



**PLANNING COMMISSION MEETING  
MINUTES**

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

**DRAFT**

**Wednesday, January 9, 2013**

**CALL TO ORDER**

The Planning Commission Meeting of January 9, 2013, was called to order at 7:00 p.m. by Chair Phil Blank.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Kathy Narum.

**1. ROLL CALL**

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Robin Giffin, Senior Planner; Rosalind Rondash, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

**2. APPROVAL OF MINUTES**

**a. November 14, 2012**

**Commissioner Narum moved to approve the Minutes of November 14, 2012 as submitted.**

**Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

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

The Minutes of the November 14, 2012 meeting were approved as submitted.

**b. November 28, 2012**

Commissioner Pearce requested that the first sentence of the Minutes be modified to read as follows: "The Planning Commission of ~~November 14, 2012~~ November 28, 2012 was called to order at 7:00 p.m. by Acting Chair Phil Blank."

Chair Blank indicated that he found a typographical error attributed to Commissioner Pearce but that he could not locate it.

**Commissioner Pearce moved to approve the Minutes of November 28, 2012 as amended.**

**Commissioner Olson seconded the motion.**

**ROLL CALL VOTE:**

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

The Minutes of the November 28, 2012 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 members of the audience wishing to address the Planning Commission.

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

Janice Stern stated that there were no revisions to the Agenda; however, two memos were distributed to the Commission, one correcting an entry on Item 8.c., Actions of the Zoning Administrator, and the other modifying Conditions Nos. 5, 6, and 7 and adding a new Condition No. 8 for Item 5.b., P12-1779, Randy Isaacs, Lokanta Grill and Bar.

5. **CONSENT CALENDAR**

a. **P12-1774, Leslie's Pool Supply**

Application for a Conditional Use Permit to operate a pool supply store at 4001 Santa Rita Road, Suite 1. Zoning for the property is C-C (Central Commercial) District.

b. **P12-1779, Randy Isaacs, Lokanta Grill and Bar**

Application for a Conditional Use Permit to serve alcohol beverages after 11:00 p.m. at an existing restaurant located at 443 Main Street (Lokanta Grill and Bar). Zoning for the property is C-C (Central Commercial), Downtown Revitalization, Core Area Overlay, Downtown Hospitality Central Core Area Overlay District.

Commissioner Narum moved to make the required conditional use findings for P12-1774 and P12-1779 as described in their respective staff reports and to approve Cases P12-1774 and P12-1779, subject to the Conditions of Approval as listed in Exhibit A of the staff report, with the modifications listed in the staff memo for P12-1779.

Commissioner Pearce seconded the motion.

**ROLL CALL VOTE:**

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

Resolutions Nos. PC-2013-01 approving Case P12-1774 and PC-2013-02 approving Case P12-1779 were entered and approved as motioned.

Due to a technical problem regarding the PowerPoint presentation for Item 6.a., P12-1778, City of Pleasanton, Chair Blank considered Items 7 and 8 ahead of Item 6.

7. **MATTERS INITIATED BY COMMISSION MEMBERS**

Chair Blank inquired if a date has been set for the Historic Preservation Task Force public workshop.

Commission Pearce believed it has been scheduled for Tuesday, January 31, 2013.

Brian Dolan stated that was correct. He added that the Task Force has a meeting on Thursday, January 17, 2013, at which the format of that public meeting will be discussed.

Chair Blank inquired if the Task Force members will be receiving a packet for the meeting.

Mr. Dolan replied that there will be a small packet for the Thursday meeting, and depending on what comes out of that planning meeting, staff will provide background information as necessary for the public workshop.

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

### **a. Future Planning Calendar**

Mr. Dolan advised the Commission that, as has been done in the past, the City Council will be holding its priorities-setting session and again, the City Manager has asked that staff survey the Commissions for recommendations. He noted that the City Manager was quick to point out how effective having a limited number of recommendations is in terms of taking action, and he reminded the Commissioners that their recommendation last year was to do the Historic Preservation Task Force, which has happened.

Chair Blank inquired which Commission created that concept.

Mr. Dolan replied that it was the Planning Commission. He noted that it is not on tonight's Agenda, but the Commissioners should start thinking about that because it will be either on the next Commission Agenda or the one following. He added that staff will provide the Commission with a long list of its current priorities, and the Commission should select which one it wishes the Council to focus on.

Chair Blank asked Mr. Dolan if he had a sense of when that would be.

Mr. Dolan replied that staff may ask the Commission to discuss it as early as the next meeting and that the Council is looking at holding its priorities-setting session in March or April.

Chair Blank inquired if there are any plans for a joint City Council/Planning Commission on this topic.

Mr. Dolan said no. He stated that all the Commissions are invited to the priorities-setting session, which is usually held at the Senior Center or the Library.

### **b. Actions of the City Council**

No discussion was held or action taken.

### **c. Actions of the Zoning Administrator**

Commissioner O'Connor referred to PUD-50-03M, Jeff Schroeder, Ponderosa Homes and inquired what "temporary attached open porch" means.

Ms. Stern replied that it is “temporary” because it is on the model home and would be removed at the end of the function of that unit as a model home.

**c. Matters for Commission’s Information**

No discussion was held or action taken.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

**a. P12-1778, City of Pleasanton**

**Application for General Plan Amendments related to Alameda County's Updated Livermore Municipal Airport Land Use Compatibility Plan.**

Ms. Stern presented the staff report and described the scope and key elements of the application.

Commissioner O’Connor inquired if the Airport Protection Area is in the same place.

Ms. Stern replied that was correct.

Chair Blank inquired if the safety zone has been renamed and re-jiggered.

Ms. Stern said yes.

In relation to Section 332.6 of the Plan regarding a potential flexibility under the Airport Protection Area (APA) to support modifications to accommodate a Transit-Oriented Development (TOD) or high-density residential development within the APA in Livermore, Chair Blank inquired if that means any high-density residential or strictly high-density residential associated with a TOD.

Ms. Stern replied that it would be high-density residential associated with a TOD.

Chair Blank inquired if high-density residential development cannot then be put there if BART does not come that way.

Ms. Stern replied that was correct. She noted that the last paragraph of Section 332.6 on page 3-10 of the Livermore Municipal Airport Land Use Compatibility Plan (ALUCP) reads: *“Should the City of Livermore, after adoption of this ALUCP, modify City of Livermore Resolution 192-91, which establishes the APA, or adopt a new Resolution, the ALUC shall acknowledge the modification of the APA for purposes of transit-oriented residential development around the future Isabel/I-580 BART station in subsequent land use reviews, and shall revise this policy at the earliest possible date, as provided by state law.”*

Commissioner O'Connor inquired if his understanding is correct that this policy was created to be more flexible so that high-density residential can now be added in an area that previously was considered dangerous for more housing.

Ms. Stern replied that it does in this particular case. She added that she does not know what kind of analysis the city would be required to go through to do that or whether it is a done deal. She indicated it is not quite clear, but there is obviously some sort of exception that has been envisioned there.

Commissioner O'Connor inquired if adding high-density housing into an area that previously would have not allowed it would translate into Pleasanton as well if Pleasanton's General Plan is updated.

Ms. Stern replied that the City of Pleasanton has its own clarifications to the Plan in its Appendix C, which recognizes that there is some flexibility provided to Livermore and that Pleasanton is asking for a reciprocal type of flexibility based on whatever criteria will be used to determine that it is safe to do so. She added that because the purpose of the APA is assumed to be a matter of safety, the city would have to prove that that would be a safe way of going.

Chair Blank stated that he agrees that it is primarily safety, but it is also noise and pollution and some of the other things associated with airports. He added that he also thinks the issue of what traditionally happens with airports is that because nobody wants to live near an airport, land gets sold very inexpensively and development occurs; and then over time, more and more people move in and suddenly it becomes really noisy and the airport, which literally generates millions of dollars of revenue for the City of Livermore and also benefits the City of Pleasanton, will have to be shut down. He noted that the City needs to be careful, and that is part of the reason he would like to add some language in Appendix C to clarify that this is an issue. He then inquired what impact having reciprocity in that TOD in Pleasanton, assuming they put a BART station at Isabel Avenue, would have on Pleasanton.

Ms. Stern replied that Pleasanton is looking at reciprocity in terms of looking at flexibility for the APA and not necessarily that Pleasanton wants a TOD.

Referring to Zone 4, Outer Approach/Departure Zones, the red zone which allows low-density single-family and multi-family residential uses and retail and office uses, and Zone 6, Traffic Pattern Zone, which allows residential, retail, and office uses, Chair Blank commented that Zone 4 would be incredibly noisy, especially given the training nature of the Livermore Airport, and Zone 6 would also be a horrible place to have a house unless it had really good soundproofing.

Commissioner O'Connor inquired if the red zone crosses El Charro Road.

Ms. Stern replied that it does.

Commissioner O'Connor requested verification that the previous safety zone did not cross El Charro Road.

Ms. Stern said that was correct.

Commissioner O'Connor stated that he thought Ms. Stern had mentioned that the safety zone was the same.

Ms. Stern clarified that that the safety zones have really been changed.

Referring to the statement that construction projects over 200 feet would need to be referred, Commissioner O'Connor stated that he thought the Plan said 60 feet.

Ms. Stern clarified that 60 feet is the lowest structure that needs to be referred.

In connection with the Public Utilities Code's provision that a city can make findings and overrule the ALUCP with a 2/3 vote by the City Council, Commissioner O'Connor inquired what effect it would have on the City of Livermore should the City of Pleasanton opt to overrule.

Ms. Stern replied that she did not know that it would affect Livermore. She deferred to Julie Harryman to address that in terms of the potential risks as Pleasanton is basically saying that it does not need the protections included in that Plan. She added that one thing the law does make clear in terms of the impact on Livermore is that it specifically says that the Airport Land Use Commission (ALUC) is immune from any lawsuit related to Pleasanton's option to overrule, but she does not know what impact it would have on Pleasanton.

Ms. Harryman stated that Pleasanton's option to overrule does not shift liability; it takes liability off of ALUC. She explained that if ALUC adopts the document and the Pleasanton City Council overrules it, then ALUC has this shield against any liability. She added that it does not say that the City of Pleasanton would be any more liable to shift liability; there is just language in the statute that says the ALUC is not liable if the plan is overruled.

Chair Blank inquired if the entire plan has to be overruled or can the City of Pleasanton decide if it wants something more or less restrictive in a section.

Ms. Harryman replied that the overrule could be partial, but it would technically still be an overrule.

Chair Blank stated that what he is trying to understand is, should Pleasanton think that what is on a certain page is not in the best interest of Pleasanton but everything else is fine, if Pleasanton can change only what is on that page.

Ms. Harryman said yes and added that that is what staff has attempted to do here. She explained that Pleasanton is not trying to override but is trying to work within the document that is there by making clarifications within the Pleasanton General Plan to make it work better for Pleasanton and its processes and goals. She noted that parts of the documents were confusing to staff, and so staff attempted to make clarifications that work better for Pleasanton.

Commissioner Narum requested clarification that staff is asking that Pleasanton be allowed to have high-density housing within the APA.

Ms. Stern said no; Pleasanton is not making that request at all but is simply asking that, if at any time in the future, Pleasanton wants to consider some flexibility along that line, Pleasanton be accorded the same flexibility that Livermore was accorded in that review.

Chair Blank stated that it sounds like the answer to Commissioner Narum's question is yes if a BART station that ends up in Pleasanton is within the APA.

Commissioner O'Connor stated that he thinks he heard that it does not have to be associated with the BART station.

Ms. Stern clarified that this is specific to Livermore's request.

Chair Blank inquired if staff is proposing that a paragraph be added saying: "Should the City of Pleasanton...."

Ms. Stern said no. She explained that what staff is suggesting is the wording in Appendix C, No. 2, "Balanced amendments to the ALUCP are supported," [in parentheses], which reads as follows: "*Section 3-3.2.6 of the ALUCP contains a flexible APA policy supporting modifications to accommodate high density residential development within the APA in Livermore. This suggests the ALUC is likewise amenable to other similar amendments to the APA or ALUCP in general to support similar densities within the same safety and noise zones if the use is not one of particular concern to the ALUC as listed in section 3.3.2.9. of the ALUCP.*"

Chair Blank stated that Section 3.3.2.6. of the ALUCP supports modifications to accommodate high-density residential development within the APA in Livermore to accommodate the location at the BART station, which suggests that the ALUC is likewise amenable to other similar amendments, appears very broad to him. He added that he does not want to make any judgments until he has heard from the public.

Mr. Dolan explained that Livermore was able to carve out an exception to the protection zone for something that it wanted to do.

Chair Blank added that it is in case BART comes here.

Mr. Dolan said that was correct; Livermore wants to be able to do TOD.

Chair Blank stated that makes sense way on the other side of Livermore.

Mr. Dolan continued that ALUC says there is a circumstance where it is important to the city where safety and all the other concerns may be overruled to accommodate some other goal, and staff's suggestion here that Pleasanton stand up for it is merely a suggestion; that if there is a circumstance where a case can be made to have exceptions to the APA and Livermore gets that exception, then Pleasanton should get something like that as well.

Chair Blank commented that it is because Livermore has a BART station in the APA and Pleasanton does not.

Mr. Dolan noted that this thing is about safety and questioned what it is about a BART station that makes putting residential there safe.

Chair Blank added that it is also about noise and pollution, and 80 percent of the complaints about noise from the Livermore Airport already come from Pleasanton.

Mr. Dolan explained that this is not associated with any particular site or any planning effort; it is a matter of just applying these restrictions and exceptions to them equally to the two communities affected. He added that if the Planning Commission does not believe that Pleasanton should go after as much of its own discretion as possible, then it can recommend that it be excluded.

Commissioner O'Connor stated that Pleasanton used to have a housing cap of 29,000 units that was put in place by its citizens, and Pleasanton fought the lawsuit to retain that housing cap, but lost. He indicated that if Pleasanton is going to go out and fight for yet additional space to build more residential, it will risk having ABAG come in and start dictating to Pleasanton that it has more room for more high-density, low-cost housing, and this starts to snowball. He added that he thought the City did not want more residential.

Mr. Dolan stated that staff is not thinking about the Airport Land Use Plan in terms of a growth management tool, and that is not what it is intended to be. He added that the Commission can come to its own conclusion.

Commissioner O'Connor stated that it appears like Pleasanton is asking for flexibility to be able to have more high-density housing in Pleasanton.

Mr. Dolan replied that it does not necessarily mean more but rather, flexibility in terms of location. He noted that this is completely hypothetical and might not ever come into effect. He explained that when the City does a plan or somewhere down the road, the City might find in whatever it is looking at that there is a preferred location. He added that the City has not reached the point of quantities or locations, but it is getting there pretty quickly over the next couple of months. He noted that if the City is in the process

of looking for vacant land, obviously there is land in the east side, and Staples Ranch is in that zone where right now the policy is to do auto dealers there; however, if that does not ever come to fruition, the City may be wanting to consider other possible options, and staff is just trying to keep flexibility. He reiterated that it is fine if the Commission and the Council ultimately decide they do not want it.

Commissioner O'Connor stated that he is more concerned about what might be pressed upon the City if it opens up more acreage. He added that, obviously, at some point, the limited land that the City has today that is possible to rezone for high-density housing will be built out and there is no acreage left, then there is no acreage left. He noted, however, that if the City has available acreage, ABAG could certainly push those numbers on the City.

Chair Blank stated that in his opinion, the language in Appendix C that is currently crafted is much broader than what is in the language in the ALUC.

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

Kay Ayala stated that she appreciates the discussion because she thinks some of the Commissioners got it. She indicated that she just heard about this earlier this afternoon. She noted that when the topic of discussion is about the east side of Pleasanton and the airport zone, the room is full; but tonight it is empty so people do not know this is happening. She added that particularly, there is an East Pleasanton study in process, and that Task Force did not even know this existed; and in the past, staff has relied on a serving committee to study this plan inside and out and prepare a recommendation for the Commissions and the Council, but that did not happen here.

Ms. Ayala stated that she is dreadfully worried about the flexibility that staff is building into this. She noted that Pleasanton residents want to keep the population in town so that there is the infrastructure to serve it, particularly schools, and all the schools are over-crowded. She indicated that amending the General Plan at any time is a big deal. She noted that during the eight years she was on the City Council, she recalls having only one General Plan Amendment.

Ms. Ayala stated that she came here tonight first of all to tell the Commission that people do not know this is going on. She noted that this room would be full if the people thought you were weaving flexibility into our General Plan to allow more high-density housing within the protection zone of the airport. She indicated that it just does not make sense because people do not want more housing closer to the airport, let alone high-density housing closer to the airport. She appealed to the Commission not to amend one line of the General Plan that would allow more flexibility in the east side of town. She noted that the Council Chamber will be full when people hear about this. She added that Mr. Jeb Bing is in the audience, and she is sure there will be an article on this in the Pleasanton Weekly. She indicated that she understands Livermore's dilemma, but that's Livermore's dilemma and not Pleasanton's. She encouraged the Commission to overrule it, take all the flexibility out of this, and protect the General Plan.

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

Chair Blank stated that he was thinking about what Ms. Ayala just said and about Mr. Dolan's comment about Livermore and noted that Livermore having high-density housing near the BART station is just as unsafe as Pleasanton having high-density housing in the airport area in the East Pleasanton Plan. He indicated that he personally thinks it is an error for Livermore to put high-density housing near an airport because it is unsafe and exposes people to noise and pollution and all sorts of issues stemming from the airport. He added that he can understand from a political perspective why Livermore chose to lobby for that. He stated that Livermore wants that BART station and they are going to make it as attractive as possible for whoever does BART to put that BART station there, and the attraction of high-density housing is one of them. He indicated that he does not think Livermore chose to make what he considers an error in judgment and apologized to anyone from the Livermore community, but he does not think Pleasanton should make that same error in judgment.

Commissioner Narum basically agreed with Chair Blank. She stated that she does not really care about what Livermore is doing, but it comes down to Pleasanton is better than that. She noted that it is just not an appropriate place for housing, and one only has to look at other airports where housing has been put nearby and realize how people are complaining and trying to shut the airport down. She stated that it just does not make sense to her at this point to have that flexibility and has some questions as this relates to East Pleasanton. She noted that the Task Force seems to have a lot of interest in open space and questioned if this is going to create some problems with some of the things that are envisioned for the Specific Plan of that area.

Ms. Stern stated that the Task Force has made some clarifications relating to the existing lakes, which have been clarified as existing uses and cannot be removed from the Plan; however, adding lakes or doing things like crops or the solar field was discussed, and she recalls that the Plan could affect solar array which would have an impact on those kind of open space uses like a golf course.

Commissioner Narum stated that in other words, the City would not be doing a 4-H farm out there.

Ms. Stern said no. She indicated that it would be necessary to at least review that with the Task Force and make modifications.

Chair Blank stated that to a great extent, open spaces are traditionally generally considered compatible airport uses, and that is why there are a lot of golf courses by airports. He noted that they are open, and if something does happen, some golfers may be affected, but that is better than taking out a school. He add that typically farms and solar panel installations are reviewed, and people think that they are reasonably compatible because they are open and there are no obstacles as opposed to a wind farm or something similar.

Chair Blank stated that when he reviewed this, he had a whole series of comments. He indicated that in Appendix C, 1A and 1B, his concern with those two is very clear; but he worries that as all of the East Side Specific Plan's existing lakes as well as all existing plants, trees, wetland areas and ponds are existing land uses and exempt from further review, he wishes that there were some way to put a clarification in here that says that "other uses are subject to review" just so someone reading this five years down the road comes in and says it does not say we cannot add uses here. He noted that maybe that is overkill, but he has seen so many problems stemming from a lack of clarification in these plans.

Mr. Dolan stated that he does not think that kind of addition is going to require a sort of re-submittal and that the Commission could add some clarifying language and move this forward. He noted that when the City gets to what seems to be the bigger hot-button issue about the exception, that will probably put the City into re-submittal mode.

Commissioner Narum inquired if that would be case even if the Commission takes that down.

Ms. Stern stated that it does not if the clarification is removed.

Commissioner Narum commented that it would if the clarification were added.

Mr. Dolan stated that to get back to the point, the Commission can add language like that without too much of a problem.

Chair Blank commented that it is interesting that there is a noise study in the appendix that talks about the average community sensitivity to noise, based on a publication from 1992 with the actual measurements made in 1977, at 55 dBA is moderate to slight; and at 60 dBA may be considered an adverse aspect of the community environment. He noted that people have become even more noise-sensitive since then.

Chair Blank asked Ms. Harryman if she was able to review a huge issue down in Southern California where not all the airport stakeholders were taken into account and the City of San Diego built an office building that exceeded some height limitation and ended up being litigated with lots of penalties involved and the owner of the building having to lop off the top two stories of the building.

Ms. Harryman clarified that it was not the City that built the building but a private developer, and the City actually sued the developer to require them to do that among other real parties in interest. She added that it started with the ALUC, and the City did not adopt a plan and just ignored it.

Chair Blank stated that he was looking at Policy 24 to say something like "work with the Alameda County Airport Land Use Commission, staff, and airport stakeholders to

address air navigation issues.” He indicated that he wrote this in an email to staff who wrote back that staff believes that in the comments addressed in the Land Use Element of the General Plan under these Goals, Policies, and Programs, staff would invite stakeholders to participate in any process. He noted that he does not know if stakeholders are the same as airport stakeholders, which is a different community, harder to reach out to, and requires taking some effort.

Commissioner Olson commented that anybody who has flown in and out of San Diego Airport can understand why a building that is too tall there would be problematic. He indicated that Chair Blank referenced airport stakeholders, and in his opinion, the business community is an airport stakeholder. He asked staff if the City is still experiencing fairly frequent complaints about the airport.

Ms. Stern replied that Robin Giffin, Senior Planner, had provided some information on that and in 2012, there were 366 complaints, of which 349 were generated by one household, 10 by one other household, and the remaining 7 were citywide.

Chair Blank inquired what percentage Pleasanton’s complaints are of the total number of complaints the airport received.

Ms. Stern replied that the total number of complaints was 472 with 349 coming from Pleasanton.

Chair Blank stated that would be about 75 percent, and he believes that is primarily because the prevailing winds are such that take-off is right over Pleasanton.

Commissioner Olson agreed that it is to the west.

Mr. Dolan noted that 60 percent of the complaints are from one household.

Commissioner Olson stated that he thinks Pleasanton needs to view itself as a stakeholder in this airport because it benefits as a city from that airport. He indicated that he going to agree with the rest of the Commissioners that the City is not really recognizing reality here if it thinks it should have special conditions that would permit it at some point in the future to do development in the APA. He stated that he does not agree with it and that it flies in the face of the prevailing view within the community. He added that he does not think it helps business and the airport as the City wants that airport to continue to be there. He then asked, if the Commission and the Council do not make these changes, how long that approval lasts. He noted that there is a reference here to the overrule process and inquired if the City can activate an overrule process at any time in the future if things were to dramatically change.

Ms. Stern said yes. She explained that if the ALUC changed its Plan, it would necessitate the City to go through the same process again; however, in the absence of that changing, she believes the City can do a whole new General Plan Amendment that wipes out what it has done today. She added that once the City has gone through a

process and it chooses not to overrule, she is not sure if the City can subsequently independently and unilaterally overrule.

Ms. Harryman stated that the statutes certainly anticipates that a city that is affected is going to look at this within 180 days and either adopt the Plan as is or overrule it, or as staff proposes, adopt it but have the ALUC say it is consistent. She noted that those are the anticipated options and added that she does not see a specific timing provision. She further noted that if the City wants to waive or amend its General Plan, it could do that. She added that she would probably have to do more research as this obviously is not an area that comes up often; 1986 was the last, and it is not clear in the statute. She indicated, however, that it looks like if the Council later wanted to amend the General Plan, the City could take another look at this airport land use issue.

Commissioner Olson stated that he is certainly in favor of development but he thinks the City should give up on the idea of future development in an APA.

Chair Blank stated that in reference to Appendix C, he does not personally have much of a problem with Item 1, but he would like to see some clarification. He indicated that Items 3, 4, and 5 seem reasonable, as are Items 6 and 7; but he personally has a problem with Item 2 and believes it should be removed from the recommendation to the City Council.

Commissioner Narum inquired if what are now allowed on Zones 4, 6, and 7 are changes from what were previously allowed, and if up-zoning and down-zoning are also allowed.

Ms. Stern replied that previously, there were just different zones and they were configured differently. She added that as she remembers, there were some restrictions on high occupancy as well as high building heights. She noted that they were not as detailed in terms of the uses as they moved the zones around and relabeled them so much.

Chair Blank stated that all these zones were sort of bifurcated and trifurcated and he thinks ALUC wanted to try and appear like sort of a phased approach.

Commissioner Narum stated that the reason she was asking is because allowing lower density single- and multi-family residential use in Zone 4 is great but questioned if that is the City would really want to have housing as a community right in a flight pattern.

Ms. Stern added that it should also be noted that Zone 4 is within the APA.

Chair Blank inquired if that it is in the City of Livermore.

Ms. Stern replied that part of it is in unincorporated land right now, but it would be anticipated to be in Pleasanton because the other part of it is already in Pleasanton in Staples Ranch.

Commissioner Olson inquired if there is anything on that land or if it is just raw land.

Ms. Stern replied that there is nothing on it right now.

Commissioner Pearce stated that Pleasanton does not have to do anything; it does not even have to accept this. She noted that just because it is allowed does not mean Pleasanton has to put it there. She added that just because there is this map does not mean Pleasanton is required to put housing there.

Commissioner Narum stated that accepting this would be an improvement or an up-zone.

Commissioner Pearce noted that she does not know what accepting it exactly means but it does not mean putting housing there.

Commissioner O'Connor stated that he has two concerns with that: First, if it is allowed even if it is not yet zoned, and here is a landowner who wants to make his land more valuable and wants to put housing rather than an office building, so he comes in asking for housing, and there is pressure to put housing. And the second is ABAG, and there is the potential to put housing on some acreage if ABAG decides to allocate more units. He indicated that he is not supportive of anything that gives the City the flexibility to add even more residential to the City. He added that the City is already over where the people in this town want to be.

Chair Blank stated that he wondered how much of this was taken from State recommendations because there are a lot of airports that have open land around them where, for example, someone might have a house at the end of the runway because they want to have a house at the end of the runway, and that would be a permissible item. He noted that that might not be contemplated in Pleasanton's particular situation, but some of this may be general language.

Ms. Stern replied that Ms. Giffin, who has done a lot of research on this, agrees that these zones are taken from the California Handbook and are not necessarily specific to this area.

Chair Blank inquired if there would be any value in the Commission reviewing the California Handbook.

Ms. Stern stated that one thing she wants to say is that this is the ALUC's Plan and the ALUC has adopted it and is not going to change it. She indicated that the County, through the ALUC, has adopted this plan, and what Pleasanton can do is agree or not agree with it, but those land uses will remain on this Plan. In response to the question, she stated that the Commission can look at the Handbook but it will not change anything in the Plan.

Chair Blank stated that he is understanding from the Commission is that there is concern that it does not want to have the City's General Plan reflect that the City would want to be able to do high-density residential development anywhere in the APA.

Mr. Dolan stated that that would be accomplished by just eliminating the exception that staff thought the Commission might want.

Chair Blank requested clarification that the Commission can accomplish that by getting rid of Item 2.

Ms. Stern said yes.

Chair Blank commented he is surprised that there are not more people out here for this item. He noted that Pleasanton Weekly is present and hopes that the power of the press can make sure that the public knows this is taking place.

Commissioner O'Connor stated that he is aware that there is a time constraint here and does not know what would happen if that deadline is missed. He agreed with Ms. Ayala that the East Pleasanton study group does not know about this, and he thinks this really should have gone through that group for them to bring their recommendation to the Commission.

Chair Blank noted that this Plan has already been adopted and is already in effect right now.

Commissioner O'Connor noted that the Commission is being asked to make changes to the Plan for exceptions.

Chair Blank stated that the only exception being requested is Item 2, which he believes, while not wanting to pre-call what the Commission will do, the Commissioners have already expressed their opinions on.

Commissioner O'Connor inquired if there is nothing additional being asked for in here.

Mr. Dolan replied that it is more a clarification on the process.

Chair Blank agreed that they are process clarifications; for example, Items 1A and 1B are clarifying that the existing land uses are exempt from further review.

Commissioner Pearce stated that it is delineating existing land use like the lakes.

Commissioner Narum stated that it is going back to the EIR.

Commissioner O'Connor inquired if the Commission needs to clarify that then if they are already there and if the City is throwing a wrench in their process by asking to make clarifications for things that are already there.

Ms. Harryman replied that she would not say that the Pleasanton is throwing a wrench into their process. She explained that their Plan has been adopted no matter what Pleasanton does, and now it is Pleasanton's turn to take a look and decide whether the Plan, as adopted, suits Pleasanton or whether it needs clarification.

Commissioner O'Connor stated that he thinks the City is better protected by clarifying the obvious because it is not always obvious to everybody.

Ms. Harryman agreed that some things are not so obvious, and staff would have a difficult time implementing them. She explained that in discussion with staff, it was meant to work better within the City's PUD system in the way Pleasanton zones things or views projects, not including the exception the Commission has been focusing on; but generally, that is what the other clarifications were about.

Chair Blank stated that he did not look at the language with a sense of that elimination because there is the actual language of the General Plan. He indicated that, for example, he commented in an email that the 2012 update to the ALUCP allows reconsideration and intensification of existing development of the airport protection area, but there is no mention of noise. He stated that he just wants to be really careful here that the City is not inadvertently opening up a can of worms.

Commissioner O'Connor inquired if, in asking for these clarifications, the City is not changing its General Plan.

Chair Blank clarified that there are some General Plan changes.

Mr. Dolan confirmed that there are some General Plan changes that have to be made regardless.

Commissioner Pearce agreed.

Mr. Dolan explained that the task is to make changes to the Pleasanton General Plan that recognize and are consistent with the ALUCP. He indicated that that is the fundamental action, and staff is saying that in some cases, it is hard to understand what they mean, and getting clarification at the staff level has not been successful so the City is forced to do it through this process.

Chair Blank referred to the second page of Exhibit A of the staff report that states: "*The ALUCP states the intent of the APA is to prevent the encroachment of incompatible land uses near the vicinity of Livermore Airport. The 2012 update to the ALUCP allows for consideration of intensification of existing development within the Airport Protection Area.*" He indicated that even though the update allows it, and he does not want to speak for the Commission, he thinks there is general consensus that the Commission does not want to have that.

Commissioner O'Connor agreed that is correct.

Ms. Stern indicated that that is already in the document.

Chair Blank inquired if that does not need to be deleted.

Ms. Stern replied that it reflects the fact that there already is an allowance for intensification for Livermore.

Commissioner O'Connor inquired if it is only for Livermore.

Chair Blank indicated he would be happy if it stated: *The 2012 update to the ALUCP allows for consideration of intensification of existing development within the Airport Protection Area within the City of Livermore.*" He asked the Commissioners if that sounds fine.

Commissioner Pearce indicated that it is good, absolutely.

Commissioner Narum indicated that she is worried somebody will look at this and say they can have more density because the ALUCP document says so.

Chair Blank stated that he thinks Policy 20 is still okay although he would still like to see something that uses the term "airport stakeholders." He agreed with Commissioner Olson that businesses are a stakeholder, the City of Pleasanton is a stakeholder, and airport stakeholders are a little bit different than the regular stakeholders we deal with.

Commissioner Pearce said it is good.

Chair Blank stated that the noise section is fine.

**Commissioner Blank moved to recommend that the City Council approve the Draft General Plan Amendments as shown in Exhibit A of the staff report with the following modifications:**

1. **Aviation Hazards Section from the Public Safety Element, Airports:** Revise the last sentence of the fourth paragraph as follows: "The 2012 update to the ALUCP allows for consideration of intensification of existing development within the Airport Protection Area within the City of Livermore."
2. **Goals, Policies and Programs of the Public Safety Element:** Revise Policy 20 to read as follows: "Work with the Alameda County Airport Land Use Commission, and its staff, and Airport stakeholders to address air navigational hazards."

3. **Appendix C:** Delete clarification No. 2:
  2. ~~Balanced amendments to the ALUCP are supported.~~  
[Section 3.3.2.6 of the ALUCOP contains a flexible APA policy supporting modifications to accommodate high density residential development within the APA in Livermore. This suggests the ALUC is likewise amendable to other similar amendments to the APA or ALUCP in general to support similar densities within the same safety and noise zones if the use is not one of particular concern to the ALUC as listed in section 3.3.2.9. of the ALUCP.]

**Commissioner Narum seconded the motion.**

Commissioner O'Connor stated that in the first full paragraph of the second page of Exhibit A of the staff report, if the last line of the redline text that was crossed out which reads: "*No residential land use designations are located within the Airport Protection Area.*" is struck out, it would mean that residential will be allowed in the APA.

Chair Blank noted that it is a good catch and thanked Commissioner O'Connor. He indicated that he is amenable to un-striking that language.

Commissioner Pearce noted that it is consistent and Mr. Dolan appears to be fine with it.

Chair Blank noted that the Commission is getting a last-minute legal interpretation of it.

Ms. Stern replied that she is not quite sure that is an interpretation but wondered if that is struck out because of Zone 4 actually allowing it.

Chair Blank stated that maybe what it should say is "No Pleasanton residential land use designation shall be located within the Airport Protection Area" as there are areas in the Airport Protection Area that are not in Pleasanton.

Commissioner Pearce inquired if the residential land use designation is within Pleasanton.

Ms. Stern replied that it is in the ALUC Plan.

Commissioner Narum stated that it goes back to her original question; with these different zones now going to have residential, that she thought there could be no residential in the APA.

Commissioner Pearce stated that it is the same thing and that she thought this section was only referencing this map. She requested staff clarification that policy is separate from this map.

Ms. Stern said yes. She indicated that it is describing the new plan.

Chair Blank inquired if Pleasanton is not jeopardizing itself by striking this language.

Ms. Stern replied that if it is un-struck, it should be made clear that no City of Pleasanton designations are in there.

Chair Blank indicated that that is what he suggested.

Commissioner Pearce stated that it must say "City of Pleasanton."

**Chair Blank modified his motion to include that the last sentence of the fifth paragraph under 1. Aviation Hazards Section from the Public Safety Element, Airports on the second page of Exhibit A of the staff report be put back in and revised to read as follows: "No City of Pleasanton residential land use designations are located in the Airport Protection Area."**

**Commissioner Narum accepted the amendment to the motion.**

**ROLL CALL VOTE:**

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

**NOES: None**

**ABSTAIN: None**

**RECUSED: None**

**ABSENT: None**

Resolution No PC-2013-03 recommending approval of Case P12-1778 was entered and approved as motioned.

Commissioner Pearce asked Mr. Dolan when he anticipated this would go to the City Council.

Mr. Dolan replied that staff has to figure out what the Commission's recommendation does to the timeline and figured that the second meeting in February would be staff's best target.

Chair Blank indicated that the Commission will look forward to a front page story in the Pleasanton Weekly to raise public awareness on this issue.

**9. ADJOURNMENT**

Acting Chair Blank adjourned the Planning Commission meeting at 8:25 p.m.

Respectfully,

JANICE STERN  
Secretary