PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, July 11, 2012
(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Meeting of July 11, 2012, was called to order at 7:00 p.m. by Vice Chair Phil Blank.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Vice Chair Blank.

1. ROLL CALL

Staff Members Present:	Brian Dolan, Director of Community Development; Julie Harryman, Assistant City Attorney; Janice Stern, Planning Manager; Steve Otto, Senior Planner; Marion Pavan, Associate Planner; Shweta Bonn, Associate Planner, and Maria L. Hoey, Recording Secretary
Commissioners Present:	Commissioners Phil Blank, Kathy Narum, Arne Olson, and Jennifer Pearce
Commissioners Absent:	Commissioners Greg O'Connor and Jerry Pentin

2. APPROVAL OF MINUTES

a. June 27, 2012

Commissioner Narum moved to approve the Minutes of June 27, 2012. Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the June 27, 2012 were approved as submitted.

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 TO THE AGENDA

Janice Stern advised that there were no revisions to the Agenda.

5. CONSENT CALENDAR

a. P11-0053, Dan Suva/U-Haul Pleasanton
Application for a Conditional Use Permit to operate an automobile rental business at 3657 Old Santa Rita Road, Suite B. Zoning for the property is C-S (Service-Commercial) District.

b. Tract 7968, Robert Molinaro & David DiDonato (Donato Builders, Inc.)
Application for a Vesting Tentative Subdivision Map to subdivide an approximately 1.17-acre site located at 4174 and 4189 Stanley Boulevard into 13 residential lots and one common area parcel. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.

Commissioner Narum moved to (1) make the Conditional Use Permit findings as listed in the staff report and approve Case P11-0053, subject to the Conditions of Approval as listed in Exhibit A of the staff report; and (2) make the findings that the physical environment has not significantly changed since the time that the Final EIR for the Downtown Specific Plan was approved, that there are no newer information or changed circumstances that require additional CEQA review, and that Tract 7968 is consistent with the Pleasanton General Plan; make the subdivision map findings as listed in the staff report; and approve Tract 7968, subject Conditions of Approval listed in Exhibit A of the staff report. Commissioner Olson seconded the motion.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2012-30 approving Case P11-0053 and PC-2012-31 approving Tract 7968 were entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. <u>Application of the City of Pleasanton to establish site development standards and design guidelines for:</u>

1. **PUD-85-08-22M (Site 1, BART)**, future mixed-use development on the Dublin/Pleasanton BART station site at 5835 and 5859 Owens Drive;
2. **PUD-90 (Site 2, Sheraton)**, approximately 3.3-acre site at 5990 Stoneridge Mall Road;
3. **PUD-91 (Site 3, Stoneridge Mall)**, approximately 10.0-acre portion of the Stoneridge Mall property located at 1008-2481 Stoneridge Mall Road;
4. **PUD-92 (Site 4, Kaiser)**, approximately 6.1-acre portion of the Kaiser Permanente property located at 5620 Stoneridge Mall Road;
5. **PUD-02-10M (Site 5, Pleasanton Gateway)**, an approximately 7.0-acre portion of the Pleasanton Gateway property located at 1600 Valley Avenue;
6. **PUD-81-25-11M (Site 6, Auf der Maur/Rickenbach)**, approximately 11.5-acre site at 3150 Bernal Avenue;
7. **PUD-81-30-53M (Site 7, Nearon)**, approximately 5.6-acre site at 5725 West Las Positas Boulevard;
8. **PUD-85-08-26M (Site 8, CarrAmerica)**, approximately 8.4-acre portion of the CarrAmerica property located at 4452 Rosewood Drive; and
9. **PUD-81-30-54M (Site 9, CM Capital)**, two properties totaling approximately 12.6 acres at 5758 and 5850 West Las Positas Boulevard.

Brian Dolan presented a brief comment on the application, stating that this should look very familiar to the Commissioners as they saw the basis of this work when the Commission considered the development standards and design guidelines for Hacienda Business Park and when it went to the City Council-Planning Commission Joint Workshop. He indicated that staff has spent some time tailoring them to some of the sites that were rezoned as part of the Housing Element.

Mr. Dolan stated that tonight's meeting will focus of the changes staff has made in response to the feedback from the Workshop. He indicated that there were a number of good comments, some more significant than others, and the major change is the removal of separate design guidelines for the BART site. He noted that most of the discussion and concern raised at the Workshop revolved around that specific issue, and it was much more complicated than the rest primarily because it was associated with the idea that a significant amount of non-residential square footage would be added into Hacienda Business Park, and the suggestion was made that this should not be considered without a broader discussion of the overall capacity within Hacienda Business Park. He added that staff considered that a legitimate point, but the schedule staff was on with respect to the Housing Element and the City's settlement obligations did not provide enough time to have that discussion because it could be quite involved; consequently, staff thought the best way to move forward was to continue that somewhat more involved discussion to a later time and bring before the Commission just what is necessary to fulfill the City's obligations under the Housing Element.

Mr. Dolan stated that the current Councilmembers have expressed a desire to have that dialogue on their watch; therefore, he envisions that there would be a joint City Council-Planning Commission workshop to talk about this bigger-picture issue independent of these design guidelines while the current Council is still sitting. He noted that no final decision has been made in this regard and that, therefore, he does not have an exact date at this time.

Mr. Dolan then turned the floor over to Janice Stern to discuss the more general broadly-applied development standards and design guidelines. He added that the City's consultant for this project, Rick Williams of Van Meter Williams Pollack, LLC, who also assisted staff previously with the Hacienda guidelines, is also present tonight to assist with any of the technical questions the Commission may have.

Janice Stern started by summarizing the comments and questions raised at the Joint City Council-Planning Commission Workshop on June 5, 2012:

- As earlier stated by Mr. Dolan, the discussion of the draft guidelines for the non-residential use on the BART property has been postponed; however, the guidelines for tonight's discussion cover all nine sites.
- A larger question came up regarding adding maximum densities allowed and the need to clarify "minimum average density" for some prototypes of housing types that could range at higher densities and the role of a Building Matrix; and staff has added language to help clarify that.
- There were some questions about the Open Space Ordinance and the two-for-one private open space.
- There were some issues related to compatibility with surrounding neighborhoods and property.
- There were also some questions and refinements to various Standards and Guidelines and the Vision Statement

With respect to the density question, Ms. Stern clarified that the previous document on the standards and guidelines talked about a maximum site density for each of the sites at 50 dwelling units per acre. She noted that to be consistent with the Supplemental Environmental Impact Report (SEIR) that was prepared for this project, it was necessary to state a maximum number of units for each of the sites that were analyzed as part of the project description in that SEIR; these maximum numbers have been added to each site on Table 2.1 at the beginning of the document.

Ms. Stern stated that there was also a request to allow or actually encourage mixed-use development on sites, and staff has clarified that this is fine as long as such additional development was anticipated in the SEIR. She noted that this is covered by the CEQA analysis that has already been done and added that theoretically, higher densities can be considered in the future but would require a new CEQA clearance. She clarified that because some of the prototypes of housing types that might be allowed have a density range that extends beyond the maximum number of units that will be allowed on a site, the applicant would use those in conjunction with a lower density type of building design; for example, garden-style apartments with surface parking at around 20 units per acre could potentially be mixed with a townhouse, flat, or something with podium parking that may be 40 units per acre, for an average density of about 30 units per acre. She noted that this anticipates and provides some variation on the sites, such that there could be a mix of housing types or building design types on one site.

Ms. Stern stated that with respect to the questions raised about compatibility with surrounding development, staff has added a bullet point to the end of development guideline C-11-1 which clarifies that placing lower-scale buildings and lower-density building types adjacent or across the street from lower-density development is desirable.

Ms. Stern stated that one of the questions on open space was related to considering the paseos as open space, and a second question referred to counting private open space versus the group open space area. She clarified that staff is referring back to the ordinance requirements that would be applied to any multi-family development that comes forward at this time. She noted that staff recommends keeping that requirement and maintaining that ordinance requirement rather than making any changes specific to this; for example, not counting the 20 and 30-foot wide paseos which could be fairly generously landscaped as open space would make it difficult to comply with the open space requirement for these sites.

With reference to the question on what is meant by “larger developments” mentioned in one of the standards or guidelines in relation to encouraging a public park on larger developments, Ms. Stern indicated that “larger developments” is defined as generally over five acres.

Ms. Stern stated that a developer had asked in a letter that staff consider allowing low-entry landscaped walls within that paseo area. She indicated that staff found this to be reasonable and added it since the paseos are between 25 and 30 feet wide between

the buildings, and allowing a low wall to encroach upon that would form some kind of semi-private open space.

Ms. Stern indicated that the City recently adopted the Bay-Friendly Basics as a standard for development review for landscaping, and, therefore, staff added that as a development standard rather than as a guideline.

Ms. Stern continued that under Site Circulation, there was a comment about ensuring that pedestrians within these developments are aware of the crosswalks, walkways, and other such areas, for example, the walkway to the community center. She noted that this came up in the BRE project as well, and paving or some other material was recommended to ensure where pedestrians are directed to go; this has been added as A-1-C.

Ms. Stern stated that staff has had quite a few discussions about internal streets and drives with those developers who are getting ready to submit proposal, noting that head-in parking and restricting that to only one side of the street is a challenge for some of the sites, particularly those with a separate retail area. She indicated that it seemed to make sense to allow an internal street or driveway with parking on both sides where there was a separate retail area. She added that that an exception was added as A-4-3.

Ms. Stern indicated that in response to another matter that came up at the Joint Workshop pertaining to a minimum depth for a porch to avoid having very narrow porches that would not even accommodate a chair, staff had added a minimum depth of six feet.

Ms. Stern stated that there were also some comments relating to the Vision Statement encouraging mixed-uses on sites where the zoning allowed such activities, that design features should complement the adjacent neighborhoods as well as adjacent properties, and that the development should adhere to the City's green building ordinance and be economically viable and environmentally sustainable. She noted that those phrases have been added to the Vision Statement.

Ms. Stern noted that the City has the Pleasanton Municipal Code (PMC) and other design guidelines, such as those for Hacienda Business Park, and clarified that where a topic is addressed specifically in these guidelines, they would pertain; and where a topic is not addressed, then it would be subject to the Hacienda guidelines if the property is in the Hacienda area or to the PMC or whatever guidelines pertain to that particular site.

Ms. Stern stated that staff received some correspondence from the neighbor of the CM Capital Project site regarding the design standards related to that site, and staff has addressed their concerns by restricting development within the first 50 feet on the western edge and require stories above the second story on that elevation to be stepped back. She added that to address the concerns about people crossing through

their property, staff has added a requirement to have some landscape screening and pedestrian impediments along that property line.

In conclusion, Ms. Stern stated that in addition to the changes she described, staff has also incorporated additional changes which are contained in the staff memo dated July 11, 2012, which was earlier forwarded to the Commission. She indicated that should the Planning Commission accept the amendments to the draft and recommend approval of the development standards and design guidelines to the City Council, the standards and guidelines would be forwarded to the City Council for adoption in August to meet the September deadline and make them effective according to the City's Housing Element. She noted that staff would then come back to the Commission with revised development standards and design guidelines for the BART site. She added that as the development plans come through, they will most probably be brought before the Commission as a workshop, following staff review, to look at any major issues within the site and any particular exceptions that the developer would desire to discuss with the Commission before it comes back as a formal applications to the Planning Commission and to the City Council.

Vice Chair Blank informed the public that this subject has been in front of the Planning Commission several times, and if the Commission does not go into a great deal of detail, it is because the Commission has approved this at least twice before.

THE PUBLIC HEARING WAS OPENED.

Marty Inderbitzen stated that he represented the owners of the property formerly known as CarrAmerica and now known as California Center and owned by Rreef, whose design team has been working with staff and the City for quite some time now on a project for that location that would be consistent with the high-density rezoning that occurred earlier this year. He acknowledged the tremendous work and outstanding job done by Mr. Dolan and Ms. Stern in bringing forward the entire Housing Element, definitely a Herculean effort which got through in record time. He indicated that he has worked with staff all over the Bay Area, as well with several evolution of staff within the City of Pleasanton, and noted that it was really a pleasure to work with Mr. Dolan and Ms. Stern, who rank right up there near the top, if not at the top. He added that both Mr. Dolan and Ms. Stern have been really receptive to the design team's input and suggestions about things such as these guidelines and how the team might be able to work with the property.

Mr. Inderbitzen stated that they are not 100 percent in sync with the proposed development standards and design guidelines but that they were most of the way there. He indicated that the first thing he does when he reads design standards and guidelines package like this one is to take a look at what the preamble says, what the introduction and the Vision Statement tell me about the document, how that follows through to the actual implementation of those guidelines and standards, and how they can be put to work on the property. He noted that while the Vision Statement recognizes that these are general guidelines, there really is no direct acknowledgement that the nine sites are

very specific, unique, different sites with respect to their geography, their configuration, their size, the way they access public streets, and the kinds of amenities that surround them. He added that he believes this is the intent of the design guidelines and that this section could use some improvement by acknowledging those differences for each one of the sites. He stated that this would help them, as land owners and developers, with the encouragement that they should be creating and be intuitive in looking for new ways to implement these guidelines while being consistent with the vision, rather than somehow getting lock-in with a set of design standards.

Mr. Inderbitzen noted that having said that, there will be a few issues where the owners and developers will think it would be better to ask for an exception or a change to the design standards, rather than to try to figure out a way to comply with them, because their belief is that complying with the guidelines does not improve the project but actually takes it back a step. He added that he would not want the Commission to be surprised if they come forward in a few months with a project application that includes two or three issues where they just could not meet the guidelines.

Mr. Inderbitzen concluded that this is the purpose of his coming before the Commission tonight. He suggested that if there is a way to change the Vision Statement with some kind of additional language, it would at the least give staff and the property owner the signal that flexibility really is important, and the owners and developers will be receptive to it, particularly in recognition that the sites are different.

Vice Chair Blank stated that he heard two different things: first, an acknowledgement that each site is different; and second, as part of that acknowledgement, each site should be allowed to deviate or apply for exceptions to the design guidelines because of those differences. He indicated that these are two different things and requested clarification from Mr. Inderbitzen.

Mr. Inderbitzen replied that he probably said two different things and gave an example. He indicated that in the letter that the owner's representative submitted in May, there was a suggestion that the Vision Statement include some language like this: "Each of the rezoned sites to which these standards and guidelines apply are very different in their configuration, size, surrounding geography, neighborhood context, and available community amenities and, therefore, present very unique opportunities and constraints for residential development." He explained that it would be just a recognition that the sites are different and that the guidelines and standards are really conceptual and encourage imagination in the development of each site.

Mr. Inderbitzen continued that the basic statement in the introduction document that he would take away from the guidelines is: "We desire to build quality neighborhoods with amenities for future residents that the existing community enjoy. Simply put, it must be a very nice place to live." He noted that, simply put, there may be a parking standard that they would like some flexibility on because they think it may actually improve circulation for pedestrians and other purposes, but if the design standards are so rigid that they cannot vary that, then they will have to come to the City and ask if their

proposal meets the City's vision. He added that his proposed language for the Vision Statement helps developers to say that yes, they can go there.

Mr. Inderbitzen stated that one of the problematical things he sees is on page 4 of the document where there is an acknowledgement that there are differences in the sites, but it basically says that the developer can ask for an exception where the application of the guideline would make it infeasible or undesirable and where an alternative proposal fits with the vision and intent. He questioned why, if an alternative proposal fits with the vision and intent, they would they have to meet the additional threshold to say it is infeasible. He noted that it might be feasible for the developer to meet the depths that the guidelines require on retail sites at 60 feet, but it could be a better design if they start at 30 feet and go to 60 feet, and they should be able to do that. He added that he is aware that they could ask for an exception, but he would like to be able to have a conversation with staff that is not based on "Well the guideline says 60 feet so we are going to try to make it 60 feet."

Vice Chair Blank added "unless it is infeasible."

Mr. Inderbitzen said yes.

Vice Chair Blank thanked Mr. Inderbitzen for the clarification.

Commissioner Olson inquired if it would be possible to put some language in the Vision Statement that addresses Mr. Inderbitzen's concern.

Mr. Dolan replied that it would be possible.

Diane Birchell, a resident across the Nearon site, stated that she has three points she would like to make: (1) Density. She indicated that she understands that the density of 30 units per acre is demanded by the requirement of the Urban Habitat settlement; however, she urges the Commission and the Council to determine that the appropriate density for the Nearon property is no more than 30 units to the acre for the reason that none of the surrounding office and residential buildings are more than three stories. She noted that a five-story building would be really very different from anything in that immediate area. (2) Parking. She stated that it is not possible to do a lot of variation on a 5.6-acre property, but parking will be a serious issue at 30 units to the acre. She noted that the Verona development has 151 units at 12 units to the acre and generates around 300 vehicles. She continued that given there will be a mix of sizes because of the Urban Habitat requirement, parking is going to be very bad regardless of what wonderful designs can be achieved. (3) Traffic. She stated that given the current driveway at the Nearon site, the number of vehicles entering and exiting the site during the hours when people are getting to or from work will create an immediate and very serious traffic hazard. She noted that it is half a block or less from the intersection of Stoneridge Drive and West Las Positas Boulevard, and the traffic is moving on West Las Positas Boulevard. She indicated that she does not know the City's rules regarding how close to a corner a traffic light can be installed but that one on this site would

mitigate the traffic issue. She requested that the Commission consider this because having vehicles turning left into and out of the site would be asking for trouble.

Commissioner Narum commented that she believes staff had indicated in its earlier report that the concern about a maximum density of 30 units to an acre has been addressed in the Supplemental EIR.

Ms. Stern said yes. She added that the density is a minimum and maximum of 30 units per acre.

Commissioner Narum stated that the development will then come in at no more and no less than 168 units, which is 30 units to an acre.

Ms. Birchell commented that it will not take care of the parking or traffic issue, but it would better than if it were at a higher density.

Bob Plemmons, President of the Verona Owners Association, stated that the Nearon site has been the Verona homeowners' very favorite project for many years. He noted that some of the sitting Planning Commission were not around when this project first came out, and he would like to give a brief history before going through some specific items in the plan and a few on a wish list.

Mr. Plemmons stated that when talk started about putting residential on the Nearon property, the Verona owners were very dismayed and felt they were misled because when they bought into that property, they were told that the Nearon site was going to be commercial forever. He added that when they bought into the Pleasanton lifestyle and located within the business park, they thought they really got an asset, but then the rules changed, and the State decided to take over the demographics of communities and out of the hands of most of the people. He stated that he understood the City's taking hold of Hacienda Business Park for growth because the location was excellent, the open property was available, and there was plenty of money to make it work.

Mr. Plemmons stated that he was fortunate enough to be on the Hacienda Park Task Force, so he is familiar with many of the things being covered here tonight. He noted that a few infrastructure things concern him and that he believes he has not received good answers to them. He indicated that the Park was originally designed for businesses, and now 1,000-plus residents are moving in. He questioned if the water and sewer supplies are sufficient without having to make any infrastructure changes and if PG&E can provide enough power. He added that these are issues that he has never seen anybody stand up to say that these utilities are covered. He expressed concern that when they find out down the road that new water or sewer facilities need to put in, the property owners in the park will have to foot the bill for them. He suggested that this be investigated, verified, and proven so that if any additional infrastructure is required, it would be added onto the present development.

Mr. Plemmons stated that for their development and units, their basic questions deal with property value, parking, noise, and traffic, which are the same circumstances everybody has no matter where these new units will be located. He noted that their world will be changing if, for example, there is insufficient parking. He added that their Homeowner Association has three major issues: parking, pets, and a pool. He indicated that parking is an issue for them now, and if they wind up having to deal with overflow parking from the residents across the street, that will increase their costs to try and protect themselves. He stated that he sincerely hopes what is built there would have a swimming pool because otherwise, they would have to increase their swimming pool security as they already have a few issues with people showing up who do not live there. With respect to traffic, he noted that on West Las Positas Boulevard, there is a center down the street from their complex that have 300 parking spaces, and on Fridays and some other times, they get really busy. He suggested that if any traffic study is done on West Las Positas Boulevard, it should be done on a Friday to get accurate results. He further suggested that if 300 cars across the street from their complex are added to their 300 and the 300 down the street, and more from a new development farther down, the Planning Commission should seriously look at putting in a traffic light on Belleza Drive right across the street from the entrance because they now have occasional accidents at that intersection, and the increased traffic flow may add to that.

Mr. Plemmons stated that the only other issue he has is personal. He indicated that; 500 years ago, the King of France wanted to build a building out on a swamp, and the first thing his engineers did was go out and stabilize the ground; and 500 years after that castle was built, it is still there: the ground is flat, there are no cracks in the walls, and the floors look great. He stated that unfortunately, he did not discover until after he had lived in Pleasanton for a while that a good percentage of the City is built on swampland, and with building designs and building requirements, nothing is ever mentioned about ground stabilization. He noted that this is a serious issue, especially around West Las Positas Boulevard, where there is more settlement. He added that it has been dug up and rebuilt at least three times since he has lived there, and he strongly recommend that an investigation and a decision be made on any construction in the future that should stipulate some type of ground stabilization. He indicated that a lot of citizens in Pleasanton spend tens of thousands of dollars to stabilize their home when it could have been so much cheaper if it would have been implemented on day one when the building was constructed.

Ken Busch, Vice President of the Sares-Regis Group and Project Manager with E&S Ring, stated that they have been working on the Auf der Maur/Rickenbach site for over a year. He thanked the Planning Commission and staff for the way they processed the Housing Element and the General Plan and indicated that they have done a great and very expeditious job in a very difficult circumstance.

Mr. Busch stated that the Sares-Regis Group has developed over 10,000 units in California, and many of these communities have been in a density range consistent with the 30 units to the acre that is proposed in the Housing Element. He noted that they have worked with their consultants on many of these communities, and those same

consultants are working with them on the Auf der Maur/Rickenbach site. He added that E&S Ring is a long-term owner and professional manager of a number of apartment homes, and from this experience, they understand what the market requires, what residents require, and how to develop and maintain a high quality community. He stated that the minimum density of 30 units to the acre requires significant flexibility, and he believed this flexibility needs to be incorporated into the design guidelines. He indicated that when they first look at the community, they look at both the site and the surrounding area and what the residents require for that community, and they develop those criteria to meet the demands of the residents so they can live in this high-quality community.

Mr. Busch stated that they have a vision for the Auf der Maur/Rickenbach site of a sustainable mixed-use community, and there are some things in the design guidelines that they are asking for, including additional flexibility for those elements. He indicated that they sent a letter in May 2012 describing many of those items. He noted that the community they are proposing exceeds the parking requirements of both residents of typical communities and projects and also of the City, and this flexibility is important for perpendicular parking on internal streets and the landscape fingers. He requested that that flexibility be incorporated into the guidelines, as well as some opportunities to provide solid and very attractive articulation on garage doors without recessing them two feet.

Ardie Zahedani, Saint Anton Partners, stated that they have the privilege of partnering with Nearon to develop the current Nearon site. He indicated that they have developed 6,000 units throughout the state that they continue to own and manage. He noted that the number one issue on almost every site, regardless of the type of design, building, or uses, is parking, and having insufficient parking with folks having to park outside of the neighborhood creates a nuisance and management issues. He added that they have been working with staff to really shape what they think the neighbors will agree to and appreciate, and in their initial design, they have included 303 parking spaces where 285 parking spaces are required per City code.

Mr. Zahedani stated that they took great measure to ensure that they are keeping the uses consistent with those of the adjacent neighbors at 30 dwelling units per acre and three- and four-story buildings screened with trees. He noted, however, that one issue that exists in the design guidelines that would significantly burden this project because of its triangular shape is the internal street requirement. He indicated that parallel parking will use 20 feet of space versus head-in parking which would use only nine feet, thus, losing about 23 spaces on the site. He added that they have had three different designers and three major firms look at this issue, and the imposition and implementation of the internal street unilaterally throughout this project would create a parking problem and a nuisance in the neighbors, and would not meet the vision in the current design guidelines. He urged the Commission to provide some flexibility where internal streets are not a mandate.

THE PUBLIC HEARING WAS CLOSED.

As a follow-up to Commissioner Olson's earlier question about the possibility of incorporating Mr. Inderbitzen's suggestion, Commissioner Pearce inquired if staff sees any downside to adding language regarding stating that each site is specific.

Mr. Dolan replied that there are really two approaches that have been suggested: the first is to add something in the Vision Statement or the introduction that acknowledges that flexibility may be required because there is so much difference. He stated he did not have a problem with Mr. Inderbitzen's text and that staff could add some words to the Vision to make that more clear. He indicated that he is a little more concerned about individual designers, who may or may not end up with the property, figuring out ahead of time that they are going to have a problem in the project with one of the things that staff has decided is important and then negotiating to get rid of that requirement for when their project gets here. He stated that he understands that each piece of property is different and has some limitations, and some of them, such as the Nearon site, do have tough shapes; however, he would rather deal with the exceptions at the project level as it is possible that that project does not get developed for a couple of years and ends us with a different product type. He added that some of these problems go away with a different density or product type.

Mr. Dolan stated that he would be the first to admit that at 30 units per acre, parking is hard if it is not a podium project because of the limited space. He noted, however, that as the market evolves, there may be some podium projects that are higher density which would free up space on the site to do these things in the guidelines either on all of the sites or even on a portion of the site. He indicated that people are actually inquiring about podium, and this may occur in the coming years.

Mr. Dolan stated that he is a little hesitant to let that go before the projects start, but he thinks it is a really good point to set up a more detailed framework about the exception and maybe get rid of the "infeasibility" language.

Vice Chair Blank added his support to Mr. Inderbitzen's proposal. He agreed that the word "infeasible" is malapropism in this particular context and proposed that it be either eliminated or replaced with a different word that would reflect the intent of the guidelines.

Commissioner Olson stated that he liked Mr. Inderbitzen's language as well and pointed out that it is interesting that the last speaker, Mr. Zahedani, essentially made the same point regarding the need for flexibility that Mr. Inderbitzen, as the first speaker, made.

Commissioner Narum stated that she also agreed with the proposal and hears what Mr. Dolan is saying about taking the projects as they come in. She asked Mr. Dolan if, as the projects come in, he can see making a determination that the exceptions are acceptable, for example, the parking issue referred to by Mr. Zahedani due to the odd shape of the Nearon site, and, therefore, the project could be submitted, or would the project still get locked in to where it would first have to go through at least one workshop before submittal.

Mr. Dolan replied that it would be hard for him to envision a project that would not require an exception, some of which will be minor and others will be a little more involved, but that does not mean the design standard should be eliminated right at the start. He noted that there were exceptions that everybody determined to be fine with the BRE project, some of which were pretty substantial. He indicated that he did not think all of these projects will require as many as those of the BRE project, but he can see something on each of them.

With respect to whether or not a workshop is necessary, he stated that the workshop has a lot of purposes. He noted that it helps the applicant to understand where the Commission is coming from and gives the Commissioners an early look at the project so they are not asked to act in one night. He added that staff is willing to forego a workshop if the Commission so desires, but, in general, applicants tend to like them actually because of the feedback they will get.

Commissioner Narum stated that what she was getting at was if the Commission wants to hold on to standards where they had expressed some concerns, she would be fine with having a working. She indicated that she was referring to sites where the Commission may feel it did not need a workshop to make that exception.

Vice Chair Blank stated that part of his concern is that development is going to take place over several years and that he would not want to handcuff a future Planning Commission. He indicated that the Commission has put so much work into this, and the project has been reviewed so many times, that he is a little hesitant to make or recommend any significant changes. He noted that he thinks staff does a pretty good job of figuring out when workshops are needed and when they are not, when this is really an exception and when it is not. He added that there have been projects that have come before the Commission that the Commission had sent back for a workshop. He indicated that he does not want to undo or over-regulate something that seems to be working.

Commissioner Pearce stated that she did not think there is any downside to having a short workshop. She noted that the Commission has had workshops that are a half-hour long where the applicants get the feedback, and the applicants are comfortable when the projects come to the Commission, and the Commission is likewise comfortable when it has seen the projects.

Commissioner Narum agreed and stated that it is just a time question and lengthening the process.

Commissioner Pearce agreed with Vice Chair Blank that staff has a good sense of when a project needs a workshop.

Commissioner Narum stated that she did not disagree with that but would just want to make sure that if the Commission leaves this as it is, there is some discretion or

flexibility on the part of staff for an application to come in versus saying it needs to have a workshop.

Commissioner Pearce noted that Mr. Dolan was talking about a Joint City Council-Planning Commission Workshop and that she heard a question about capacity at Hacienda. She inquired if there would be discussions regarding infrastructure capacity at Hacienda.

Mr. Dolan replied that it is not necessarily infrastructure and that he can answer one of the questions from the public. He explained that staff looked at infrastructure when they did the EIR, and water was not an issue. He stated that sewer, in fact, was, but there is a City project and this is not anytime soon, more at the build-out of Hacienda Business Park. He indicated that there is a sewer pipe that exists that runs east-west across the Park that is currently unused, so no new sewer pipes need to be installed; however, where it comes out is not at the proper elevation so the City would need to install a pump station, which would be a City-funded Capital Improvement Project and would not cost the residents of Hacienda anything.

Mr. Dolan stated that one item that needs to be discussed is that there is a 9.8 million-square-foot limitation on development in Hacienda Business Park, and there is a certain amount left; whether that will all be allotted to BART, or how should that be worked out.

Commissioner Pearce moved that the Planning Commission find that the proposed major modifications to adopt Development Standards and Design Guidelines for each of the Sites 1-9 are consistent with the General Plan and the purposes of the PUD ordinance and that the Planning Commission recommend approval to the City Council of PUD-85-08-22M, PUD-90, PUD-91, PUD-92, PUD-02-10M, PUD-81-25-11M, PUD-81-30-53M, PUD-85-08-26M, and PUD-81-30-54M as recommended by staff, including the modifications stated in the staff memo date July 11, 2012, and the addition of the proposed language amending the Vision Statement to describe that each site is unique and the removal of the reference to "*infeasible*" in the fourth paragraph of the "Purpose" section.
Commissioner Olson seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2012-32 recommending approval of PUD-85-08-22M, PUD-90, PUD-91, PUD-92, PUD-02-10M, PUD-81-25-11M, PUD-81-30-53M, PUD-85-08-26M, and PUD-81-30-54M was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

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

No discussion was held or action taken.

9. ADJOURNMENT

Vice Chair Blank adjourned the Planning Commission meeting at 7:58 p.m.

Respectfully,

JANICE STERN
Secretary