PLANNING COMMISSION MEETING MINUTES

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

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Wednesday, August 14, 2013

CALL TO ORDER

The Planning Commission Meeting of August 14, 2013, was called to order at 7:00 p.m. by Acting Chair Arne Olson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Mark Posson.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planned; Marion Pavan, Associate Planner; Deborah Diamond, Consulting Planner; Mike Tassano, City Traffic Engineer; Steve Kirkpatrick, City Engineer; Al Baez, Engineering Technician III; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Greg O'Connor, Arne Olson, Mark Posson, and Herb Ritter

Commissioners Absent: Commissioner Jennifer Pearce

2. APPROVAL OF MINUTES

a. July 24, 2013

This item was continued to the August 28, 2013 meeting.

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 was no one in the audience wishing to address the Planning Commission.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Janice Stern advised that there were no revisions or omissions to the Agenda other than those already noted on the Agenda: the continuation of Item 6.b., PUD-81-30-55M/PUD-85-8-27M, City of Pleasanton, relating to residential development in Hacienda Business Park, and Item 6.d., P13-2012, City of Pleasanton, relating to the State Density Bonus Law,.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

a. P13-2043, Sri Sai Temple
Application for a Conditional Use Permit to operate a religious facility within a tenant space located at 6644 Owens Drive. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/ Commercial-Office) District.

Commissioner O'Connor moved to make the required Conditional Use findings as listed in the staff report and to approve Case P13-2043, subject to the Conditions of Approval listed in Exhibit A of the staff report.
Commissioner Allen seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, O'Connor, Olson, Posson, and Ritter.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Pearce.

Resolution No. PC-2013-40 approving Case P13-2043 was entered and adopted as motioned.

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6. PUBLIC HEARINGS AND OTHER MATTERS

a. PUD-96/ P13-1928, Pleasanton Gateway, L.L.C. (Scott Trobbe)
Applications for: (1) Planned Unit Development (PUD) Development Plan to construct 210 apartment units, 97 single-family detached units, and related on- and off-site improvements on an approximately 26.72-acre site located at 1600 Valley Avenue (south side of the Pleasanton Gateway Shopping Center); and (2) Development Agreement for the project. Zoning for the property is PUD-HDR and MDR (Planned Unit Development-High Density Residential and Medium Density Residential) District.

Marion Pavan presented the staff report and described the scope, layout, and key elements of the project. He then noted that also present to answer questions were Al Baez, Engineering Technician III, on engineering matters; Mike Tassano, City Traffic Engineer, on traffic issues, and Mary Bean, project consultant, on the Addendum to the Supplemental Environmental Impact Report.

THE PUBLIC HEARING WAS OPENED.

Acting Chair Olson disclosed that he met a couple of times with the developer, Scott Trobbe, and his team and attended a neighborhood outreach meeting conducted by Mr. Trobbe.

Scott Trobbe, Applicant, Pleasanton Gateway, LLC., thanked Mr. Pavan for a very thorough and complete staff report. He noted that Mr. Pavan has been a big asset in this project, as well as staff in general and Brian Dolan and Janice Stern in particular.

Mr. Trobbe stated that this project started almost two years ago with the Housing Element Task Force. He indicated that from an efficiency perspective, he would like to take a different approach in his team's presentation, and instead of showing their slide presentation, he would touch on the big picture items and then answer any questions the Commission may have. He added that also present tonight to answer questions is his development team, an extraordinarily talented group of individuals from the architect to the landscape staff.

Mr. Trobbe stated that there were three big picture items that he just wanted to touch on, the first being traffic. He noted that this particular area has gone through four different traffic reports since the year 2009 and has been evaluated virtually once a year for the last four years, the most recent of which is the July Traffic Report before the Commission. He indicated that the reason he wanted to bring this up is because when the chemistry of the site was changed from an office project to a residential project, the trip count dropped significantly by over 300 trips. He pointed out that when the second-to-last Traffic Report was done for the Housing Element and General Plan Environmental Impact Report (EIR), the site was approved for 388 units, but only

307 units are being proposed now, the reason being that this is the right size for the project, resulting in a lower trip count.

Mr. Trobbe continued that the second item, of which he is very proud, is the tremendous amount of outreach done for this project. He indicated that they had done a very good job of bringing people together to get their feedback and that over the last couple years, this property had a lot of eyes on it. He noted that they had met with homeowner groups as well as individual neighbors and, as alluded to by Acting Chair Olson, held neighborhood meetings in the evenings and on a Saturday afternoon in the Pleasanton Senior Center.

Mr. Trobbe stated that the third item is the relationship between Safeway and themselves. He indicated that Pleasanton Gateway, LLC, was the developer that got the site's commercial development project approved and then sold that part to Safeway, who in turn sold it to an investor within the last sixty days. He noted that, as the Commission may already know, the store has been very successful, and in his meeting with the store owners on this proposed project, part of his conditions of approval was a best effort to work on putting together some stop signs and some crosswalks that Mr. Tassano wanted them to do. He stated that he was happy to report that Safeway is considering the proposal but cautioned that as Safeway is a big company, it may take a while, but he is pretty certain that they are going to get to the goal line on that.

Pat Kernan, representing the firm Kingsley Bogard, Counsel to the Pleasanton Unified School District (PUSD), stated that he has been working with City staff on all six major projects that are going through the City process right now, representing PUSD on mitigation, and that he is here to speak about the Development Agreement and the mitigation condition of approval relative to the schools.

Mr. Kernan noted that Mr. Trobbe has been involved with Pleasanton for a long time, having owned the property since the year 2000 and also involved with Hacienda, and that this project is probably the only one of the six projects that is represented by someone locally: Mr. Trobbe is from Campbell whereas many of the developers are from Los Angeles or the East Coast and are not familiar with Pleasanton. He indicated that Mr. Trobbe has been phenomenal to work with and by far the easiest developer to work with. He noted that Mr. Trobbe and his team have been proactive and had started a dialogue and arranged meetings with the PUSD Superintendent and the CDO weeks well before the Planning Commission Work Session on this project. He added that Mr. Trobbe immediately met all of the District's requests on the mitigation amounts. He reiterated that it was a pleasure working with Mr. Trobbe and that he has been more than a solid citizen. He added that it is important that the District thank the developers as they pay substantial mitigation amounts, and without those amounts, the District would not have the facilities it currently has for its students.

Mr. Kernan stated that he has been working closely with Mr. Dolan and Ms. Stern and the Planning staff, as well as with Ms. Harryman and City Attorney Jonathan Lowell, for the past year-and-a-half coordinating these projects. He indicated that when he was on

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the PUSD Board in the mid-1990's, there was kind of a disconnect between the City and the District. He noted that this has been totally turned around and that he cannot say enough about the time City staff spend with District personnel, that he has never seen a better working relationship. He added that they have come a long way in a very short time, especially since it is difficult to understand the school law that schools cannot be built until the children show up, which makes planning extremely critical. He indicated that this is where the City's Planning staff has really earned their stripes and then some, and that he wanted to publicly acknowledge the City Planning's help and assistance with the District. He stated that the District and Pleasanton Gateway already have an agreement in principle, subject to PUSD Board approval possibly at its September 10th meeting. He added that the agreement with California Center will come before the District Board on August 20th, and BRE will be in place by the next month as well. He indicated that this is all incredible and thanked everyone for all their help.

Acting Chair Olson thanked Mr. Kernan for his comments. He noted that the City has had a long history with the District and hearing positive comments from him is very good.

Sean Sowell thanked Acting Chair Olson and the Commission for creating the process for public comment. He stated that he wanted to speak on a couple of items. He indicated that he spoke at the May 22, 2013 Planning Commission Work Session for this project with some concerns and thanked staff for keeping the present bus stop in its existing location rather than moving it. He then read from the Minutes of that Work Session, noting that he is not familiar with how the negotiation process worked between staff and the developer of a previous project and that Options A, B, and C showing the different kinds of proposed units came later in the process rather than as part of the original packet. He added that he noted then that it deprived the public the opportunity to review those materials before the meeting and that it was inconsistent with the Brown Act and also with City policy. He stated that he asked at that time that the process be adjusted accordingly so anybody could look at the entire project and at the affordable housing proposal. He thanked staff and the developer because the Affordable Housing Agreement is part of this packet.

Mr. Sowell then referred to the third page of Exhibit J of the staff report which shows that 32 units are being proposed as part of the Affordable Housing Agreement. He indicated that he objected to the affordable unit mix as well as the total number of units. He stated that he thinks the language "*provide 32 units (15% of the total rental units)*" is not correct and should be changed to 46 units, which is 15 percent of the total units, including the single family units. He indicated that he thinks this is not an oversight but a policy decision and a proposed decision by the developer that is in error. He stated that if he carried the logic forward, that is an additional 12 units total. He continued that if the same allocation as given in the current table were kept, starting with the 50-percent AMI column, which includes nine one-bedroom units, six two-bedroom units, and one three-bedroom unit, adding the 12 units in a ratio consistent with that would result in an additional three one-bedroom units, two two-bedroom units, and two three-bedroom units, for a total of 23 units instead of 16. He added that if the 80-percent AMI

column were also adjusted accordingly, the current figures of 9, 7, and 0 would likewise become 12, 9, and 2, again, for a total of 23 units in that column, and a grand total of 46 units. He requested that the Commission make that adjustment to the Affordable Housing Agreement and asked that the developer accept this change and that only with this change will the Planning Commission approve the Agreement and move it on to the City Council. He proposed that otherwise, the Planning Commission return this back to negotiation between staff and the developer for resubmission to a future Planning Commission meeting.

Acting Chair Olson requested Mr. Sowell to verify that he came up with these additional numbers and totals based on all the housing units in the project and not just the rental units in the project.

Mr. Sowell said yes. He stated that he thinks the 15 percent ought to be based upon the total units and not just the rental units. He added that to him, this is skirting and undermining the idea of the affordability and the zoning that took place. He noted that California Center similarly skirted and undermined the issue by overloading the number of 100-percent AMI units and shortchanging the 15-percent and 80-percent columns. He indicated that he thinks the nature of the undermining is going on by counting the wrong total by counting the subtotal rather than the total total.

Commissioner O'Connor asked Mr. Sowell if he saw the bullet-point statement located just below the affordable unit mix that he was looking at.

Mr. Sowell said yes. He indicated that he does not see any linkage between that and his statement and asked if there should be a linkage and if that is the reason why the number is 32 instead of 46.

Commissioner O'Connor replied that staff could address that later.

Mr. Sowell stated that the point he wanted to raise is that he would like the Planning Commission to stipulate and require that those funds be added to the same housing fund to which the $4.5 million dollars that the Auf de Maur project contributed was added, and that the funds be held exclusively for affordable housing within the City of Pleasanton and not go into the City's General Fund.

THE PUBLIC HEARING WAS CLOSED.

Acting Chair Olson asked staff to explain the process involved for the affordable housing agreement.

Brian Dolan stated that there were several things going on here, and one is kind of just what the Municipal Code says about affordable housing agreements and who is responsible for making those decisions. He explained that typically, the information on the affordable housing agreement is provided to the Planning Commission for information only; the process is that this is negotiated with staff and reviewed in detail

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by the Housing Commission. He added that this is the specific purview of the Housing Commission, who makes its recommendation to the City Council, who makes the final decision.

Mr. Dolan stated that the term “undermining” is difficult, as the City and developers are in a new environment relative to inclusionary housing in that there is currently a court case that basically made most inclusionary housing laws, and the City is trying to use the standards that were previously applied but without the teeth of law behind them. He noted that as in all projects, the City has negotiated terms with the individual developers; and in this particular case, they have been difficult negotiations, and the Housing Commission has not been happy with all the proposals, but they accepted it, voted for it unanimously, and considered it to be one of the better negotiated solutions. He stated that while the City has not achieved 100-percent compliance with previous inclusionary housing requirements, this is considered by the Housing Commission and staff to be a very reasonable solution in that regard, and staff would not recommend that the Planning Commission hold up the project to have the Housing Commission and staff renegotiate the agreement.

Acting Chair Olson thanked Mr. Dolan for the clarification.

Commissioner O’Connor inquired if the dollar amount that the developer was paying for each of the 97 single-family homes was in lieu of some percentage going to lower-income housing units.

Mr. Dolan replied that everything was up for negotiation because, theoretically, the former IZO requirements are not available for the rental units, but the developer is offering low-income rental units to get the discount in terms of the fee on the single-family units.

Commissioner O’Connor inquired if those dollars would then be targeted for a certain fund or if there was no recommendation yet as to where the $519,532 would go.

Mr. Dolan replied that he does not think there is anything specified but that the funds typically go into the Lower-Income Housing Fund that is then available to assist other projects with their affordability requirements or anything that the City sponsors.

Commissioner Ritter stated that he goes to the Safeway site a couple of times a week and that the developer did a great job with that development there; however, he was concerned about the project entry into the Safeway parking lot and noted that the flow of traffic through there over the past year has gotten worse. He indicated that he was looking at the traffic plan and it shows that during the peak hours, there are some 360 cars coming in and 400 exiting through the Koll Center Parkway and Bernal Avenue traffic light, and there is always a queue right there. He noted that he is aware it is a lot better with a lot lower traffic count than what the office complex would have been going into that shopping center.

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Mr. Dolan stated that staff was made aware of Commissioner Ritter's concern earlier this week and noted that staff has looked at this from the beginning. He added that staff knows that the Safeway center is busy, which is exactly why people would choose to go through one of the other entrances rather than through the Safeway entry. He pointed out that traffic is like water; it goes through the path of least resistance. He noted that if he lived there and got off the freeway, he would not go through the shopping center but through the free right-turn at Valley Avenue and be down to those traffic circles in a matter of seconds, whereas he might not even get past the bank if he pulled into the retail center. He then deferred to Mike Tassano.

Mike Tassano stated that he agreed with everything Mr. Dolan said. He noted that when staff first did the traffic study back in 2008, staff looked at how many vehicles would come through there in stages, and where it is right now with the traffic flow is actually right where the models said it would be. He indicated that the way that signal was designed is not at its full build-out potential, so if the office complex went in, the future build-out numbers for that northbound left-turn, coming out of the Safeway complex with all the office that is leaving during that PM peak hour, was going to be over 300 vehicles per hour making the left-turn alone. He added that the 300-threshold per hour is about the time a second lane would be added. He continued that one of the reasons it was designed to prohibit the southbound left turn was because it would potentially need an additional two left-turn lanes; if an unusually high number, say 100 percent, of all the traffic leaving that residential development went to that exit, the solution would be to put in that second turn lane.

Mr. Tassano stated that it has been busy each time he has been there, but the queue clears almost every time; and the only time he has not seen the queue clear, either for the left turn or the right turn, is if there is southbound incoming traffic and vehicles coming out from the gas station that cannot make that left turn through that short intersection because it can only stack five vehicles. He noted that this is something that staff looked at, but the volume of right turns is high enough that he does not want to make both lanes a left turn because then that would slow down the right-turn movements. He added that staff is aware that there is a lot of congestion there, and people tell him that is a good thing to have for a retail development that has a lot of turnover and a lot of vehicles. He noted that the level of service is good and does not fail at any point; the queues are long but it is performing pretty well with 1,500 vehicles going through in each direction on Bernal Avenue, which is tough to do with that size of intersection.

Commissioner Ritter commented that this is probably more of a parking lot management strategy.

Mr. Dolan indicated that staff is working on some of those things in the parking lot and that probably having less restaurants at lunch-time would give some relief.

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Commissioner O'Connor noted the closure of the one entrance into the residential and inquired if the first entrance into the residential area coming from Valley Avenue is the same driveway that comes all the way to the front of the Safeway center.

Mr. Tassano replied that from Valley Avenue, the first entrance is the one that comes all the way down on the west to Safeway.

Commissioner O'Connor inquired if that is the end driveway today.

Mr. Tassano replied that was correct; it is the round-about that is there right now. He noted that one would still go in and would come down to what hopefully staff can negotiate as a stop sign, and then make a left turn from that stop sign into the residential development.

Commissioner O'Connor noted that there is already a completed development parking lot and inquired how much influence the City would have if it wanted to make some changes in there. He indicated that he has stopped shopping there because he almost gets hit every time he is in that parking lot because of the way the stop signs are set up, especially at that intersection coming down to about the middle of the road. He noted that it looks like there is no stop sign on the way in or out, but there is a stop sign coming out from the Safeway building. He added that he has seen people blow right through the stop sign who probably do not even know that there is a stop sign there. He stated that it just seems like the traffic flow within the parking lot itself is more troublesome than the amount of cars that are actually moving.

Mr. Tassano agreed that that is one of the things that one runs into there and that staff tries to limit even the backing-out movements at major intersections. He stated that a lot of times, parking lot design is limited because there is a requirement to put in so many parking spaces, and sometimes there are only so many spaces, and what staff tries to prevent, and what has been done with Safeway, is that there is no one actually backing out into the main lot. He indicated that the first priority is that once the vehicle is out of the parking area, there is an actual drive aisle that does not have as many interactions; but the drawback of that is because the driver is no longer looking for vehicles backing out, he or she may be driving a little faster. He stated that it can get crazy in a parking lot with people going around or driving on the other side, but it is not something that staff really regulates. In response to Commissioner O'Connor's question, he stated that staff cannot require stop signs in there, but staff can tell the developer that he cannot build his project until he gets that resolved.

Commissioner O'Connor inquired if Mr. Trobbe would have to negotiate before stop signs can be installed on that road.

Mr. Tassano replied that Mr. Trobbe is a great negotiator.

Mr. Dolan added that staff would assist Mr. Trobbe.

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Commissioner O'Connor moved to: (1) find that the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 have not occurred as described in the Addendum to the SEIR and that the previously prepared SEIR, including the adopted CEQA Findings and Statement of Overriding Considerations, and the Addendum to the SEIR are adequate to serve as the environmental documentation for the proposed PUD Development Plan and Development Agreement and satisfies all the requirements of CEQA; (2) find that the proposed PUD Development Plan and Development Agreement are consistent with the General Plan; (3) make the PUD Development Plan findings listed in the staff report; (4) find that the exceptions to the Housing Site Development Standards and Design Guidelines as listed in the staff report are appropriate; and (5) recommend approval to the City Council of Case PUD-96, PUD Development Plan, subject to the Conditions of Approval listed in Exhibit A of the staff report, and Case P13-1928, Development Agreement. Commissioner Posson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, O'Connor, Olson, Posson, and Ritter.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Pearce.

Resolutions Nos. PC-2013-41 recommending approval of Case PUD-96, and PC-2013-42 recommending approval of Case P13-1928 were entered and adopted as motioned.

b. <u>PUD-81-30-55M/PUD-85-8-27M, City of Pleasanton</u>
Application for a Major Modification to PUD-81-30 and PUD-85-08 to address residential development and how it affects the developable square footage in the Hacienda Business Park. Zoning for the property is PUD-I/C-O (Planned Unit Development -Industrial/Commercial-Office), PUD-MU (Planned Unit Development – Mixed Use), and PUD-HDR (Planned Unit Development – High Density Residential) Districts.

This item was continued to the August 28, 2013 meeting.

c. <u>P13-2097, City of Pleasanton</u>
Application to amend Title 18 of the Pleasanton Municipal Code to comply with the 2012 Pleasanton General Plan Housing Element pertaining to second units.

Janice Stern introduced Deborah Diamond, Consulting Planner, who will present the staff report for this item. For the benefit of the new Commissioners who have not seen Ms. Diamond at the Commission before, Ms. Stern stated that Ms. Diamond has been

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working as a consulting Planner with the Planning Division for the past year on implementing measures for both the Housing Element and the Climate Action Plan. She noted that this is important work, particularly as implementing certain parts of the new Housing Element will qualify the City for some streamlining review for its next Housing Element that is coming up rapidly.

Ms. Diamond presented the staff report and described the scope and key elements of the proposed Code Amendment.

Commissioner O'Connor inquired if the front yard setback area includes the driveway between the curb and the garage door.

Ms. Diamond said yes.

Commissioner O'Connor further inquired if parking is then not allowed on the driveway today.

Ms. Stern explained that a car can be parked there but it cannot be a designated parking space; so any parking requirement would have to be met beyond the driveway.

Commissioner O'Connor requested confirmation that a two-car garage with a two-car driveway that is available for parking would not count for three designated parking spaces because the two in the driveway would not qualify as designated parking spaces.

Ms. Diamond confirmed that that was correct.

Commissioner O'Connor noted that page 2 of Exhibit A shows that most of the existing setbacks, other than for a 40,000-square-foot lot, are three feet and five feet. He inquired if the setbacks are being increased to five feet and ten feet.

Ms. Diamond replied that that is true for most Class I accessory structures, but detached second units are subject to different minimum setback requirements, as listed at the bottom of page 5 of Exhibit A.

Commissioner O'Connor inquired why the setbacks for second units are being set at five feet and ten feet, as opposed to three feet and five feet like all the others, if the requirements for second unit are being relaxed.

Ms. Stern explained that the three-foot and five-foot setbacks assume that the structure is not habitable, such as sheds and other types of units, as opposed to second units which are habitable and potentially would have the windows open and some privacy issues. She noted that these structures already have established setbacks that are greater than the usual accessory structures.

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Commissioner Ritter commended staff for a great job on the analysis. He inquired what is driving this to happen and if the City is getting a lot of requests for second units.

Ms. Diamond replied that the City is implementing its General Plan Housing Element, which includes policies and action programs that the City needs to consider and move forward on, one of which relates to second units. She noted that a number of Code Amendments have been processed to date, following the adoption of the Housing Element.

Commissioner Ritter inquired if this is part of an affordable housing package.

Ms. Diamond replied that it is related to affordable housing in that the Housing Element policy is to encourage the development of second units as a source of affordable housing.

Commissioner Posson noted that during the Housing Element process, this was discussed at the Task Force, the Planning Commission, and the City Council levels, and the Council agreed that it was a good idea and adopted it, and it is now being implemented as instructed.

Acting Chair Olson noted that there was also a change in the California Code.

Ms. Diamond replied that back in 2003, there was a change in the State regulations requiring that cities allow second units by right under certain conditions.

Acting Chair Olson commented that the City is then basically catching up with the California Code.

Ms. Diamond replied that the City is actually caught up as the regulations that exist in the City's Code are in conformance with State regulations. She added that the City is trying to make it a little more flexible for homeowners.

Commissioner Allen inquired how these units count in terms of housing affordability category: whether they are low-income or moderate-income, and how they count and help the City toward RHNA numbers.

Ms. Stern replied that in other jurisdictions where there has been more likelihood that these second units have been rented out, they have been put in the category of low- and moderate-income housing. She added that the City's Housing Specialist, Scott Erickson, is trying to help owners who might want to rent their second units gain the tools to be able to do that. She noted that the City currently has a very low level of renting out so it is a little difficult for the City to justify second units being in an affordable housing category. She further noted that the City is putting more effort into this to be able to count more of these units towards its RHNA numbers.

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Mr. Dolan noted that in order to count these units, income restrictions may be imposed similar to those for the other units, which makes it a little more complicated. He indicated that there are other communities such as Piedmont that have such limited opportunity to provide any affordable housing that they negotiate during their Housing Element process that this is one of their main sources of affordable housing. He added that this makes it a little easier for them to meet their RHNA numbers with second units.

Commissioner O'Connor noted that some of the second units are 500 square feet, or 600 or 700, and just by their sheer size, they are going to be lower cost to rent. He inquired if these units cannot be counted just because of their sizes, even if they were vacant, because it would have to be verified that they have a lower income on those units.

Commissioner Posson stated that the City has a RHNA number that it needs to meet, so it has to speculate how many units it needs to meet that number. He noted that the City does not have a great track record with a total of 120 units over several years, such that even if all of them were occupied, it would still be a pretty weak case to count all of these as providing a great source of affordable housing. He added that these second units are actually providing some affordable housing because they are less expensive than renting the house in the front, but while it is a good thing to have, it is hard to prove that to the State.

Commissioner O'Connor noted that it appears that some of the other regulations that were brought up here tonight make it difficult to count these second units toward affordable housing; for example, if an owner who has two units but lives in one of them in order to have that second unit rented out, moves away, the two houses could not be rented out, and one cannot be counted as affordable because that is not allowed. He inquired if the entire property would have to be rented out to one family.

Ms. Stern said yes. She added that the idea would be to sustain the general, single-family neighborhood character.

Commissioner O'Connor stated that it would be nice to know why some of the 120 units are not rented out, if maybe a family member is living there, or it might just also be vacant for whatever reason.

Mr. Dolan stated that he thinks it is just a personal choice: they buy a house and say it would be great to have a second unit, to have the au pair live there. He added that when it comes right down to it, they do not want someone else living there.

Ms. Diamond stated that the City does have a database that includes the 120 documented units, and staff did a survey a couple years ago. She noted that the Housing Division is planning on getting a workshop together to assist the property owners in the hope that they will rent out their units. She added that occupancy is hard to document as it changes over time.

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Commissioner Allen stated that she is envisioning a long-term scenario, possibly like a project such as Pleasanton Gateway coming forward that actually builds out with a strategy that, as part of the sales process, the owner can build a second unit, and so it is zoned for that and plans are prepared. She inquired if they would potentially be required to pay fees, such as school impact fees and traffic mitigation fees, up front.

Ms. Stern said yes.

Commissioner Allen inquired what the development across from the Pleasanton Gateway development that has second units is called and whether these second units, and how many there are, are included in the 120 units counted.

Ms. Stern replied the Walnut Hills and Canyon Oaks both have second units and that there are about 20 or 30 second units in those two developments.

Ms. Diamond noted that in the survey that went out a couple years ago, there was only a 25- or 30-percent response rate, so staff does not really know how many units are rented out.

Commissioner Allen stated that she got excited when she first read the staff report, thinking this is a great opportunity and part of the strategy around affordable housing and an important thing to do. She continued that she is wondering now, if it is hard to count these, there are so few, and most of them are not really being used in a way that helps the City meet its RHNA numbers, if this should really be a strategy today that is part of that Housing Element if it is not getting the City what it wants, if this is the right time to do this or not. She stated that she hates to spend a lot of cost trying to track 120 units with the turnover and everything else and to try to get a few units to count toward the City's RHNA numbers.

Ms. Stern stated that the City does the survey for its own edification and generally, the housing program has done it when it had an intern available to do it, so it is not a great deal of cost involved. She agreed that it is not going to add a lot but that there are different strategies. She added that the State likes to see the City putting its effort into a number of different ways to satisfy its housing needs, and this is one way that to do it.

Following up on Commissioner Allen's question about the developer having to pay for all of the traffic and school impact fees, Commissioner O'Connor inquired if an individual who decides ten years after moving into his home that he wants to build a second unit in his back yard would have to go through those same steps as far as traffic analysis.

Mr. Dolan replied that it would not apply for only one unit.

Commissioner O'Connor asked if he would have to pay for school impact fees.

Ms. Diamond said yes to the fees but not for the analysis.

Mr. Dolan added that there is also the sewer connection fee.

Commissioner O'Connor agreed that the owner obviously has to pay the fee to connect. He inquired what the impact would be on a very small unit and how many young children can live in that unit with one adult.

Acting Chair Olson stated that he looks at this as something that is aimed at the future to try and make it easier for owners to establish a second unit on their property, whether or not it helps the City with its RHNA numbers.

Commissioner O'Connor noted that also for the future, lot sizes for new developments would have to include room for all these second units.

THE PUBLIC HEARING WAS OPENED.

There were no speakers.

THE PUBLIC HEARING WAS CLOSED.

Commission Ritter moved to recommend approval to the City Council of Case P13-2097, subject to the proposed Code Amendments, Exhibit A of the staff report.
Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, O'Connor, Olson, Posson, and Ritter.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Pearce.

Resolution No. PC-2013-43 recommending approval of Case P13-2097 was entered and adopted as motioned.

d. <u>P13-2012, City of Pleasanton</u>
Application to amend Title 17 of the Pleasanton Municipal Code by adding a new Chapter 17.38 (Density Bonus) to comply with State Density Bonus Law.

This item was continued to the August 28, 2013 meeting.

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7. MATTERS INITIATED BY COMMISSION MEMBERS

Climate Action Plan Implementation Subcommittee

Commissioner Posson advised that Acting Chair Olson and he will be meeting with staff on Friday, August 16th, to discuss the implementation of the Climate Action Plan.

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

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.

d. Matters for Commission's Information

East Pleasanton Specific Plan

Commissioner Ritter stated that he was out of town and was not able to attend the East Pleasanton Specific Plan Task Force and requested an update on its proceedings.

Mr. Dolan stated that the meeting went pretty well; the Task Force split into three groups to discuss generally some themes about a preferred alternative and bringing it back, and the groups reported out with two of the groups right in sync and one not very far off. He added that there was a minority opinion, but staff will be bringing back something that represents the majority's preferred alternative as the Task Force moves forward, and the remainder would be brought forward as alternatives that can still be considered and evaluated as alternatives in the EIR if everybody agrees.

Commissioner Allen inquired what the leaning was.

Mr. Dolan replied that the Task Force is leaning a little higher than what is in the preferred alternative, which has something like 1,700 units. He noted that a lot of that had to do with the additional cost analysis that was done by the economic people and that some other lower alternatives will be moved forward as well. He added that it gets a little more detailed in the EIR, but there is still the opportunity to adopt different ones.

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Acting Chair Olson noted that on Busch Road toward the Transfer Station, he saw survey equipment and some grading taking place in the property next to the Operations Services Center. He inquired what is under construction there.

Mr. Dolan replied that the only thing he knows of going on out there, other than some survey work, is that there was a pit that was accepting drainage and they do not want to take that water anymore, so it is being filled up. He added that this is part of some ongoing activities related to reclamation requirements of the former mining area.

9. ADJOURNMENT

Acting Chair Olson adjourned the Planning Commission meeting 8:17 p.m.

Respectfully,

JANICE STERN
Secretary

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