights acceptable?*

Commissioner O'Connor commented that it has the Pleasanton look.

Acting Chair Blank stated that he thinks so.

Commissioner O'Connor stated that he was impressed and likes the color board as well.

Commissioner Olson stated that when he went through this package, he thought this project just looks terrific if I look at this; however, the west elevation on page A-5.4 looks pretty stark. He inquired if this is what he would see if he was in the middle of Tassajara Creek.

Mr. Zahedani said yes.

Commissioner Olson stated he was pleased and loves the project.

Acting Chair Blank stated that if that is the view from the creek, then he is fine with it.

Commissioner Pearce stated that she appreciated the visuals that compared the project to Verona. She indicated that the project looks lovely, and she likes the Mission style; however, she expressed concerns about the bars on the windows and does not understand them.

Commissioner Narum stated that it looks really good. She indicated that she also has a little bit of a question about the bars on the windows and the arches on the community building around the pool. She stated that it maybe dates it a little bit and it is not a deal breaker for her.

Acting Chair Blank suggested that the number of bars on the window be reduced and suggested that the applicant have their architects work on it. He then asked staff and the applicant if they have what they needed.

Mr. Dolan said yes.

Mr. Zahedani said yes as well.

No action was taken.