

New application filed for mixed-use project on Harrison Street that was previously denied by city

Locals have little recourse to change five-story, no-parking proposal under state law, city officials say

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A revised application to construct a five-story, mixed-use building on the edge of downtown Pleasanton with no onsite parking was sent again to city staff for approval months after an initial rejection -- and in light of recent state housing laws, residents and city leaders will likely not be able to push back.

If city staff don't find any technical issues with the project, the proposed affordable housing project will be on track to be built at 4884 Harrison St., near the Pleasanton Public Library.

"I want affordable housing, but it should be something that fits in with the neighborhood and the fact of no onsite parking. I just don't know how it's gonna even work at all," Mary Reding, a 43-year resident of Harrison Street, told the Weekly.

The project, as proposed by Encino-based AMG Associates, LLC, would consist of 46 residential units, including a mix of studio, one- and two-bedroom units, and 1,400 square feet of ground floor retail commercial space, according to a notice letter sent out to residents from the city. All of the housing units would be deed-restricted as affordable.

Senate Bill 35 is one of the two main recent housing laws that now require California cities and counties to streamline review and approval of eligible affordable housing projects, exempting such projects from full environmental review under the California Environmental Quality Act.

The Harrison Street project did not originally qualify for ministerial approval under SB 35 [earlier in the year](#) because it failed to address issues about fire department access and sidewalk width, according to city officials. After the initial denial the city did anticipate the application to come back once the corrections to the health and safety codes were made.

Part of the bill that led to choosing the Harrison Street location was due to the project's location within half a mile of the downtown Altamont Corridor Express train station. Because of that close distance to major public transit, the state law specifies the city may not require the project to provide onsite parking and it can't impose any limit on the density of the project.

"It is affordable housing, which I think we need," Reding said. "I have grandchildren and nieces and nephews that I would love for them to be able to have a home here in Pleasanton and be affordable, but a five-story building with no on-site parking, it's just not appropriate."

She said that close proximity to the station is not a good enough reason to build the project because that station is not really being used as much as it was before the pandemic, meaning people will be driving instead, which in turn will lead to more traffic.

"Since COVID, there's probably maybe 20 cars in that parking lot whereas before COVID, the whole parking lot was filled. So that's the reason why I'm upset about it," she said. "(The state) did not think about how this SB 35 was going to impact small neighborhoods like Harrison Street."

Mayor Karla Brown told the Weekly she thinks the Harrison project could be a good fit for downtown Pleasanton but is also concerned about the zero parking that could lead to overflow of cars in neighboring communities and streets and how that could affect the neighboring developments.

Councilmember Jack Balch echoed that sentiment, saying that the parking allowance would have made more sense if it was a BART station, because then more people would be inclined to use that to get around.

"We definitely have a need for affordable housing in our community and I understand what the state is trying to achieve, but when we look at it at this site and we look at the waiving of parking, because it's near mass transit, I think that the state probably did not see these unintended consequences," Balch said.

But the main point of concern in SB 35 for many residents and city leaders is the fact that due to the limitations on local control -- a term used to describe the power cities have in setting and enforcing zoning and land regulations -- the city has no discretion in reviewing the Harrison project.

Also, per the specific language of SB 35, no public hearings or review by the Planning Commission or City Council are allowed.

Councilmember Julie Testa said she disagrees with the city effectively having no say and is advocating for the city to push back on the new state laws so that cities can regain power over making these decisions.

"The city, myself, and everyone I know that I work with supports affordable housing," Testa said. "It should be affordable housing done in a way that the local municipality has input on, where we would decide how and where it fits in this community."

The project feels like it got an "over-the-counter approval", according to Testa. She said it's not that she is against affordable housing, she just wants it built in a more appropriate location.

"If it were located somewhere more appropriately, it would be welcomed because we do welcome an affordable housing project," Testa said. "But this one in that location is absolutely not welcome. It doesn't fit, it will cause a tremendous amount of damage, it will cost the city a lot, monetarily."

Testa added that the "Our Neighborhood Voices" initiative, which she has backed since the project first came to light, is promoting a statewide initiative to go on the ballot in 2024 to neutralize these kinds of laws and bring back local control.

"It will give cities an opportunity to say for a project like this. This doesn't fit in this location, but it would fit somewhere else," she said.

She is also asking the city to join with other cities across the state in a class-action lawsuit that will push back on the state in their intrusion of local control.

But Balch said that looking to regain local control is a complex and nuanced issue because of the history Pleasanton has with housing lawsuits such as the 2006 lawsuit when the city was sued by Urban Habitat, an Oakland-based nonprofit, over the city's 29,000-unit housing cap -- which the city lost and cost millions of dollars.

"If we don't push forward to achieve an acceptable housing element and rezone the properties, we are facing the penalties," Balch said. "I understand the challenge to additional housing units in our community when we're facing so many things, but we also have to be careful with the lawsuit costs."

He said with the significant amount of jobs and a housing imbalance, it is important to continue affordable housing growth to attract younger residents, which will in turn help grow the city's economy.

"Every time someone talks to me ... about local control, everyone is fearful that their slice of the pie has to get smaller so that someone has an opportunity to buy a home, or raise a family in Pleasanton, and I just don't believe that," Balch said. "I believe that the entire pie can grow, so that we can provide opportunities, and basically hope for young families."

The other state regulation at play is the housing density bonus law, which requires the city, "to approve requested waivers and concessions from established development standards if doing so would improve the financial feasibility of the project," according to the notice letter for the Harrison application.

The project has requested concessions for the front setback, floor-area ratio and common area open space requirements -- a waiver that the city is obligated under these laws to provide.

"City staff is reviewing the application for conformance to the applicable standards set forth in State law and the Pleasanton Municipal Code and may only deny the project if it would not be in conformance to any objective development standards," according to the notice letter.

Staff have until Sept. 16 to issue an approval letter so that the project can move forward into the next stage of the building permit application process.