PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, December 12, 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 December 12, 2012, was called to order at 7:00 p.m. by Acting Chair Phil Blank.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Jennifer Pearce.

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; Mike Tassano, City Traffic Engineer; Jenny Soo, Associate Planner; Shweta Bonn, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Acting 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 continue the consideration of the November 14, 2012 meeting Minutes to the January 9, 2013 meeting.
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

Consideration of the Minutes of the November 14, 2012 meeting was continued to January 9, 2013.

b. November 28, 2012

Commissioner Narum moved to continue the consideration of the November 28, 2012 meeting Minutes to the January 9, 2013 meeting.
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

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 recommended the Commission continue Item 6.d. to January 9, 2013.

5. CONSENT CALENDAR

There were no items on the Consent Calendar.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. PUD-93, Bruce Myers, Danville School Street Investment

Application for Planned Unit Development (PUD) Development Plan approval to construct a four-lot detached single-family home development on an approximately 2.23-acre site located at 362 Sycamore Road and a vacant lot (APN 948-17-7-4), within the North Sycamore Specific Plan area. Zoning for the properties is PUD-LDR/O (Planned Unit Development – Low Density Residential/Office) District.

Jenny Soo reported on the items the Commission requested staff to follow up at the last meeting, as presented in the staff memo.

Acting Chair Blank thanked the developer for putting up the story poles and the Greenes for accommodating the Commissioners. He disclosed that he visited the property on Saturday afternoon and was at the Greenes' property for about 45 minutes to an hour, walking back and forth and doing the site lines.

THE PUBLIC HEARING WAS OPENED.

Bruce Myers, Applicant, thanked the Commissioners for visiting the project site. He agreed that the story poles were a good idea after all and stated that despite his protest at the last meeting, he thinks they were very informative.

Mr. Myers stated that the two things that jumped out at him when he went to the site were the spacing between the homes, noting that there was quite a liberal space there for view corridors; and the size of some of the vegetation on the adjacent neighbor's property, including the giant Italian Cypress trees, the one enormous oak tree he mentioned at the last meeting, and a large tree next to Lot 3. He noted that in terms of privacy from the developer's standpoint, he was actually very pleased with what he had to work with out there.

Mr. Myers stated that he found the staff report to be very thorough, and his only comment is on the windows on Lot 2. He indicated that from a marketing standpoint, he prefers to keep the windows as they are and not to install frosted glass or anything like that. He added that he would rather put landscaping in the rear yards because that will actually work as a privacy screen in both directions for both the Greenes and the owners of the new home.

Mr. Myers stated that he is open to the idea of moving homes around as staff has mentioned. He expressed concern that if the house on Lot 3 is moved too far away, it would bump up against the driveway, and he noted that the driveway cannot be modified because that is a Fire Department requirement. He indicated that he would try to find the right balance and see if moving it a couple of feet will work.

With respect to the construction hours, Mr. Myers stated that he was fine with what was discussed at the last meeting. He indicated, however, that the Greenes need to understand that limiting the hours to 9:30 a.m.-4:30 p.m. may extend the construction on the project. He recalled that the Greenes were concerned about how long it would take to build the homes, and he wanted them to weigh those two issues.

Commissioner Narum inquired how shortening the construction hours by 90 minutes a day would impact the time of construction of the house.

Mr. Myers replied that he had not really factored that in. He added, however, that it would definitely add to the timeframe because they will have contractors in there longer than they ordinarily would, but he cannot say specifically how many days that might add to the construction cycle without sitting down and doing some calculating.

Acting Chair Blank asked Mr. Myers how long he anticipates the construction to take without that shortening of the hours.

Mr. Myers replied that it would depend on the market: if the demand for the homes is strong, all four homes could be built in the first six to eight months; but if the demand is slower and they would have to build the houses one at a time, then it could be as long as a year-and-a-half.

Anne Green, adjacent neighbor, thanked the Commissioners and staff for coming out to their home to look at the story poles and for their input into this meeting tonight. She expressed her appreciation for the efforts being made to mitigate their issues with privacy concerns in terms of the closeness of the development and the fact that the house on Lot 3 could be moved five feet over, the house on Lot 2 about 10 feet closer to Sycamore Road, and the house on Lot 1 closer to make room for the Lot 2 house. She indicated that she believes they could make do with the changes and that they would still be able to see the Pleasanton Ridge.

Commissioner Narum asked Ms. Greene her opinion about reducing the size of the window or changing its location or having frosted glass as opposed to installing landscaping there.

Ms. Greene replied that she thinks landscaping makes sense for the new homeowners and that they would probably prefer that.

Commissioner Narum asked Ms. Greene if her preference would be to have landscaping put in as part of the construction.

Ms. Greene said yes.

Commissioner Narum asked Ms. Greene if she understands that lessening the hours of construction would make a significant impact in the time construction would take in terms of lengthening it.

Ms. Greene replied that it depends on whether one house would be built at a time or all four houses could be done at one time. She indicated that she could see regular construction hours if all of them are done at once; but if it will start going a couple of years down the road, then they do not want to have construction noise next to their bedroom wall, living room wall, and everywhere else all summer, particularly since they have already been through quite a lot out there with the Greenbriar development and the Sycamore Road construction. She added that they have been putting up with this for a long time, and they really would like to enjoy their own backyard in the summertime again.

Commissioner Narum requested verification from Ms. Greene that if all the houses will be built at the same time, they would prefer to keep the 8:00 a.m. to 5:00 p.m. construction hours.

Ms. Greene replied that based on their experience with construction on the other side of their home, when developers are building that many properties, she understands that the developer would need the length of day to get people in and out of the site; however, if it is one house at a time and this will go on and on, she would prefer the 9:00 a.m. to 4:30 p.m. construction hours.

Mr. Myers stated that after doing some quick calculation, they have determined that the revised construction hours would take out approximately 18 percent from their regular construction time; so 18 percent will need to be added on, which would be approximately an additional month to a month-and-a-half per home.

THE PUBLIC HEARING WAS CLOSED.

Acting Chair Blank stated that he would like to make an opening comment that if there is a litmus test, or if there's a cry for visiting a property or a poster child for presenting a property, this one was it. He stated that when he first saw these plans, he was convinced that Lots 2 and 3 were really the big problem; however, when he walked the lot and spent a lot of time doing so, he did not see a problem with Lots 2 and 3, even as they currently stand. He noted that Lot 1 was the big problem because looking out from the Greenes' front yard where their pool area is, there is a very narrow view corridor. He indicated that there are these beautiful tall Cypress trees, and the apex of the building for Lot 1 would be about five feet to the right of the tallest Cypress tree, thus disrupting that view. He stated that if Lot 1 could be moved five or seven feet towards Sycamore Road, getting that apex right behind the Cypress tree, that Cypress tree would be covering up the most disruptive part of the view and the Greenes would get a much better view corridor. He added that he thinks the vegetation is a great idea, plus the solid fence that would also be there. He thanked the developer once again for putting up the story poles, stating that he is aware they were expensive but was money well spent. He also thanked the Greenes for their hospitality and for keeping the horses under control while they were out there.

Commissioner Narum followed up Acting Chair Blank's idea about moving Lot 1 forward and noted that looking at the streetscape towards Sycamore Road, it appears that the setbacks in that section would be consistent with the other houses up to Sycamore Terrace. She continued that it is a good situation which will open up that view.

Acting Chair Blank agreed. He added that the problem with Lot 2 is that shifting it towards Sycamore Road would narrow the view corridor.

Commissioner Narum stated that she was not exactly sure what the right number was for shifting Lot 2. She suggested that staff go out and work with the applicant regarding what makes the best sense for Lot 2 to maximize the view corridor. She added that she liked the idea of shifting Lot 3 to the west.

Acting Chair Blank stated that when he walked the Greenes' property, he could not see the story poles on Lot 3 at all because of the vegetation.

Commissioner Narum stated that she saw them when she was standing on the porch.

Acting Chair Blank noted that there is no view to the Ridge in that direction, and his concern was to try and free up the view to the Ridge.

Commissioner Narum agreed that is the priority.

Commissioner Pearce stated that she hears what the other Commissioners are saying; however, it feels like staff has made an attempt to mitigate the concerns of the Greenes, and the Greens have indicated that what staff has done has mitigated their concerns. She stated that she is inclined to go with staff's recommendation and leave it alone because it appears that both parties arrived at a place where they are happy with the bit of compromise on each side.

Commissioner Narum stated that was basically what she was saying, noting that five feet is just an arbitrary number, and when staff gets out there and actually site it, it may be four feet to maximize the view corridor towards the Ridge.

Acting Chair Blank agreed that is a great idea.

Commissioner Narum added that with respect to the construction hours, she is inclined to add a condition that if all four houses are constructed at the same time, then the hours would be 8:00 a.m. to 5:00 p. m, but if they are done one or two at a time, the hours would be 9:00 a.m. to 4:30 p.m.

Acting Chair Blank stated that when the developer said they were going to base it on demand, his wish would be that they sell all four in the first 30 days; however, he suspects that given what he guesses would be the price point of these homes, they will be going to be out there one at a time, and therefore, he can certainly understand the Greenes wanting the 9:00 a.m. to 4:30 p.m. hours.

Commissioner Olson stated that what struck him when he was out there is that based on the plan as it exists now, there is a fairly decent view corridor between Lots 2 and 3. He indicated that one of the things the Greenes can do to improve that is to trim the overhang of that large oak tree. He noted that when he stood at their window that looks out through that corridor, there will be periods during the year when that view will be somewhat blocked, and a seven-foot tall wood fence would block the view even more. He added that he is inclined to leave the lots the way they actually sit right now.

Commissioner O'Connor stated that he was not opposed to moving Lot 1 closer to Sycamore Road if the developer concurs, because it would open up the view corridor a little bit while giving a larger backyard to Lot 1. He also agreed with Commissioner Olson that there is a lot of vegetation on the Greenes' property that blocks a lot of that view. He added that this development will also be taking out some of the trees that are in poor shape that are currently blocking a lot of that view.

Commissioner O'Connor stated that one of his concerns is the balance between privacy and view, and he thought the seven-foot tall fence would hurt the view that the Greenes want to preserve. He indicated that he would consider a six-foot tall fence and use some vegetation to break it up and provide some privacy.

Commissioner O'Connor stated that this is in his backyard and he knows the street well. He indicated that they have had a lot of problems with the four properties that are currently under construction within a stone's throw of the project site in connection with street parking. He stated that there is no parking allowed on the Sycamore Road, and that section of the street is the narrower part of Old Sycamore Road. He noted that trucks and rigs for that construction project park on that street, and people going through have to pass around there. He further noted that the big vehicles do not come with flaggers, and nobody is directing traffic other than an occasional truck driver who motions somebody on the minute someone else comes around the truck. He suggested that if there is any reason for those construction trucks to be on the road, a condition needs to be added that they should have flag people out there to direct traffic since these trucks, especially cement trucks and 18-wheelers, are too big to see around it, particularly on the curve of the road.

Commissioner Pearce moved to find that the proposed PUD Development Plan is consistent with the General Plan, the North Sycamore Specific Plan, and the purposes of the PUD Ordinance; to make the appropriate PUD Development Plan findings as stated in the November 28, 2012 staff report; and to recommend approval of Case PUD-93, subject to the Conditions of Approval listed in Exhibit A of the November 28, 2012staff report, with the following modifications:

1. **Allow staff the flexibility to move the houses on Lots 1 and 2 southward to maximize the view corridor between Lots 1 and 2 from the Greenes' property;**

2. **Modify Condition No. 69 to limit construction hours to 8:00 a.m.–5:00 p.m., Monday through Friday, if the houses are to be constructed at the same time; and to 9:00 a.m.-4:30 p.m., Monday through Friday, if the homes are to be constructed one at a time;**
3. **Shift the house on Lot 3 westerly or northwesterly to increase the building setback from the common property line with the Greenes;**
4. **Require a flagman to direct traffic if a construction vehicle needs to park or stop on Sycamore Road;**
5. **Install additional landscaping on Lot 2 near the common property line with the Greenes to minimize privacy impacts; and**
6. **Allow flexibility in the height of the fence (either six feet or seven feet) between the Greenes and the project site.**

Mr. Dolan inquired if the flexibility afforded to staff in determining the location starts from the basis of the proposal or from the basis of staff's recommendation.

Commissioner Pearce replied that it starts from the basis of staff's recommendation.

Commissioner O'Connor stated that his only concern with moving the lots is that if Lots 1 or 2 come closer to the driveway, the parking apron may be shortened, and with that, the additional parking for these homes, especially since there is no parking allowed on the street.

Commissioner Narum stated that the flexibility was in the north/south direction.

Acting Chair Blank agreed that the flexibility is not in the east/west direction but towards or away from Sycamore Road.

Commissioner Narum clarified that this is only for Lot 2 because Lot 3 is potentially going west.

Commissioner Pearce added that it should not significantly impact the parking.

Commissioner Narum stated that their flexibility should be more toward the south.

Commissioner O'Connor commented that parking on Lot 3 is not a concern because its drive apron is on the other side.

Commissioner Olson stated that Lot 3 could potentially be moved northwest to improve the setback relative to the Greenes' property.

Commissioner Pearce noted that her assumption is that staff will take into account any kind of parking situation on-site when looking to mitigate the view corridor.

Commissioner Narum agreed, noting that she does not want to cut the driveways down.

Commissioner Olson seconded the motion.

<u>ROLL CALL VOTE</u>:

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

Resolution No. PC-2012-54 recommending approval to the City Council of Case PUD-93 was entered and adopted as motioned.

Acting Chair Blank thanked the developer once more for installing the story poles, adding that while it was a significant expense, it was certainly an excellent investment in this case.

Commissioner Pearce thanked the Greenes for working with staff and allowing the Commissioners to come up to their property.

b. <u>P12-0556, P12-0557, and P12-1790, Terry Grayson/Ironhorse Development</u> Applications for: (1) a Conditional Use Permit and Design Review approval to demolish the existing 76 Conoco Phillips service station sales and restroom building, modify the location of fuel dispensers, construct an approximately 2,250-square-foot, 24-hour 7-Eleven convenience market, and install related improvements at 4191 First Street; and (2) a Variance from the Pleasanton Municipal Code to locate parking spaces within the front yard setback. Zoning for the property is Service Commercial (C-S), Downtown Core Area Overlay District.

Shweta Bonn presented the staff report and described the scope, layout, and key elements of the proposal. She noted that staff received additional written comments and phone calls after the publication of the staff report, including 25 pages of signatures, totaling 625 signatures, collected by the applicant in support of the subject application.

Commissioner Narum referred to the slide showing the circulation diagram and asked staff to explain the plan for tankers to refuel the pumps.

Ms. Bonn displayed the truck-turning diagram provided by the applicant showing the location of parking stalls in bold black, the delivery truck maneuverability in dotted lines, and cars parked alongside the fueling dispensers in light gray.

Acting Chair Blank noted that regardless of what action the Planning Commission takes, this item may go before the City Council. He suggested that it might be useful to have a

list of all 24-hour facilities within and around the City for the purpose of comparing what else is operating under the same circumstances.

THE PUBLIC HEARING WAS OPENED.

Terry Grayson, Applicant, stated that he works for a company called The Development Corporation, which does business as Ironhorse Development. He thanked the Commission and the Planning staff for allowing them to present the proposal tonight, even though staff is not supporting their proposal at this point, and to address any concerns the Commission and staff may have. He indicated that they have spent approximately a year and a half on this process, starting in July 2011, and have had many meetings with staff and undergone many different iterations of this project because of public concerns of which they are aware. He added that they have spent over $85,000 up to this point for all the site development, grading, and storm water plans, as well as about ten different colored elevations.

Mr. Grayson stated that one of the main driving forces for this project is the Water Board and the Alameda County Transportation Corridor's direction to clean up the area behind this facility, which would involve taking out the tanks and thereby enhancing the remediation project at this location. He added that to take advantage of the work already to be done with this remediation project, the owner thought of enhancing the service station by putting in a 7-Eleven facility.

Mr. Grayson stated that he has been involved in over 500 Planning Commissions and City Councils and has never reached a point where they are a week away from a hearing and then received a recommendation for denial from staff. He noted that based on all meetings with staff, they went full steam ahead, concurring to change things, and are very disappointed that they still did not have staff's support coming into this meeting. He indicated that they had their final meeting with staff on October 23, 2012 and addressed all of the concerns that had been brought to their attention over the last year and a half. He added that they left that meeting with pretty much the understanding that they had staff's approval and support to go forward, ad released another $20,000 worth of work. He indicated that they finalized pretty much everything else by November 21, 2012, thinking they were heading in the right direction.

Mr. Grayson stated that they started with 2,800 square feet and are now down to 2,250 square feet, noting that 7-Eleven will not allow them to go any smaller than that. He noted that 258 square feet of the building are very nice ADA-accessible restrooms, and it plans to be open 24 hours. He added that they are closing two of the driveways and are proposing one-way traffic to enhance the traffic flow. He indicated that the proposal meets or exceeds the C-S (Service-Commercial) zoning requirements of the site. He added that they understand that this site has a General Plan designation of Retail/Highway and Service Commercial, and that as a transitional area, it is an outstanding site for a local market. He stated that he understands the concerns from the public about competitiveness with the other markets in the neighborhood and explained that this proposal is an in-and-out market. He added that studies have shown

that 50 percent of the people who come into these stores are there for the fuel and are not stopping to get groceries, which is the type of markets existing in the area.

Mr. Grayson stated that Exhibit A of the staff report includes five areas of public concern:

1. Twenty-four-hour operation. With the exception of Arco or AM/PM, majority of stores in other service stations are open 24 hours. Their preference and that of 7-Eleven is to be open 24 hours. There are studies that show that less crime is prevented when the facility is open 24 hours because there is constant flow going through the service station versus people loitering outside a closed store.

2. Beer, wine, and alcohol sales. This is a non-issue because there will not be any alcohol sales.

3. Loitering, crime, safety, and cleanliness. This is not the old 7-Eleven; this image, which has been out for the last several years, is brand new, clean, and recognized by many agencies as having a great image. They participate in what is called the Police Community Network Center, where they actually set up a center inside of the store, and the local police on beat can come in, use the local facilities, use the computer, use the phone, and make sure things are fine. As indicated in the staff report, in the last 30 years, 7-Eleven has shown a 69-percent decrease in crime mainly because of programs like that.

4. Traffic and noise. There are 125 feet between the site and any of the local residents. Traffic noise is 85 dBA, and at a distance of 125 feet, that will drop down to about 70 dBA, which is the noise of a local car going by on any street. This is a perfect location for a neighborhood market.

5. Site layout. This has been changed over 10 different times to accommodate parking. One-way is utilized. The library is one-way. There is parallel parking all over along Main Street. A variance is necessary for the two-foot setback and moving one parking stall.

Mr. Grayson reiterated that they spent a year and a half designing this building to look more like a beautiful residential facility than it does a convenience mart. He stated that it is a pretty good-sized site at half-an-acre, 2,200 square feet of which would be used for the building, with all the materials necessary, the overall intensity of the use, and the relative size and shape. He noted that while they could propose a huge commercial building based on the C-S zoning, they are utilizing approximately only ten percent. He indicated that they had staff approval up until the public barrage of information that came in, and requested that the Commission approve their proposal.

Commissioner Olson noted that Mr. Grayson mentioned that Alameda County was interested in cleaning up the site and inquired what that was about.

Mr. Grayson replied that he was involved with ConocoPhillips and Chevron for 15 years in their corporate environmental applications. He indicated that there is a pipeline that goes along the Alameda County Transportation Corridor and that is contamination in that area and on the site itself. He noted that the remediation has been dragging along for years, and they were figuring out how to remediate this more quickly. He stated that Chevron, which now oversees the environmental remediation on this project, decided that in conjunction with Mr. Liu, they would develop this program and put in a better, more efficient remediation system, which would include the proposal for this facility. He noted that $30,000 to $40,000 has gone into specifically designing the proposed facility in line with the proposed remediation program.

Commissioner Olson inquired if the tanks that are in there now have been leaking.

Mr. Grayson said no; there is contamination, but the current tanks have never had an issue and have been under monitor 24/7-365.

Commissioner Olson inquired why they are then being taken out of the ground.

Mr. Grayson replied that they are taking the tanks out of the ground because that is where the new building would go, and the remediation will take place in conjunction with taking them out of the ground. He noted that when the tanks were put in, there was not as much emphasis on taking out the old contamination.

Commissioner Olson inquired whose responsibility is it to cover that remediation.

Mr. Grayson replied that it is Chevron Corporation's.

Commissioner Olson inquired if it is also the property owner's responsibility.

Mr. Grayson said no. He indicated that Chevron would be responsible for any remediation once those tanks are removed.

Commissioner Olson inquired if the remediation would happen regardless of the proposed project.

Mr. Grayson said yes, but it would be delayed for about a year and a half because they have been working on this together for the last year based on the belief that the subject proposal would receive approval. He noted that Chevron designed its remediation system based on the approval of this facility, and the Water Board has approved all the plans. He indicated that a temporary remediation system was approved to be installed out there while they got going on this facility, and this remediation would be delayed if the proposed facility is not approved.

Acting Chair Blank inquired, hypothetically, should the project be rejected by the Planning Commission and the City Council, what would happen a year and a half from now, and if the remediation would have to be done anyway.

Mr. Grayson replied that the new design will then be in the Transportation Corridor in everybody's plain view instead of under the ground. He explained that if the project were approved, the remediation system would be put where it needs to be, and the proposed building would be where it needs to be with the new remediation facility right up against the trash enclosure.

Acting Chair Blank inquired, if the property were to stay the same in exactly the same state it currently is in, would they have to remediate what is there anyway in a year and a half.

Mr. Grayson said yes. He added that they would have to change the design completely that they have already incorporated into the plan.

Acting Chair Blank asked Mr. Grayson if he was referring to changing the design of the remediation. He indicated that he was talking about the property not changing and inquired if the remediation would take place above ground.

Mr. Grayson replied that the remediation would still take place below ground, but they would have to tear up the facility in that back corridor area quite a bit.

Acting Chair Blank inquired if, in fact, the existing facility will have to be destroyed in a year and a half.

Mr. Grayson said no. He explained that in a year and a half, all sorts of new wells will have to be placed on this facility and in that corridor.

Acting Chair Blank pointed out to Mr. Grayson that he had mentioned something about the remediation facility being above ground.

Mr. Grayson explained that there is an above-ground mobile unit right now that is actually extracting vapors out of the ground.

Acting Chair Blank stated that he is trying to understand what constraints the property owner is under. He asked Mr. Grayson what they would be required to do, by whom, and when, if the project is not approved by the Council and nothing is changed on the property.

Mr. Grayson replied that it would take them approximately five or six more years to get the facility cleaned up because they cannot dig out then. He stated that if the tanks are removed, it would much easier to dig and get most of the contamination out as opposed to sticking probes in the ground and trying to get that contamination out. He added that based on field studies, Chevron anticipates that if the proposed facility is approved, it can have the area cleaned out within two to three years; and about ten years if the change does not occur.

Commissioner O'Connor asked Mr. Grayson how much public outreach they have done in the year and a half that they had been working on this project.

Mr. Grayson replied that they actually did very little because they were continuing to get reports from staff; and they have as surrounding areas, First Street which is 100 feet wide, the Transportation Corridor, a commercial complex, and 125 feet between residential and the service station. He added that they were not worried as much about public concern at that time because staff had not brought it up, but admits that was their responsibility. He indicated that they were thinking as they went along that they had staff's approval, that they could very easily address the noise concerns because of the barriers they have out there, including the existing tree line out there that blocks the facility pretty well, and that they were willing to do several mitigation measures such as installing a fence along that one side. He noted there were concerns about loitering but that they did not even think about loitering in this facility.

Commissioner O'Connor inquired where the 25 pages of signatures came from.

Mr. Grayson replied that in response to the outpouring against the site, they went out starting around the November 30, 2012 and started getting signatures.

Commissioner O'Connor inquired if they walked doors.

Mr. Grayson said no. He indicated that most of the signatures came from patrons coming to the store. He noted that it was their fault and that they should have been out there earlier. He reiterated that they did not expect that they would need that because of the barriers they have there. He stated that they actually have over 750 signatures now, many of which were from patrons who came into the service station and said they would support the proposal because they would love to have a little mini-mart to go into when they were getting fuel.

Commissioner O'Connor asked Mr. Grayson if he knew what percent of 7-Eleven stores are not 24-hour.

Mr. Grayson replied that it is his understanding that there are very few of them that are not 24-hour but that he does not know the exact percentage.

Commissioner O'Connor inquired why the owner considered 7-Eleven as opposed to any other mini-marts. He noted that a lot of other fuel stations have their own mini-marts that are not branded as a 7-Eleven.

Mr. Grayson replied that owners can go with whomever they want, and 7-Eleven is just one of the name brands that he elected to pick at that point teaming up with ConocoPhillips two years ago.

Commissioner O'Connor inquired if there is a possibility that the owners would switch. He explained that the reason he is asking is because it is his understanding that

7-Eleven puts a lot of constraint on them as far as minimum store size and other things that maybe they would not run into if it were not 7-Eleven-branded.

Mr. Grayson stated that there are other incentives that 7-Eleven provides and that he will have the owner speak to that as he is not privy to those incentives one way or the other.

Bob Reguilon stated that he lives about 130 feet from the station and that during the summer, he cannot leave his windows open because it gets very noisy and at midnight somebody out there is honking the horn. He added that there used to be a light pollution problem, but the trees have grown, so that is not a big a problem anymore. He indicated that he has been a volunteer for the Pleasanton Downtown Association, which does a good job of promoting small business, and he does not think this is the kind of business they need in their neighborhood. He noted that there is an AM/PM 24-hour mini-mart on Bernal Avenue and Cole's Market right there, so there is no need for another market, especially a 24-hour one.

Maria Tracy, a homeowner in the neighborhood that abuts the project site, agreed with Mr. Reguilon regarding the noise. She stated that there is increased traffic, car doors slamming, and an ongoing concern with trash, and the proposed 7-Eleven 24-hour facility will encourage loitering or anything else going on there. She noted that the developer talked about that site being a perfect location for a neighborhood market. She indicated that there is a neighborhood market right across the street, so this would be sort of duplicating that. She added that she has spoken to the owners of Cole's Market, the Meadowlark Dairy, and even of the liquor store up the street, and all three businesses feel that a 24-hour mini-market in the area will very adversely affect their business.

Ms. Tracy stated that the City has worked so hard at developing this beautiful Fire House Arts Center and the park area there, and in a sense, this is sort of the gateway to the Downtown coming from Livermore. She added that the Pleasanton Downtown Association is trying to make Pleasanton a very unique and special place for entertainment. She questioned if the City really wants something associated more with a strip mall being the gateway to its Downtown.

Ms. Tracy questioned the 625 signatures and questioned if they are people passing through or residents or people active in the life of Pleasanton. She noted that the applicants people did not come and ask her or her sister who lives close by if they were interested in having a 7-Eleven on the site. She expressed concern about allowing a 24-hour business that is modeled on the sale of alcohol to be another store in that area. She indicated that she called every 7-Eleven store in Pleasanton, Livermore, Dublin, San Ramon, Fremont, Union City, Danville, and Castro Valley, and 23 of the 24 stores where she talked to somebody stated that they sold beer and alcohol. She noted that they may be saying that they will not be 24-hour and they will not be selling alcohol, but in time, once it is built, it will be there, and any promises not to do that will evaporate.

Ms. Tracy stated that they purchased their house four years ago and spoke directly with the Water District about the remediation program, and they were told that the District had plans for that remediation; but the technology changed and they figured out different ways to do it. She suggested that the whole remediation issue be separated completely from the development of that site because that remediation has been in the works with ConocoPhillips and Chevron for some time now and is legally on track to go through regardless of what happens to the site. She stated that the fact that they folded the two together could be a little bit of a bait and switch to try and get the City to buy into something. She stated that it does not make sense to have this project in the neighborhood and asked the Commission not to approve it.

Cathy Pasut stated that she lives in the neighborhood and has been in town all her whole life. He stated that she realizes that the applicants are business people who want to enhance their financial position and that nobody begrudges somebody making money. She indicated that she suspected they did due diligence on the return on investment (ROI) of their business; however, as they admitted, they did not do the due diligence of checking with town people. She added that although a proposed 7-Eleven performs and has a good ROI, it does not belong in the Downtown area; it does not agree with the nature and flavor of the City and the nearby neighborhood. She indicated that what the applicants may not have counted on is the very large amount and deluge of opposition that comes with this 7-Eleven.

Ms. Pasut stated that she appreciates staff not supporting this application. She indicated that she comes to a lot of these meetings and finds it nice to hear that staff is on task with what the community feels. She stated that they simply do not want a 7-Eleven in their neighborhood. She added that she felt sorry that the applicants spent a year and a half on this project that they will never get back and that they should probably have spent that time on a business that was more in line with the town. She noted that someone who opens up a small business in town would do due diligence to see if that business is needed, warranted, wanted, and would fit in with the Downtown, and that she believes this was not done. She added that this was not well thought-out and collecting signatures was an afterthought. She pointed out that a 7-Eleven does not belong in their neighborhood and that they would like a business that will enhance the neighborhood.

John Kimber, Property Manager of Pleasant Plaza Shopping Center across Ray Street from the proposed project, stated that he has carefully reviewed the very detailed staff report and that on behalf of the owners of Pleasant Plaza Shopping Center, they fully agree with staff's recommending denial of this project. He commented that a flyer signed by Mr. Liu had some misrepresentations in it. He noted that it asked for support and indicated that neighbors will not have to be concerned with the taking of business away from similar local businesses. He indicated that the opening of a 24-hour convenience store at the subject location will definitely negatively impact the sales of nearby businesses, especially Cole's Market and Bob's Burgers within the Pleasant Plaza Shopping Center. He disagreed with a statement on the same flyer that there will be no sale of any alcoholic beverages at the site, so neighbors will not have to be

concerned with the increase of crime or solicitation at night. He noted that any new 24-hour convenience store will certainly attract an element not otherwise present in the area, including gangs or groups of persons up to no good who will carry their own alcohol, guns, and knives. He further noted how easy is it today to send out a message on Twitter to gather at the new 24-hour 7-Eleven store at First and Ray Streets, to bring their own stuff and hang out there or across the street at the tables and benches at Bob's Burgers. He also disagreed with the flyer's statement that this new 7-Eleven store will provide many job opportunities, as the application mentions that there will be one full-time and one part-time employee for the store and no employee at the gas pumps. He indicated that opening a convenience store at that location is completely inappropriate and urged the Commission to deny the application based on his comments and more importantly, on the negative staff recommendations as clearly outlined and justified in a detailed and objective report.

Acting Chair Blank directed staff to get a copy of the flyer for the record.

Jim Clennon stated that Mr. Kimber has mentioned his points so he does not have to make too many more of them. He called special attention to the staff report that indicates how many police service calls are made to the 76 and how many service calls are made to the 7-Elevens and the calls marked as the only convenience stores. He stated that they do not need any more of that on their street. He noted that her daughter walks that street every night with their dog, and he does not want her to be in danger; she does not need this kind of problem. He stated that they have had broken promises from staff before, and they are currently fighting the call center and the new commercial building on Ray Street where they put too many people in there for the size of that building and now their neighborhood is impacted. He indicated that he does not want to see their neighborhood impacted again and that if the Commission stops it right here, right now, they will not have that problem.

John Johnson stated that he has been a resident of this neighborhood for 30 years, has raised his son here, and is raising his two grandchildren here. He indicated that he has known the owners of Cole's Market, Bob's Burgers, and Cosmo's for the same amount of time and has seen them from their worst to their best. He noted that right about now, with the vigilance of all neighbors, the communication, the outlook that they have for their neighbors, themselves, the community, and the businesses, this 7-Eleven would not be good there, as many people have said, because of the loitering and the traffic it will bring. He indicated that something more tasteful for the community and area is a much better choice for everybody involved.

David Nagler stated that they live in the area and that no one denies that this will probably be a very successful business to be on this corner. He expressed appreciation for the time and effort that the developer and owner have put in to develop a profit-making enterprise; however, because that much time has gone into it is clearly a function of trying to do business and is not a justification for proceeding. He noted that the question before this Planning Commission, as has been the case of Planning Commissions before them, is how Pleasanton maintains itself and its personality and its

look as a place that everyone here appreciates and welcomes and is devoted to. He added that making a community, as the Commissioners well know because they live it more than the rest, is an accumulation of a thousand different little decisions the Commission has to make, and this happens to be an important one.

Mr. Nagler stated that one point he would like to drive home is this question on crime. He pointed out that as stated in the staff report, the other two 7-Elevens here in town who presumably are operating under this new strategy represented earlier that 7-Eleven is apparently employing about how to reduce recent incidents at 7-Elevens, have an average number of police events of 27 between the two locations, and the existing Union 76 station has had six calls over the same period. He noted that based on that, it would not be unreasonable to expect, by virtue of it being a 24-hour convenience store under the 7-Eleven banner, attracting the attention that it does from the folks who decide to generate a police call, that there could be 21 additional police incidents a year at this location, or basically, one every couple of weeks on average. He stated that, therefore, it matters to the neighbors and neighborhood, and mostly raises the question of not whether this might be a successful business but if it is the right business for this location. With respect to the suggestion made that somehow a 24-hour convenience store diminishes the instance of crime rather than enhancing it, he stated that a U.S. Department of Justice study on this very point which suggests that the largest contributing factor to increased crime at convenience stores is 24 hours of operation.

Ryan Cruz stated that he was nine years old and lives in the neighborhood. He indicated that not a lot of people want a 7-Eleven in their neighborhood because it is not good for this historic Downtown city and it is too light and modern. He added that he would rather it not be open 24 hours because this means random people might park on their street, it might be loud while he is trying to sleep, and people who shop there might peek on their yards. He stated that he would rather support another shopping place like Cole's Market or the Meadowlark Dairy.

Gary Prince stated that he lives in the area and is concerned about safety with kids walking to schools. He indicated that he walks his dog along that street where most of the traffic and folks go by in the morning. He expressed concern about the commuting traffic on First Street and does not understand how having less driveways improves the traffic flow. He added that he also has problems with the parking. He indicated that he has been in sales for many years with a lot of driving and stops at a lot of convenient stores. He added that in a private parking lot, one way does not mean anything because people will go out the way that is most convenient for them to keep going. He added that the City will have more litter issues between First Street and the high schools with more things to throw away because the convenience store sell very disposable things with lots of wrapping. With respect to the matter of crime, he questioned why a police center would be put inside a store if there is no crime issue. He indicated that he does know of any florists or pet food stores that have those kinds of things available. He noted that it seems like there are a few issues that make it not the right thing for Pleasanton.

Rocio Arango stated that she lives in the neighborhood and that although she does not have the best view with the Shell and 76 service stations, she loves her home and the community that she has helped to build over the years. She indicated that her family moved to Pleasanton because of the schools and that her children go to Valley View Elementary School just a few blocks away. She noted that a lot of children walk that area. She read the following email she sent out to her friends asking them for their support:

> "In a nutshell, I disagree with the construction of the 7-Eleven because the area is changing a lot as it turns into a bigger city and the problems that come with it. The area of Vineyard Avenue is highly populated with low-income youth very much at risk to fall into gang trouble. Crime is growing in the City. The youth hanging out at Bob's Burgers can be questionable at times and the teens hanging out on the levee located behind the 76 gas station is problematic, too. So why put a 24-hour store on the youth's path to and from school? Last summer, even a policeman was the victim of a hit and run accident on Stanley Boulevard. One time, when I was arriving in Livermore by the first gas station as you go on Stanley Boulevard, there was some gun activity sort of thing and I was concerned for my children and myself at that moment. This is just a block away from Downtown, and it should be an extension of what a wonderful downtown is – local businesses that care and support the members of the community. There are plenty of stores selling alcohol within walking distance already. I know it's not an issue but it may be in the future, and we do not need a new one. By continuing to provide an environment such as Main Street, we can keep our children safer in our city."

Ms. Arango stated that the area is very, very highly populated with apartment complexes, with underprivileged populations who are not here to speak. She indicated that she sees the trouble because she has called the Police Department a couple of times as a kind of neighborhood watch thing. She added that she has heard that when high school students want to fight, they go and meet at the river. She stated that her children are in elementary school, and she sees students walking to Pleasanton Middle School and Amador High School, and this is a gateway for trouble, too. She indicated that her neighborhood is trying to keep the area clean, but they need the help of the City and the planners to continue to keep it so. She added that the Downtown area is growing, and it needs to be kept pretty and clean and it expands. She urged the Commission to deny the proposal because they do not need a business that is open for so many hours in the path of youth that walk by that area every day, and they do not need another place for people to hang out.

Kathy Le, one of the owners of Cole's Market, thanked their customers who have come to support them. She stated that hers is a small business, and opening the 7-Eleven may affect their business. She indicated that although their business has slowed down because of the bad economy, they did not extend their hours because they respect the neighborhood. She noted that they close at 11:00 p.m., and while they sell liquor and can extend their hours to 12:00 midnight, they have not done so. She stated that the applicant's statement that Chevron is waiting for the approval of this proposal to proceed with its clean-up program is not true. She added that Chevron will do the

clean-up because the soil is contaminated, regardless of whether this proposal is approved or not.

Bev Gill stated that she is a retired teacher who lives on Vineyard Avenue and has been a very proud citizen of Pleasanton for 37 years. She indicated that she was quite upset to learn of the 7-Eleven proposal, which she absolutely knew nothing about until she got a card in the mail. She noted that this indicates to her that perhaps there ought to have been some outreach to the community. She stated that she is very heartened to hear concerns of her fellow citizens and has nothing to add regarding to why she does not approve this plan except to just state publicly that she is entirely opposed to this 7-Eleven proposal. She added that she would like to support those of them who are proud of their little Downtown and the surrounding community.

Ms. Gill stated that she moved many, many years ago from San Francisco to Pleasanton because of its small-town nature. She added that she was looking for a beautiful place to raise her children and work as a teacher, and she has not been disappointed. She indicated that a 7-Eleven in this particular location just a few blocks from where they live would be a bad decision for what they all hold dear – a town that supports local citizenry who want to raise children and do business. She added that she believes the proposed 7-Eleven is not a money issue, as she is sure it would be lucrative, but one of quality of life: feeling safe and proud about where they live and not feeling they are one of the minions in a town that supports large business chains rather than the local endeavors. She noted that the developer cited having put a year and a half of effort, but she has put 37 years into this community and intends to be happy, living in this area until she dies. She asked the Commission to help make that happen by supporting what is right around here for Pleasanton, which is not a 7-Eleven at First and Ray Streets.

Tom Gill expressed concern about a 24-hour anything at that location because it would be a magnet for the wrong kind of people and the wrong kind of activities. He indicated that he knows alcohol will not be sold there now, but he also knows that there is nothing from keeping the owner from applying in the future for a permit to sell alcohol. He added that after seeing the traffic flow, he will get his gas someplace else because that parking lot is going to be a zoo..

Jeff Michael stated that he owns a 106-year-old historic home lives less than a block away from the proposed 7-Eleven and thinks this is absolutely wrong for this area and for the Downtown and is not characteristic of Downtown Pleasanton. He noted that in the morning, there is so much foot traffic, pedestrians, and cars that sometimes he can barely get out of his driveway due to the traffic and children all walking to school. He added that having a 7-Eleven in their area is wrong because of the crime and everything else it brings along with it.

Gina Ouelette stated that she lives in the neighborhood that abuts the old train tracks and has three-year-old twins whom they frequently take outdoors. She indicated that they love to go walking along the old train tracks; they bring bags and collect trash and

broken glass. She noted that it is messy back there, and having a brightly-lit 7-Eleven will only make this dark area behind it worse. She expressed concern that many middle school and high school walk along that street with their headphones on or are texting, and cars coming out of the proposed parking lot on 7-Eleven onto Ray Street appears to be very dangerous and a recipe for disaster.

Ms. Le returned to the podium and handed the Commission a list of 100 signatures of people who object to the proposal and live in the neighborhood.

Cassandra Richmond stated that she lives off of Sunol Road and has a son in the Navy whose opinion she asked about the proposed 7-Eleven, and he was definitely opposed to it. She added that she also has a teenager who goes to Amador High and another child who goes at Hearst Elementary. She indicated that she is reaching out on behalf of the people she spoke with in the Spanish-speaking community, whose response is that they would not go to the 7-Eleven but would rather continue going to Cole's market. She added that if the Spanish-speaking community could be present, they would say the same thing as they are really opposed to it. She urged the Commission to make the right decision and deny the application.

Acting Chair Blank thanked Ms. Richmond on behalf of everyone for her son's service to the country.

Andy Piazza stated that he lives in the neighborhood, probably the one that is 125 feet from the proposed 7-Eleven. He indicated that they have lived there for 13 years and his property backs up to the Ironhorse Trail, which is adjacent to the proposed project. He observed that over the years, a lot of trash and litter that end up in the Ironhorse Trail is generated specifically from the existing 76 station. He added that the light generated from that 76 station forces him and his neighbors to have blackout lines across from there, and those lights have just been upgraded about 2,500 lumens in the last year and a half, such that at 3:00 a.m., it is like noon time in his bedroom. He indicated that he has personally called the 76 station at least three times and complained about the upkeep and maintenance of the existing business. He noted that if this is any example of what they are to expect with the new business, then it really does not speak highly of what is there.

Mr. Piazza indicated that many times, more than half of the pumps for the last two and a half years have been out of order with plastic bags on them. He further indicated that he called Union 76 and complained because the operators of this gas station say that they do not know anything about it. He stated that this business is also noisy, and because it already generates a lot of trash and is an annoyance as it is, he cannot imagine a 24/7 convenience store there with the traffic that it will generate above the traffic level that is already there.

Mr. Grayson expressed his appreciation for all the comments and admitted that they obviously did not do their due diligence on the neighborhood outreach. He stated that he expected the corridors would serve as buffers and did not expect to receive such a

concern, given the 125 feet between the station and any residences. He noted that there are only eight residences, and most of them are well outside of that 125 feet.

Mr. Grayson stated that he is also a small business owner also, as is Mr. Liu, and it is natural for any small business to want to increase its business. He indicated that he wanted to address some of the concerns that were raised. He stated that the 24-hour operation appears to be a major concern. He noted that 100 percent of the gas stations in Pleasanton right now are 24-hour operations; however, that they are amenable to looking at a different timeframe. He added that they would also be amenable to installing walls along the side to mitigate the appearance and to diffusing the lighting anywhere necessary.

With respect to the remediation program, Mr. Grayson stated that Chevron does not have to remediate; it can sit on this matter for as long as it can get the Water Board to sit on it, and that is what Chevron is actually doing. He noted that the proposed project presented a great opportunity, and Chevron jumped on that opportunity to remediate that site as quickly as possible. He added that Chevron's mode of operation is to wait as long as possible because it spends millions and millions of dollars cleaning up sites. He noted that this site has already had over $4 million spent in remediation, and Chevron is very interested in getting it cleaned up. He added that Chevron does not want to be put back five to six years.

Regarding parking, Mr. Grayson stated that the gas station has the potential for 12 potential stalls. He indicated that they have studies showing that 53 percent of the people who pull in and stop at the stalls go into the convenient store, which means that 12 stalls, give or take, could be used. He stated that he understands they are pushing it and need a variance at this facility, but they also understand that there is a potential that 53 percent of the people will stop and do what they always do.

Mr. Grayson stated that the reason they would have a police network there is specifically because the bottom line is that people knowing the police will be there is a crime deterrent. He indicated that he has been in many hearings in Oakland, and this is a big deterrent, and 7-Eleven can basically guarantee that.

Mr. Grayson reiterated that they had Planning support up until December 4, 2012 and have spent $80,000 on this project. He admitted that they did not do their due diligence as they should have with respect to the community outreach, and that they did not expect the neighborhood's reaction. He requested that Commission to do an honest and sincere review of the proposal.

Acting Chair Blank stated that before the Commission takes a break, he would like to comment to both the public and the applicant that there is absolutely nothing the Commission can do about the name 7-Eleven. He added that those among the public who have been in the community know that the City has had other lightening-rod names come down. He noted that the number of mitigations being asked for are significant and advised the applicant that it may be appropriate to consult with staff during the break to

see if they would like to resubmit this at a later date just as one possible move-forward strategy.

Acting Chair Blank then called for a break at 9:00 p.m. and thereafter reconvened the regular meeting at 9:17 p.m.

Acting Chair Blank stated that there was some discussion between the applicant and staff and informed the applicant that there are two options he would like the applicant to consider: (1) proceed with a Commission vote, or (2) request a continuance to a later date to give the applicant the opportunity to receive public input and make whatever changes that may or may not result from that input to the plan.

Mr. Grayson replied that they would not want a vote tonight and would prefer to do some outreach and reconvene with staff, and then come back before the Commission at some future time.

Acting Chair Blank directed that the record show that the applicant has requested continuance of this item, to be brought back to the Planning Commission at some later date and work with staff to schedule appropriately.

c. <u>PUD-87, Sares Regis/E&S Ring – Auf der Maur/Rickenbach Property</u>
Work Session to review and receive comments on a Planned Unit Development application to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements at the property located at 3150 Bernal Avenue (southeast corner of Bernal Avenue and Stanley Boulevard). Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) and PUD-C (Planned Unit Development – Commercial) Districts.

Shweta Bonn presented that staff report and described the scope, layout, and key elements of the proposal.

THE PUBLIC HEARING WAS OPENED.

John Pringle, E&S Ring, thanked the Commission and staff for all the effort and time put into this process for this site, which included starting at the Task Force level all the way through this evening. He stated that he has the full architectural team present: Ken Rodrigues, Project Architect, from Ken Rodrigues & Partners, Inc.; Rob Steinberg, Project Architect, from Steinberg Architects; Ken Busch, Development Manager, from Sares Regis Group, and Paul La Terre, also from the Sares Regis Group, as well as Frank Auf der Maur and Konrad Rickenbach, who have owned this site for over 30 years.

Mr. Pringle stated that their firm was founded in 1959; they own apartments here in Pleasanton and are extremely excited to be a part of this project. He presented a quick

overview of the project, stating that Messr. Auf der Maur and Rickenbach were the original developers of the Bernal Business Park, the project site that was a former quarry location on Bernal Avenue and Stanley Boulevard, adjacent to a PG&E substation next to the BMX Park and Shadow Cliffs Regional Park. He displayed an aerial of the site and pointed out Tawny Park, located about 1,300 feet from the site, the adjacent Arroyo, and a trail that leads to the east on the south side of the Beth Emek Synagogue, which shares Nevada Court with the project site.

Mr. Pringle stated that the plan for the site is a luxury apartment building with the heaviest amenity load of any apartment community in Pleasanton. He indicated that they started their outreach process as part of the rezoning process and sent out over 3,400 invitations to property owners from a list provided by the City, and to various groups in the neighborhood. He added that they did another outreach in the last month and invited the people on the same list to come to a public meeting where the concepts for the development were unveiled.

Mr. Pringle stated that this project is going to be a LEED-rated community with terrific floor plans and larger square footages units with island kitchens, high ceilings, townhouse configuration; flats, junior one-bedrooms, full one-bedrooms within, two-bedroom/two-bath units, and three-bedroom apartments. He noted that the complex is loaded with amenities from outdoor cabanas, outdoor kitchen, inside display kitchen, multiple private areas, game room, significant tot lot, and every amenity that could be considered put into a project of a larger scale.

Mr. Pringle stated that they have modified the site plan from when the Commission last saw it during the rezoning process, adding significantly more green space. He noted that the original concept was a three-story building in the three clusters with elements of two-story; and they have essentially come up with a thought process and an attempt to comply with the new Design Guidelines by taking the Bernal Avenue elevations down to two-story wrapping across from the Synagogue and where they have been able to relocate some of these apartments to a half fourth floor in the back of the property on the podium piece. He noted that they have also angled out the Cluster 2 podium and to enlarge the green space with numerous water features within this podium, essentially creating almost three acres of green. He added that they created a resident green space here where none was before, and the same in Cluster 1.

Commissioner Narum asked Mr. Pringle if they still plan to own all the retail, as they plan to own the apartments.

Mr. Pringle said yes. He stated that they would parcelize it and that their goal is to build this mixed-use project all at one time and own all of it.

Ken Rodrigues discussed the entrance component which is the retail portion. He stated that this project builds off of many of the successful things they, together with staff, did at Pleasanton Gateway: a lot of outdoor amenity spaces, a lot of open high-ceiling type units, a variety of architecture; and as noted in the staff report, two plans: one with a

major drug store and a second with a little larger grocery. He noted that one of the reasons for the lot-line is that the larger majors typically need to be attached parcels, and what they have done is create a circulation space that starts from the public roadway, comes into the site, through the site, and back out, with some very nice pedestrian-friendly access. He further noted that they got a key component at this particular element in terms of architecture statement because there is a grade change on that site, and this is a really positive way to deal with that and enhance the site.

Mr. Rodrigues stated that the other thing they have created are these outdoor dining spaces, with parking located in the front, tenant entries located along the promenade, and then a strong connection to the retail component. He indicated that the gateway feature could be a very nice for the corner, up-lit at night and consistent with the architecture, which is quite varied with significant high two-story spaces and volume throughout the entire space, an arcade canopy, and entrances to the retail. He then displayed a slide of a street-view from Stanley Boulevard showing the larger major in a variety of different materials and textures, the shops beyond with an entry tower, and a brick and plaster building that would be located directly at the entrance at the corner. He stated that the materials are rich and varied, a combination of brick and stone veneer, plaster, standing metal roof, and metal awnings, with interesting lighting and up-lighting both in the courtyards and the buildings.

Finally, Mr. Rodrigues displayed a slide showing the entire connection to the residential community, entering from a vehicular standpoint, peeling off and pulling into the retail or back onto this highly textured urban plaza that doubles as a vehicular drop-off and a pedestrian plaza on both sides, with outdoor dining patios that would work directly off the restaurant tenants, and a large trellis feature with large landscaping, trees, and a water feature. He noted that this plaza might be similar to what they did at the Bernal Plaza, the Pleasanton Gateway project right on the corner, which is up-lit at night. He added that when the tenant spaces are leased, it will be a very attractive outdoor dining space for the climate in this area which is fantastic and conducive to this type of retail.

Rob Steinberg stated that one of their goals regarding the residential area is to develop not one project but a village; a collection of buildings, with each of the villages having its own personality, its own character. He indicated that they have made quite a number of changes working with the neighbors and with staff, such as a redesigning a lot of the internal streets so they meet the Guidelines, such that they are like public streets with parallel parking on both sides, plant strips, nice sidewalks, and very conducive to pedestrians. He noted that each of the clusters have quite generous open space and quite a bit of common open space for different types of activity that are shared between each of the villages that begins to link them together. He added that adjacent to the plaza and interface between the retail and the housing, they have added a large open space with both hardscape and softscape, places where people could go and throw a football or play soccer, benches and places to watch. This is an example in the upper left of one of the open spaces. He indicated that each of the villages has places for an outdoor fireplace, barbeque, fountains, seating, and a tot lot, and the open space is used for pedestrian linkage throughout the site connecting each of the villages.

Mr. Steinberg stated that one of the other major changes they have made is the building heights and the variety: one-, two-, and three-story buildings; very low around the perimeter; all two stories stepping to ones on some of the corners; stepping up to three stories with a combination of twos; an element of four stories way in the back, which will give a very nice sense and reinforce this idea of a village: different heights, different personalities; different kinds of open spaces for each of the villages.

Acting Chair Blank inquired if on Bernal Avenue, the buildings start off with two stories.

Mr. Steinberg replied that they are really pushing those heights up and down: from Bernal Avenue, the whole thing starts with two stories, then goes up to three stories, and then drops down to one story; and from Stanley Boulevard, it starts with two stories, steps up to three stories, and steps down to two stories. He added that both streets terminate on the centerpiece, the recreation and leasing building in the middle.

Acting Chair Blank noted that it might be interesting to see what it would look like if all the corners had one stories, the next ones step up as a two-story, and then up to the three stories, so a gradual transition might add some articulation. He added that it is difficult to tell without the visuals.

Mr. Steinberg replied that there is a difference between Stanley Boulevard and Bernal Avenue. He explained that on Stanley Boulevard, they have a corner one-story, three higher in the middle, and then two, such that instead of the building being symmetrical, it feels a little bit more organic. He continued that on the other side, they are really wrapping the majority with two-story, then drop down to one-story toward the cul-de-sac, where it terminates. He added that it is then counter-pointed by something that is three stories to get some variety. He noted that at the entrance, they are doing just as Acting Chair Blank stated: instead of going from one-story to two-story, it goes from two-story up to three, and then down to one, having that same kind of variety. He indicated that having one- story on Bernal Avenue would feel a little weak and might not hold the street as well as having a two-story.

Commissioner Pearce inquired why they chose to do four stories even though there is a little blip of four-story. She stated that she thought they would have taken that little bit of four-story and put it on the back to kind of extend that line of four-stories along the whole back side.

Mr. Steinberg replied that they did that for several reasons. He stated that this is their major activity pool space, and he likes holding that outdoor room with two equal sides, and he did thought the four-story would be a little invasive and did not need to come over there. He indicated that he finds it more interesting to hold the four back, see the three, let the four peak-out and then, instead of just ending it so sharp, bring it around. He noted that this is a nice pedestrian entry so they are really framing, which the Guidelines say. He added that a bigger building should have a serious expression of

entry, and having a four-story and then an opening and then a three story would feel lopsided.

Mr. Steinberg then touched a little bit on the character they are trying to achieve with the buildings and the massing. He stated that their goal is really to reflect the character seen in the other buildings here in Pleasanton: using the Craftsman, using wood, using detail; porches, enhancing the pedestrian experience with individual markers and a sense of individual entry to the units; brick in the richer material where people are close to it, and then expressing how the buildings meet the sky; having some ups and downs instead of just keeping it even so it is visually interesting. He indicated that one pod is of a different style than the other pods, which was done very deliberately for the same reason that there are some two-stories, some three's, some one's, and some four's, so that it feels like a village; and there is a hierarchy in the sense of character to each of the villages.

Mr. Steinberg stated that the Guidelines call for garage doors to be recessed two feet back from the plane of the building, and pointed out where they have garage doors flushed with the edge of the building. He indicated that there are a number of different strategies for de-emphasizing garage doors: one of them is to bring a low roof or a trellis to bring the scale down or bring your eye to a horizontal; and another is to change materials and accent and have different elements as part of the composition. He stated that it is his preference to take that sort of strategy to play down the garage doors rather than to push and take two feet out of the living space. He noted that the impact to the quality of life for the residents will be better going in this direction. He added that they will use the same kinds of high-quality materials on the residential to tie the commercial so it feels like a village knitted together: brick, metal, and wood, materials that have shadow and texture to them that are going to wear well over a long period of time.

Commissioner O'Connor asked Mr. Steinberg to highlight the plan on the various roofs of the different villages.

Mr. Steinberg replied that all of the villages will have a heavy fiberglass shingle roof with texture that will have color differentiation between them. He added that the common building that ties in on that plaza and knits together the retail will have a standing seam metal roof similar to the commercial so that all the buildings and the clusters will have a common thread – whether it is the brick or roofing materials, or some of the wood or siding, but at the same time, have a differentiation between them.

Mr. Steinberg concluded by stating that he believes they we have a really outstanding and fabulous land plan. He indicated that they have worked with staff to craft the open spaces and the gardens to have a very unusual environment, and they have knitted these buildings together to have a really extraordinary residential mixed-use, sustainable community to add to the City.

Commissioner Pearce disclosed that she is a member of Beth Emek Synagogue and that she and Mr. Bob Russman met and engaged in discussions about this project.

Bob Russman, representing Beth Emek Synagogue Beth located across the street from the complex, stated that he met with the E&S Ring staff a number of times and had some very cordial conversations. He indicated that the Synagogue has two concerns:

1. Eight years ago, the City required Beth Emek to install a gate at the back which leads to the path going over to Shadow Cliff, and the same is being required of this project. The Synagogue found out that people then realized that they could park in the Synagogue's parking lot, go through a gate and get to Shadow Cliffs without paying the $7 fee to get into Shadow Cliffs. So they put a lock on the gate, which was ripped open; then they put on three locks which were also ripped open shortly, and the ultimate was when somebody pulled down the entire fence with the gate so they could drive over to the back of the BMX Park. That all went away when the City built the new bridge over the Arroyo and there is a free gate to get in. Now everybody parks in the Synagogue's front parking lot at 7:00 a.m. or 8:00 a.m. and walks over the bridge. So it would not be necessary to require the applicant to put a gate back there as people who wish to go to Shadow Cliffs without paying the $7 will use the guest parking and go through the new opening on the bridge.
2. There are two issues regarding Nevada Court: The first concerns the exit of the complex, and vehicles coming out perpendicular to the street would have their headlights shine right into the Synagogue's sanctuary, where services are held every Friday night between 8:00 p.m. and 9:30 p.m. If the exit is changed to face the other way so the lights would shine where there is some good screening from trees, the headlights would probably not be a problem. The second concerns getting to the complex's entryway, which is close to the drop-off spot for teens and pre-teens going to school. This could be a problem if a vehicle comes around the corner to get into the entryway while children are being let-off and walking to the door to the school. This would be on Wednesday afternoons during rush hour and on Sundays, as well as a preschool which serves about 35 to 40 children. The recommendation is to have this as an egress only with no access from the other side to prevent any accident with children on this side of the street.

Mr. Pringle commented that to respond to Mr. Russman's concerns, the protocol would be to have staff do an operational traffic analysis to determine if what Mr. Russman anticipates is really impacted by the project.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor disclosed that he met with Mr. Pringle prior to the meeting and they were looking at some plans. He commented that he thought there were changes planned for the building architecture in Cluster 2, the Mission Cluster, and he did not see any in the plans submitted.

Mr. Pringle replied that they had received input on rooflines and arches and they are still exploring that before they come back before the Commission. He indicated that their

intention is to keep the same envelope materials but change the arch configuration and alter the rooflines to create more variation and a little bit more connection between that and the Craftsman style.

The Commission then proceeded to discuss the Work Session Topics.

A. Would the Planning Commission support the requested exceptions if the project were to move forward as proposed?

Commissioner O'Connor stated that he needed a better understanding of why they are not meeting the exceptions. He inquired how far off is what if being provided from what is required.

Ms. Bonn replied that the exceptions are stated starting on page 10 of the staff report. She noted that what is listed is what is required in the Design Guidelines, and the project in parts does not meet the exact dimensions required.

Commissioner O'Connor stated that he had not gone through this exception in detail, but in looking at it now, he does not see that they are off by that much.

Commissioner Olson inquired what the deviation is in numbers and how far off they are from what is required.

Ms. Bonn referred back to page 10 of the staff report, noting that, for example, Drive A, section drawing #7 has an 8 -foot walk and a 12-foot landscape buffer for a total of 20 feet, which actually exceeds the total of 17 feet required by the Design Guidelines but does not follow the exact dimensions as required in the Guidelines. She continued that Drive B, section drawing #6 has a 12-foot wide section consisting of a 4.5-foot wide bio-retention zone, a 5-foot walk, and a 2-foot wide bio-detention zone, which again does not meet the exact dimensions required by the Design Guidelines but certainly meets the intent of having landscaping on either side of the sidewalk where it is adjacent to the project.

Commissioner Pearce noted that as she understands it, staff is supportive of this exception.

Ms. Bonn said yes.

Commissioner Olson stated that he does not have an issue with it.

Commissioner O'Connor stated that he does not either.

Commissioner Pearce stated she is fine with it. She commented that she thought the reason for the recessed garage doors was for appearance and requested verification.

Commissioner Narum replied that it was to break up the mass.

Commissioner Pearce stated that given what the applicant has said, she is comfortable with the garage door situation because they would be articulated in ways other than recession.

Commissioner Olson agreed with Commissioner Pearce.

Commissioner Narum stated that she served with Commissioner Pearce on developing these things and she feels they have met the intent in just a little different way. She added that it is something they did not think about, and the applicant are not just saying they want it all flush but are proposing alternatives with different materials and different looks, which she finds to be actually positive. She indicated that she can support this exception.

Commissioner O'Connor agreed. He stated that the two-foot recession is one way to break up the mass and that he would rather they have more than one way. He indicated that if the applicant will look at different ways of breaking up that massing, he thinks that would be better than having all garage doors at a two-foot recession.

Acting Chair Blank agreed.

Mr. Dolan indicated that other people have asked for this exception but have proposed different solutions that were not all the same, and staff ultimately does not have an issue with some variation from this guideline. He stated that what staff has seen before are requests for less than two feet or some combination of meeting the guideline and not meeting the guideline using these other techniques. He noted that to have 100-percent flush garage doors is not ideal, and having that with something else would be a lesser solution than a mix of approaches.

Commissioner Narum noted that the applicant proposed or showed some options, one with a little overhang, and another using a trim or different materials or lattice work. She asked Mr. Dolan if he felt that satisfied or met the intent of the Guidelines.

Mr. Dolan replied that there is a certain look that comes with the setback in terms of the shadow line, and what it does to what can be a pretty monotonous row of garage doors that is a little bit different. He added that he did not think 100 percent lattice work would be quite as effective either. He noted that the proposed exception does achieve the same objective at some level, but there are probably some key locations that would be better-off held to some setback of the door.

Commissioner O'Connor inquired if somewhat less than two feet might be one.

Mr. Dolan replied that there is nothing magical about two feet, but that is what was decided in the Guidelines. He added that staff would be happy to work with the applicant on what locations work.

Commissioner O'Connor commented that one of two things probably happens when the garage is recessed: either the square footage of the unit is reduced or the wall is pulled out to create the shadow line which might encroach into the driveway. He noted that trying to fit 30 units to the acre has been some work and that is why they have moved and done one row of four-story. He then inquired if problems may result from trying to and get another foot or two brought out.

Mr. Dolan replied that one of the best things about this project is that it is somewhat organic and there is not a lot of repetition of dimension and that is what makes it and will serve it very well. He indicated that he cannot make that universal statement and that staff will find some places where they are not going to hurt anything and still have a setback garage.

Acting Chair Blank stated that he finds the exceptions are warranted. He noted that it would be nice if there could be some recess, but the applicant could also come up with three different ways of mitigating the recession, maybe with the overhang, with some window trim, and with lattice work. He indicated that he senses there is some flexibility among the Commissioners as they all said yes to the first exception. He added that he is sure the applicant would be willing to work with staff and come up with some alternatives.

Commissioner O'Connor stated that he is fine with some recessions as long as they do not go down the path that they all have to be that way. He added that he is fine if there are some units where that can be done to create some differentiation but without having to do an entire building or one-third of the project that way; if it becomes one of the three ways to change the look of the garage doors and without major modification to the floor plans, or taking away from green space.

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

Commissioner Pearce stated that she is comfortable with the on-site circulation. She complimented the applicant on doing a good job of having internal streets and paseos as the Commission has requested. She added that she is also comfortable with the parking layout, and the positioning of the buildings looks fine. She noted that she liked how the buildings are grouped and is comfortable with that.

Commissioner Olson agreed.

Commissioner Narum also agreed. She indicated that she actually really likes the way they have been laid out.

Commissioner O'Connor agreed as well. He indicated his excitement with getting more green space and that they are above the minimum parking per unit. He complimented the applicant for doing a great job.

Acting Chair Blank stated that this is an exceptionally well-designed layout.

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

Commissioner Narum stated that she heard music to her ears about places to throw a football. She indicated that she is pretty consistent about wanting these to have large enough green space for children to throw a football as well as the tot lot. She added that she is thrilled that the applicants have done a great job in distributing that through the development.

Commissioner O'Connor agreed. He indicated that having three acres of green space is fantastic.

Commissioners Pearce and Olson agreed.

Acting Chair Blank stated that one cannot argue with that.

D. Is the treatment of the corner of Bernal Avenue and Stanley Boulevard (four stone pilasters and a low-profile stone sign wall arranged in a curve, with two ornamental trees behind the pilasters and sign wall) adequate?

Commissioner Olson commented that it is hard to find anything wrong with this project, but he considers this as the weak point of the project. He indicated that it leaves him flat and thinks it needs a little more thought or creativity.

Acting Chair Blank inquired if it can look like the other ones the Commission has approved, which looked really cool.

Commissioner Pearce agreed. She noted that this is a gateway and would love to see a more detailed-oriented approach to the sign.

Commissioner Narum agreed. She stated that she actually has the renderings from the Pleasanton Gateway project, and that turned out so wonderful in reality. She indicated that this proposal makes her a little nervous; that in the depiction, it looks like two of the trees are floating and she has trouble getting beyond that although she know what the intent was. She suggested that they beef it up a little more or make it a little more dramatic.

Commissioner O'Connor stated that he does not have a problem with it but is open to some changes. He noted that thought this would be a great corner to do some enhancement on signage for the place but does not know where that would fit in. He indicated, however, that he is indifferent and could take it the way it is; that he does not think it is a major problem but enhancement can always make things look nicer.

Acting Chair Blank stated that he does not think it is a major problem but agreed with Commissioner Olson that it left him a little flat. He indicated that when he thinks about

the other gateway and the rotundas that were done there, he thinks that it could also be done here, although he realizes this is not a round thing where people are going to go out and congregate necessarily. He added that there is a certain *je ne sais quoi* that is missing here, and it the applicants and staff can figure out what that is, that would be something to put in there.

E. Are the residential building designs, colors, materials and heights acceptable?

Commissioner Narum disclosed that she met with Mr. Pringle and Kathy Thibodeaux, project consultant. She then stated that she really likes Pleasanton Gateway. She indicated that she really likes two of the three villages and the renderings, but she is still not bawled over with the building with the arches. She noted that in her neighborhood, there were houses built with the arches across the front that are now all being taken out and modernized with columns and interesting treatments. She added that the other thing that bothered her, and Mr. Pringle alluded to it, is that the building was kind of all one-dimensional, one big long building with one roofline with these arches in front of it, with no variation of roof line and no real articulation such as a bay window or parts of it moving in and out. She stated that the two other buildings are gorgeous and that she would like to see some work dome on that other one.

Commissioner Olson stated that he does not have any issues all the way across. He indicated that the idea of putting four stories in the back is terrific and does not really have an issue with the arches. He added that it lends to variety and this project has a lot of variety.

Commissioner Pearce stated that she feels like some of the detail has been lost or stripped away and that there was going to be more detail and articulation in these buildings. She added that she could not tell what it is and maybe she needs better visuals, but she finds that it looks very flat. She noted that, again, she might be fine with this in other parts of town, but as a gateway on a very prominent corner, she would like to see as much articulation and detailing as possible, especially on the buildings on Bernal Avenue and Stanley Boulevard. She added that that goes for the commercial, as well.

Commissioner O'Connor stated that his concern is not that they were using arches but that it was this repetition of lots of arches. He indicated that he wants to see some differentiation between these villages so they were on the right path, but he is not certain if all of the arches worked as well, although he can live with them too.

Acting Chair Blank stated he does not have a problem with the arches, but the roofline kind of looks like a retirement home with arches put on the front. He noted that overall, the building designs are fine; however, this is a gateway, and if there is a poster child of what he lovingly calls "the Pleasanton look," this has got to be it. He indicated that there ought to be much more articulation in some of these. He added that he is not suggesting to have one-story on Bernal Avenue, but he would really like to see the

corners of all these buildings to be one-story, the next one over be a two-story, and then go to the three-story so it is a step up with some articulation along the way. He stated that it would lend a more open-space and airy feeling between the corners of the building.

Commissioner O'Connor asked Acting Chair Blank if he is suggesting more symmetry.

Acting Chair Blank said no, not all of them. He suggested that they could have maybe one-story, then two units that are two-story, and then go to the three-story. He noted that it may just be the articulation issue. He invited the applicant to comment.

Mr. Steinberg stated that he is encouraged by the Commission's comments in general and that they should probably focus on the design itself. He indicated that the drawings could use some enhancement. He noted that there is more work to be done on those and that they will work on that for when they come back before the Commission.

Mr. Steinburg stated that based on the comments, he would like to talk about the mission revival building, the arches and the roofline; and the stepping. With respect to the mission revival building and with both buildings, he stated that their thought was to take the elements they see in the buildings in Pleasanton; not copy them literally but take those components and see if they could make them a little more contemporary while using all of the pieces. He noted that they may have been more successful with the Craftsman style than with the mission, although there is the suggestion with the Craftsman to break it up and have variety and articulation and smaller pieces and good detail. On the other building, he stated that it might be interesting to not try to do the same thing but just do it in stucco. He noted that there is some merit and it was intentional, and if it was a bad idea, they can let go of it to have repetition and to not have everything so different. He indicated that it would add some of the richness to this. So that is one comment.

Mr. Steinburg stated that their design team had a discussion about the arches, how it started and was repetitive, and they found them very powerful in the way that it counterpointed the Craftsman and the break-up. He continued that they then started to water it down a little and they had some arches and some squares. He indicated that he was not sure that helped or if they would be better off making it all the Craftsman or making it more different. He noted that there is some more exploring to do, but he wanted to plant the seed with the Commission that maybe the repetition, particularly if they got the right thing they were repeating with the right kind of detail, it might actually be a positive.

Acting Chair Blank stated that he understands the applicant's rationale for what was done but that he gets the sense from the Commission that there is a need for more articulation. He added that his sense is that they are not quite with the applicant yet.

Acting Chair Blank stated that he does not think they will come back for another Work Session before the public hearing and suggested that they make an investment in

high-quality motion visuals because it really helps the Commission, the City Council, and the public to truly understand what they are dealing with, and projects that have make that investment up front have found great success.

Mr. Steinberg replied that they would be happy to do that. He then addressed the matter of stepping, noting that he believes they are really pretty close in most of their thoughts on how they are approaching this. He asked for a little flexibility and a little trust on the stepping, stating that there are many ways to do the stepping. He noted that the most predictable and expected is to incrementally step up in the most logical order, but sometimes with art, having some variation on it can add some richness.

Commissioner O'Connor stated that he likes it the way it is.

Commissioner Olson agreed.

Acting Chair Blank clarified that he was not asking for more symmetry. He indicated that it was fine the way it is and that it is an articulation issue.

Mr. Steinberg stated that they will continue to work on this and will come back with very good graphics.

Mr. Dolan stated that he would like to plant the seed in terms of the architecture. He stated that the most powerful graphics that are submitted and the ones that make the most impact on him when he looks at them are the elevations that are submitted, and he asked the Commission to remember that they will never see those elevations in real life: you cannot see it, you think it stretches the amount, it flattens them out, it does not give you a good idea of what articulation is provided in the current design. He added that if you take that architecture and go back to the site plan, and you recall how the building was pulled out to sit at an angle, it gives it a whole different look as well. He indicated that this is something to remember when reviewing these things, and it lends credence to Acting Chair Blank's comments about perspective visuals and things that can give you a better idea of what you will really be able to see because elevations are a technical tool for showing a design, but they are not a very good tool for showing what it is going to look like.

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

Commissioner O'Connor said yes.

Commissioner Narum stated that she absolutely loved the way the Pleasanton Gateway came out when the Commission worked through that. She indicated that this is a little bit flat and that it possibly is the level of detail.

Commissioner Pearce agreed with Commissioner Narum.

Commissioner Olson stated that he is fine with it.

Acting Chair Blank stated that he is generally fine with it. He indicated that when he first saw it, he had the same impression as that of Commissioner Narum, but he told himself this is a workshop and they do not have the details.

G. Does the Planning Commission have any comments on the uses proposed in Exhibit A?

Commissioner Olson stated that he reviewed the list twice in addition to the items at the end that are also requested. He indicated that it is a good list and that he does not have any problems with it.

Commissioner Pearce stated that she reviewed the list and it is fine. She expressed some concern about health clubs and requested more information about them. She noted that she does not know what the parking requirements are for health clubs but feels like it is a more intense use for a permitted use as opposed to a conditionally permitted use.

Commissioner Narum agreed that is a fair question. She noted that the Commission had considered a couple of health clubs in the community where there were parking issues and they were conditionally approved. She indicated that she would rather see this one as conditionally permitted on the parking compared to whatever else ends up being retail in that complex.

Commissioner O'Connor stated that from a business perspective, these are tough times. He indicated that the Municipal Code has a section with some prohibited uses and some conditional uses such as a used clothing store. He noted that he was fine with just meeting the City code and thinks this needs to be left open so people have options when things are tough, and the last thing they want are vacancies in the centers. He stated that it is not good for the City, and it is not good for the center. He added that he does not think a whole lot should be prohibited and that he is fine with the list.

Acting Chair Blank stated that the only comment he has on the list is on item 34, which he thought was a little general. He noted that on-site manufacturer is very vague and could be anything from a guy sitting in a workshop putting together some hand-crafted stuff, which he would be fine with, to some big noisy banging machine such as a cannery. He suggested that staff provide more clarification so it is not too vague.

Commissioner Narum inquired if the Commission is fine with items 44, 45, 46 and 47 being permitted instead of being conditionally permitted, with the exception of the health club.

Acting Chair Blank said yes. He then asked staff if they have what they needed.

Commissioner Narum indicated that she has one more question about the project that was not on the list. She inquired if bicycle connections, lanes, and traffic matters have been considered in here so that people using bicycles are appropriately signed and laned.

Commissioner O'Connor inquired if there are facilities for this.

Commissioner Narum stated that she was thinking more about traffic circulation.

Mike Tassano said yes. He stated that in the areas of A, B, C and D, the lane widths are relatively narrow, and as on several City's residential streets, these do not commonly have striped bike lanes on them. He noted that traffic along these streets does not usually go two ways at the exact same time, so cyclists usually just use the roadway there. He added that there will be bike lanes on Stanley Boulevard and on Bernal Avenue and Tawny Drive once they leave the development..

d. <u>P12-1778, City of Pleasanton</u>
Application for General Plan Amendments related to Alameda County's Updated Livermore Municipal Airport Land Use Compatibility Plan.

This item was continued to the January 9, 2013 meeting.

7. <u>MATTERS INITIATED BY COMMISSION MEMBERS</u>

Commissioner Pearce stated that when she met with the Greenes on Saturday, they talked about the care facility on the other side of the Greenes' property and concerns with regard to parking and traffic. She noted that she is aware the City does not have a whole lot of leeway with that project and asked if the Commission has some leeway with regard to conditioning the project regarding parking if the neighbors come to the Commission with concerns about that.

Mr. Dolan asked Commissioner Pearce is she is referring to construction traffic.

Commissioner Pearce said yes, but that the conversation about construction traffic also levies into a larger, actual traffic. She stated that the Greenes are extrapolating forward and they are concerned about parking and traffic moving ahead. She indicated that she advised the Greenes to come back to the Commission if there are problems, and the Commission would see what it can do.

Mr. Dolan stated that the project got an approval and will be built. He indicated that at a certain point, there will be some physical limitations on what the City could do.

Commissioner O'Connor stated that the City just needs to do it safely.

Commissioner Pearce asked what about if they are spilling out into the street.

Acting Chair Blank noted that Commissioner Pearce is talking about the care facility and not about the construction.

Commissioner Pearce noted that the City has no discretion with regard to the care facility.

Commissioner O'Connor asked if Commissioner Pearce is talking about insufficient parking once the facility is opened.

Commissioner Pearce said yes. She questioned what if it turns out that there is insufficient parking and the City tries to mitigate it where people are spilling out into the street. She indicated that she is trying to anticipate and is curious about what kind of discretion the City has with regard to managing that issue.

Ms. Harryman stated that staff will have to look at that. She noted that it is not like a Conditional Use Permit where the City has that standard language; however, if there are problems pertaining to noise, parking, etc., then this is Design Review and the City's hands are tied as to what it could do. She added that it is her recollection that there would be enough parking.

Mr. Dolan stated that he thinks this is getting way ahead thinking there is going to be a problem, and he is not convinced there will be a problem as it is not a big traffic generator.

Commissioner O'Connor noted that the options available to the City are similar to a family with 12 children moving in, and everybody had a car.

Ms. Harryman said yes.

Commissioner O'Connor noted that they could go to the court and park in front of everybody's house.

Commissioner Pearce agreed it is a theoretical conversation.

Ms. Harryman affirmed that it is not a typical use permit.

8. MATTERS FOR COMMISSION'S REVIEW/ACTIOJ/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

Commissioner Narum stated that on the sign for the Pleasanton Gateway project, she did not see anything about the back side of the Safeway Store. She inquired if anything was done or changed or if that was left as the Commission had approved it.

Mr. Dolan stated that nothing different has been approved on the back side of Safeway.

Commissioner Narum inquired if what the Zoning Administrator approved are for the individual signs and just fine-tuning what the Commission has previously approved.

Mr. Dolan said yes.

d. Selection of Planning Commission Chair and Vice Chair for 2013

Commissioner Pearce moved to nominate Acting Chair Blank as Chair for 2013. Commissioner Narum seconded the motion.

ROLL CALL VOTE:

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

Chair Blank moved to nominate Commissioner Pearce as Vice Chair for 2013. Commissioner Narum seconded the motion.

ROLL CALL VOTE:

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

e. Adoption of Planning Commission Schedule of Meeting Dates for 2013

The Commission adopted the Schedule of Meeting Dates for 2013.

f. Matters for Commission's Information

Commissioner Pearce stated that the East Pleasanton Specific Plan Task Force met last week and worked on its Vision Statement.

Commissioner Narum stated that staff has agreed to email the Task Force a sample of the Specific Plan so the members understand that what they are trying to put into the Vision Statement really should be in the body of the things the Task Force does.

9. ADJOURNMENT

Chair Blank adjourned the Planning Commission meeting at 10:40 p.m.

Respectfully,

JANICE STERN
Secretary