

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

**APPROVED**

**Wednesday, April 12, 2017**

*(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 April 12, 2017, was called to order at 7:00 p.m. by Chair Balch.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chair Balch.

## **1. ROLL CALL**

Staff Members Present: Gerry Beaudin, Director of Community Development; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Julie Fragomeli, Police Sergeant; Steve Otto, Senior Planner; Natalie Amos, Associate Planner; Matt Nelson, Associate Traffic Engineer; and Kendall Granucci, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Justin Brown, David Nagler, Greg O'Connor, and Herb Ritter, Chair Jack Balch

Commissioners Absent: None

## **2. APPROVAL OF MINUTES**

Continued from March 22, 2017:

### **a. February 22, 2017**

**Commissioner Nagler moved to approve the Minutes of the February 22, 2017 meeting as submitted.**

**Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Allen, Balch, Nagler, and Ritter  
**NOES:** None  
**ABSTAIN:** None  
**RECUSED:** Commissioner O'Connor  
**ABSENT:** None

The Minutes of the February 22, 2017 meeting were approved, as submitted.

**b. March 22, 2017**

Commissioner Allen requested that the notes regarding the Planning Commissioners Academy, provided by herself and Chair Balch, be included as an attachment.

**Commissioner Allen moved to approve the Minutes of the March 22, 2017 meeting as amended.**

**Commissioner O'Connor seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Allen, Balch, and O'Connor  
**NOES:** None  
**ABSTAIN:** None  
**RECUSED:** Commissioners Nagler and Ritter  
**ABSENT:** None

The Minutes of the March 22, 2017 meeting were approved, as amended.

**3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA**

There were no members of the audience wishing to address the Commission.

**4. REVISIONS TO THE AGENDA**

Chair Balch requested that Item 6.b., P16-1386, P17-0155, PUD-113, and TRACT 8259, Ponderosa Homes II, Inc. be the first Public Item for consideration and that Item 6.a., P17-0054, Greg Creighton be considered second.

**5. CONSENT CALENDAR**

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

## 6. PUBLIC HEARING AND OTHER MATTERS

Continued from March 22, 2017:

**b. P16-1386, P17-0155, PUD-113, and TRACT 8259, Ponderosa Homes II, Inc.**

Consider applications for the following at an approximately 9-acre parcel located at 6900 Valley Trails Drive: (1) an amendment to the General Plan Land Use designation from Public and Institutional to Medium Density Residential; (2) rezoning from R-1-6,500 (One-Family Residential) to PUD-MDR (Planned Unit Development – Medium Density Residential) District; (3) PUD development plan approval to demolish the existing religious building and related improvements and construct 36 single-family homes, a private clubhouse with a parking lot, and related site improvements; (4) a Development Agreement to vest the entitlements of the project; and (5) Vesting Tentative Subdivision Map approval to subdivide the 9-acre parcel into 36 residential parcels and four common area parcels.

Beaudin: I just wanted to preface this application with an acknowledgement and some information for the Planning Commission. The City Council and the PUSD School Board have a joint meeting once a year, which happened last night. There's always a range of topics that overlap and last night there were presentations related to the demographers report, the PUSD budget, Measure 11 (recently passed school bond), and we also did a Community Development Department update which was essentially a development overview. The CDD Update was used as the basis for that conversation, but it was a general overview related to housing, growth, and trends that have happened, looking at permits that had been issued from 2003 forward. During that presentation there was a lot of conversation related to development activity. One of the projects that came up is this application in front of you tonight. The PUSD has a long history with this piece of property, they actually owned it at one point in the past, and then sold it. The goal of the update was to just provide a general overview but some of the comments that came from the public were focused on the Valley Trails application and so a couple of members of the School Board asked that PUSD relook at this particular property and the Interim Superintendent did agree to take up that issue at next Tuesday's next regular school board meeting and we expect that to happen. My ask of the Planning Commission this evening is that specific to this application the Planning Commission take the information that's been provided by staff, obviously the public input, and information that you've gathered on your own, and just like you would with any normal planning application, make a recommendation to the City Council. Staff's recommendation is that we make a recommendation of approval on this application. I fully expect PUSD to have the conversation next week and they'll consider some options as well. I expect there to be an option that says they're not interested in pursuing the site or one that says that they are interested in which case they will need some time to explore that. The conversations that I've had with the City Manager's office, the City Attorney's office, as well as with my staff are that we'd like the Planning Commission to act on this application as if that conversation is not happening. It's simply, at a very basic level, another party interested in acquiring the parcel that we're talking about. It's a conversation that will happen in a more politically sensitive and aware sense—this is the Pleasanton Unified School District; this isn't some other party

in town. And so we're fully aware this has policy implications and could affect how this property is ultimately developed, but we have a pending application in front of us that has undergone a multi-year process and there are a lot of people from the neighborhood here tonight that have been part of that process so the ask is that the Planning Commission review the application, take the action you're going to take, know the City Council will have the benefit of the PUSD meeting, and move it into the next stage of the public hearing process. I'm happy to take any questions you have at this point; if there aren't any we'll move on to staff's presentation.

Commissioner Allen: Just a question for clarification, I understood and let me see if this is correct from second-hand that our City Manager said that if the school board decided that they wanted to re-evaluate this school site, that Nelson said he would be willing to give them a reasonably defined amount of time to do so if we approved it, let's say, and that he would continue with it prior to going to the City Council. When it went to the City Council, they would have benefit of having had the school board evaluate whether they may want this property or not. Is that correct what I heard?

Beaudin: That summary is the realm, but it's not quite correct. What I would say is the application would continue onto the City Council and they would make that decision with a recommendation from staff and the Commission. Because the PUSD Board doesn't directly influence our land use authority or our power to make legislative changes, we would take the input from them, just like the City Council takes the recommendation from the Planning Commission. We would put that into a staff report and the City Council would decide if they wanted to continue the application, pause things or....I can't imagine them denying it based on this at this point in time, but giving them more time to explore that is certainly a possibility. But, it would be a City Council action with a staff recommendation.

Commissioner Brown: I've got one other question. So, obviously we're reviewing P16-1386, PUD-113, etc. Is one of the options tonight to consider splitting that package? The caution that I have is the General Plan talks about rezoning from Public and Institutional to Residential essentially which is influenced by the PUSD investigation/board meeting, etc. So it is just a question. Do we have to decide, deny, approve, continue the whole package or can we evaluate and approve the project but not the General Plan Amendment?

Beaudin: For this specific application, the Planning Commission is the recommending body and it is one application. It's a series of pieces but it is one project and one application so we would ask that you process it in that way. I would also maybe just take a big step back and say not all of the school board was present last night and certainly it would take a majority vote to prioritize this. So it's entirely possible that come next Tuesday night there's a decision to not pursue this as well. So what we want to do is have our land use discussion, prepare this project to move onto the next level and if additional information comes in for the public process, then the Council will take that into consideration.

Commissioner Brown: Okay, understood. I mean, specifically, I do want to make sure we go through the project because there's been an enormous amount of time, public input, a lot of people's time here tonight to be here, so I do want to go through the

project. So I'll delay the decision until later, but that's why I asked the question—are we making a decision on the whole packet and the answer is 'yes.'

Beaudin: And it's making a recommendation, right. So there is no final action tonight.

Commissioner Brown: Okay, thank you.

Chair Balch: Okay, and also before we do staff recommendation, and maybe I'll just do it out of a matter of caution, at this point no one would like to see it continued? And that's a question. We're proceeding, correct? I'm seeing nods....

Commissioner Brown: Can I caveat that? I might want to see the final decision continued, but I do want to hear from the applicant and all the members of public that have taken time out of their schedule to be here and I think it's worthwhile to go through the project assuming what we would be eventually voting on is the project as an entirety, but I might consider continuing the final recommendation, or at least, speaking for myself.

Chair Balch: Yes, okay.

Commissioner Allen: So just to clarify, I'm where Commissioner Brown is. Something may come up today that would cause me to change my mind before we vote, so I always hold that option open.

Chair Balch: And I apologize, I didn't mean to shove it off in that way. Thank you both. So with that, we'll hear the staff report.

Natalie Amos presented the Staff Report and described the scope, layout and key elements of the proposal.

Commissioner Nagler: Can you just briefly go through staff's rationale for changing recommending Option 1 to Option 2?

Beaudin: So there have been extensive conversations with the Valley Trails neighborhood over, I'll say years, at this point. There were two asks from the neighborhood. In addition to creating a new—I'll call it the missing puzzle piece—in addition to creating a new single family project in the neighborhood, meeting facilities and a public restroom are things that have always been on the table and developers consistently talked with the neighborhood about them. So when we made our initial recommendation, the idea of a two-step process with a restroom potentially coming in a subsequent step is something that made sense to us because it's more typical in terms of City process. But because this has been so thoroughly vetted with the neighborhood, and the neighborhood is filled with unique circumstances, like it's geographic circumstances: there are Arroyos on both sides, I-680 on the back, and you get in and out off of Hopyard, using a loop road.

Staff's understanding is that the majority of the neighborhood is supportive of a restroom. So rather than creating a two-step process here, if we're willing to take on a restroom in a two-step process and they've done a lot of the community outreach which

has been part of the program for a long time with the development application, we're willing to make the recommendation that the restroom come with the project and I believe we put it with the issue of the 13<sup>th</sup> permit that's issued for the project, or for final inspection—I can't remember which way we did it, but it's with the 13<sup>th</sup> permit in the project. So it essentially comes on line soon in the project. That's the rationale.

So we revisited the matter because we heard loud and clear from the neighborhood and the folks that are representing the neighborhood that this restroom is critical.

Commissioner Nagler: So, if I could just follow-up quickly—it's pretty clear that the policy of the City for neighborhood parks as opposed to general use parks is to not include a restroom. And in fact, as I understand it is that if a restroom were built in this park, it would be the only park in the City; a neighborhood park, that would have a restroom. If I hear you correctly, staff's consideration was restricted to this particular debate and this particular controversy and this particular development application as opposed to consideration for what has been discussed over the years about restrooms in neighborhood parks, right?

Beaudin: That's correct. There certainly is an existing Parks and Rec Master Plan and this is not consistent with that program, and so that's why the idea of this policy discussion recommending two steps or one step—it's going to happen one way or the other with the City Council and ultimately it will be something acceptable to the City Council or it won't be. But, point taken in terms of existing policy and how this is a departure.

Commissioner Nagler: Thank you very much.

Commissioner Allen: Can I clarify one question? When you say staff's recommendation Gerry, are you speaking of the Planning staff's recommendation or also Parks and Recreation; Susan Andrade-Wax's recommendation?

Beaudin: That is a great question, and it is City staff's recommendation. I know Susan has concerns about the Parks and Recreation Commission's involvement and I know there are concerns about how this project relates to the existing Parks and Rec Master Plan. But ultimately, when we write staff recommendations, it is City staff's recommendation and I'm sure there will be a healthy discussion about the policy implications of this as we continue to move forward and ultimately the City Council, and Director Andrade-Wax will have an opportunity to weigh in, as will Kathleen Yurchak in the Operations Services Department who has to take on the on-going maintenance of this facility. So all of the folks who are part of the team understand the recommendation, understand why the recommendation is being made and are ready to have that discussion as the application continues to move forward, but it is City staff's recommendation.

Commissioner Allen: Thank you. Is Susan here tonight to follow-up to questions later?

Beaudin: She is not here this evening.

Commissioner Allen: Okay, thank you.

Amos: For further clarification, on the development agreement there was a red-line change to have the clubhouse and use agreement for the clubhouse be in place prior to issuance of the 13<sup>th</sup> building permit. This is unrelated to the restroom. There is a timing requirement for the restroom at this point, so I just wanted to clarify that for the Commission.

Ms. Amos continued with her presentation and conclusion of the staff report and discussed alternatives for the site, pros and cons of development, and staff's recommendations.

Chair Balch: So why don't we try to remember to keep it to questions only and not deliberation at this point. Commissioner Nagler, are you prepared to lead us off with any questions?

Commissioner Nagler: Sure. Since our workshop on this proposal, has there been any additional input that differs from that which was given during our workshop about traffic objections, you know, the intersection in and out of the development and like that?

Amos: Nothing new beyond what was stated in the conditions of approval. We do have more traffic related questions. We do have a few traffic individuals here this evening with the City that can offer more into that, but nothing additional has changed.

Commissioner Nagler: Okay, thank you.

Weinstein: I just wanted to mention there was a petition that was submitted from a number of residents who live in the vicinity of Lassen Court which is across from the project access point requesting that the access point be moved adjacent to a different street. I think that was distributed already and you guys saw it I think at the workshop.

Amos: There were a few streets that were included beyond just Lassen.

Commissioner Nagler: Okay. Could you please comment for a moment on your discussions with the applicant on the size of the porches and the setback of the garage and describe staff's perspective on that?

Chair Balch: And if I could add to that, the perspective on the PUD now and the separations between the straight up zoning and the R-1-6,500 District.

Amos: Staff did discuss with the applicant and they heard the feedback received from the Planning Commission. They are very, very close to meeting the requirements of the R-1-6,500 District for the porches and for the separation. They made a great effort of trying to get all 36 lots to meet the building separation and to accommodate the houses and have the porch depth and width requirements in order to do that. They did make some adjustments to the house sizes to reduce them and set some of the garages back to accommodate that, but unless they agree to re-design the entire project to the layout and the house sizes, they were just not able to make all of those little bits of it. So they are 6' to 7 ½' for a porch depth. They're fairly close. It's still visually going to look the same as if you did have an 8' depth. And this setback to have it be 12' from the front

yard property line versus the 11', again, visually it's not going to make a huge difference. So, asking for the flexibility and staff's support for that seemed reasonable. The same for the building separation requirement—the majority of the lots meet it. Out of the 36, there are 5 instances where the house just couldn't meet that separation.

Commissioner Nagler: Now about the infamous restroom issue, as I understand it, the applicant has agreed to contribute to 5 years of estimated maintenance on this public restroom, is that right?

Amos: Yes, that's part of the redlined condition of approval that you received in the memo.

Commissioner Nagler: And City staff's recommendation is that that public restroom be constructed and accepted. Did you consider the long-term cost of maintaining the bathroom as part of your recommendation? Or is that a policy discussion for a different time?

Beaudin: It certainly has been part of the discussion and we have a repair replacement schedule for all capital projects the City takes on, and this would certainly have to become part of that program. And that \$5,000 a year that's currently estimated—costs don't typically go down on things like that, so we expect the long-term maintenance costs to become again part of the City's on-going operations budget. And our Director of Operations is part of those discussions as well.

Commissioner Nagler: And then maybe one final question of that point—one of the objections as I understand from neighbors to a bathroom is the potential for activity that's unwelcomed. And the implication of that is that to have a public restroom would require some attention from the police department. So again, as part of City staff's recommendation, was the police department consulted and are they okay on this recommendation?

Beaudin: Yeah, and we actually have a representative from the police department here this evening to talk a little bit about the data that's available relative to parks with restrooms and parks without restrooms. It's a little bit apples to oranges because community parks tend to be a little bit larger and those are the ones that tend to be where the restrooms are, but I think it will give you a flavor and certainly they are available to answer questions along those lines. With respect to the police department, they're aware of this application. They understand the restroom is where it is and to be very frank, I think there would be a very different site planning exercise if we started with the restroom in the program. The idea of having eyes on a restroom is always a good thing, and having eyes on a park is always a good thing. This is a linear park so by its linear nature, I'm not sure whether we would want to put a restroom out on the main street. So I think it would have been a very interesting site planning discussion because I think the restroom's in the right place to be used, but I think the police department will not have to adjust their route to make sure they come to the end of the cul-de-sac and make sure they're doing that as part of their routine. Just like any other public need, they'll have to adjust when we add development to the community.



Commissioner Nagler: Okay, thank you. So maybe at some point we could hear from them.

Chair Balch: So why don't we plan to have the police representative speak before we go to public comment so that gets vetted so if anyone in the public would like to comment on that, we'll have that out first. Commissioner O'Connor, any questions?

Commissioner O'Connor: No, no questions.

Commissioner Allen: My question may also be one that we might want to discuss a little bit later and I will just put that out there. I'd like to do a further deep dive into the on-going cost for the taxpayers will need to pay for the bathroom. I had a long talk with Kathleen Yurchak who is the Operations Director that manages this and I had asked earlier for all in cost, and my understanding is that the \$4,000 is merely a janitor going once a week to the property. It doesn't cover anything else. So I'd like to have a discussion at the right time. When is that do you think?

Beaudin: So I've also had the conversation with Kathleen; that \$5,000 a year is the estimate, and the number is inclusive of the kinds of maintenance and other issues that come up with public restrooms, the scope of work that goes with various restrooms around the community and that scope of work does include things beyond just wiping things down and making sure they're clean. We understand there's going to be a certain amount of graffiti that could happen and vandalism with public restrooms. There's also the shoe in the toilet and things like that that end up happening. So there is recognition of that. There's a very large policy question about whether this restroom is something that the City is ultimately going to take on and what I would ask is that you consider the development application with the kinds of community benefits that are proposed and if that's acceptable to the Commission, then move that along to the City Council for those kinds of financial decisions related to the long-term impacts of this policy shift for the organization.

Commissioner Allen: So I'm troubled doing that, meaning that I'm being asked to approve a General Plan Amendment and I don't take that decision lightly. Part of my job is to understand from a community perspective the benefits to the community, but also understand the costs to the community because I need to balance that and say, is this a good project for the overall community. And the community is beyond one neighborhood. We did that with Irby Ranch. We traded off benefits and costs and so in order to do that one of the costs is with the policy decision on restrooms, but there's also the operations and maintenance cost. So that just needs to be weighed. I mean there's costs of replacing a bathroom 20 years later. It costs as least as much as when you put it in. There's the cost of water and electrical and the graffiti which Kathleen said wasn't included in the \$4,000 in the staff report. It was just custodial. It said it did not include plumbing or any of the other things. So my only request before I can make a decision would be to get confirmation and have a discussion similar to the police crime question of understanding that cost. It doesn't mean it's good or bad, it just means it is. Plus, the Council will need that from us if we're doing the job to arm them with the best information. So we can move on.

Chair Balch: Yeah, we'll stay with questions because I think we can deliberate that and we'll see where we go.

Commissioner Ritter: So a question is, I know we're not supposed to get into finance and funding, but because there is a cost there's probably also some revenue income that we're generating by converting this from a church lot to housing. So, there's some costs that we're going to have to spend, but there's also some extra revenue we're going to get versus just having a church sit there. So I guess that'll be my question—will that revenue stream produced off-set the costs? That was my one question, and it might be later in the meeting, but the second one I just want to clarify. There's 33 neighborhood parks in the City of Pleasanton. There's Creekside and Delucchi that have bathrooms. We've talked at the meeting and I understand the main reason is because they are special use kind of parks that need a bathroom, and when we decide what a park is—if it's neighborhood or community park—6 years on the Parks and Recreation Commission—those are always discussions around size and location. So I'm just wanting to float that out for discussion as questions. And I know that's not our purview to do that. It's under the Parks and Recreation's purview. Has that been discussed at all?

Beaudin: So I'll start with your first question which is into the finances. What I would say is....I want to make this as clear as possible without getting too far into the number. So, let's for just really big numbers, say you've got 36 homes. They sell for \$1 million. That's \$1 million of assessed value. The City takes 2% based on the property tax system that exists here in Alameda County. I'm just trying to do the fast math—maybe it's around \$100,000 a year that comes off of a project like this in terms of new assessed value. I don't know what the church is currently assessed at. But we don't do land use based on those kinds of inputs, right? I would ask everyone to pull up and look at the existing development pattern, neighborhood compatibility, overall community benefit related to the kinds of things that are being included in the development application because if you go lane by lane, you can often find issues with a project, but land use is so complicated and neighborhood relations are so complicated. I think what I would ask of you this evening is that given the history that Natalie went over earlier with respect to the site, to make sure you're considering the opportunity that exists here. I've called it the puzzle piece a number of times. It's almost a flip of Lassen in terms of what's being proposed across the street on the internal side of Valley Trails. So, there's been a lot of community input and neighborhood input. There's a pretty clear desire from this community. If you look at just three broad buckets—P&I uses, single family residential neighborhood and the possibility for a multi-family site, I think it's pretty clear about how folks want to proceed from a neighborhood perspective. I don't think it's incompatible from a City policy perspective to move in that direction at this particular location for P&I. So that's kind of a long-winded answer. We could go dollar for dollar but I think there's just a few things that might help us not do that.

Commissioner Ritter: I agree. Thank you.

Beaudin: And then your second question ....I understand this is a policy of Parks and Rec. It's going to remain a question all the way through the process until ultimately the policy makers sit down with this and say, is this an appropriate location for a restroom? It is inconsistent with the existing policy. We've made these kinds of decisions for

smaller parks like our downtown parks. There's certainly a different level of traffic in the Valley Trails neighborhood park use versus....

Commissioner Ritter: ....So we're not setting precedent by possibly doing this?

Beaudin: No, it's a pretty unique set of circumstances in terms of having a developer add....

Chair Balch: ...Okay, I'm going to cut you both off. Moving onto Commissioner Brown, yes.

Commissioner Brown: I have a few questions, but I'll keep it short because I want to hear from the public. Question No. 1 was, how did the \$300,000 in-lieu come about? The reason I asked was the estimated construction cost I think was \$367,500 and \$5,000 for 5 years is \$25,000 which is \$392,500. I was wondering why we were proposing \$300,000 in substitution for what would otherwise be nearly \$400,000 in outlay by the developer?

Beaudin: It's a fair question. It's certainly up for discussion. The developer initially thought the cost of the restroom would be less so we set the number in the development agreement. Cash is king, right? To be able to do with \$300,000 what you want to do is very different than putting a restroom down. So I think there's some tangible benefit to having cash and being able to do with it what you like in your neighborhood and having that conversation. Ultimately, it is a number and it can change.

Commissioner Brown: Okay, fair enough. The second question I had was we have the signature sheet to move the Ponderosa development court entrance. Any comment on that? It wasn't mentioned anywhere in the staff report.

Beaudin: Yeah, we've looked at that site plan any number of different ways over the last couple of years. We have our traffic engineer here. There's really not a pro or a con for traffic circulation purposes or for safety in terms of entering and exiting. The level of traffic we're expecting quite frankly doesn't even necessitate any traffic control. You wouldn't even need to put a stop sign here by City standards. So it really just came down to getting the best possible site plan for the project and being able to connect the courts to the linear park was a nice feature rather than having a road along that area or houses backing up to it.

Commissioner Brown: Thank you.

Chair Balch: Okay, so before we go to public comment, a few things. First of all, as a matter of course, I'd like to disclose if we've met and had ex-parte communications with anyone. So to that end, I'll lead off and say I've met with the developer. I've met with the quasi-formal Valley Trails Association, and I've been to the site and to the park. Any other disclosures?

Commissioner O'Connor: I've also met with the developer and I've been to the site and to the park, but have not had any conversations with the Valley Trails representatives.

Commissioner Nagler: My contact was exactly the same as the Chair's.

Commissioner Allen: Mine is the same as the Chair's.

Commissioner Ritter: The same as the Chair's.

Commissioner Brown: Pretty much the same as the Chair's. I did have a discussion late last year with the Assistant Superintendent, now Acting Superintendent just to understand the relationship between the City obligations and school district obligations.

Chair Balch: And I'll also mention that discussion with City staff of any department does not require disclosure, but just know as you can tell, we've talked with different City departments as well. Okay, so we're about to enter the public comment period. We are going to likely hear a lot of comments and you guys were very respectful at the workshop. A lot of different ranging opinions will be present. We would ask that if you support what a speaker is saying, that you raise your hand so we can see it. We will understand that as support but we do not like, and as you probably have seen at City Council meetings, we do not like boo's or chanting out or yelling, and we will ask for that procedural decorum as we go through this process. Please try to keep your comments within the time allotted. We have obviously a lot to get through today. Please be respectful of each other as we know you can be.

I apologize because I see the officer here now and I do want to do that first. So, before I do it, I realize that I want to have you come up to discuss the enforcement actions at park restrooms. Welcome. Maybe I'll just ask, we don't know at this point or at least I don't know what we would consider whether restrooms pose a health safety challenge or not from other parks that do or do not have them. And then a park like Bernal which is a very large park with a restroom—maybe not Delucchi because of the nature of the downtown, but maybe Creekside which has a bathroom which is considered a neighborhood park along the Iron Horse Trail off of Las Positas, right? Maybe you could just enlighten us on that a bit.

Sergeant Julie Fragomeli: So speaking specifically about Valley Trails Park, I can tell you we have some numbers here of cases that were generated and I pulled five years' worth. I have seven actual cases. They consist of an animal service, a battery, three found properties, a graffiti offense, and one juvenile offense. Those are specific.

Compared to some of the other parks, it would generate more traffic, but typically they are somewhat similar but there is an overwhelming number of graffiti and vandalism calls versus anything else.

Chair Balch: As parks with restrooms?

Sgt. Fragomeli: Correct.

Chair Balch: Questions?

Commissioner O'Connor: So tell me your numbers on the three years that you pulled. It seemed to me like the numbers were climbing from year to year?

Sgt. Fragomeli: No, actually, I mean are you looking specifically at just Valley Trails?

Commissioner O'Connor: Yes.

Sgt. Fragomeli: For that park, I do not have any cases so far in 2017. In 2016 there were two total cases; it was a found property and a graffiti. In 2015, there were no cases with that park. In 2014 there was one animal service case. In 2013, there was one assault and one found property. And in 2012, there was a found property and a juvenile case.

Commissioner Allen: If I could just ask, I mean looking at the attachment Natalie that you had provided us. This is the incident report in our staff report and it showed in 2016 that there were 11 incidents, and the prior two years look like four and three.

Sgt. Fragomeli: So there is a difference. The numbers I just gave you were cases that were taken that generate an actual case number where the officer wrote the report. We do have other incidents but sometimes those are for example a barking dog. An officer shows up and they can't find a barking dog. Or it could be something as a hazard and the officer shows up and there isn't a hazard or there isn't something that generated a report.

Commissioner Allen: So if there's a report of drugs but when they got there, there were no people, then it wouldn't be written up. Is that right? It could be on this report.

Sgt. Fragomeli: Correct. So as an example, for the last five years for calls for service, in 2012 there was one found property and one health and safety which would be a drug-related offense. Whether somebody was actually contacted or not, it was just an initial call for service. It could be somebody saying, I believe somebody is smoking marijuana. The officer shows up and there's no case written, as it probably is unfounded or that person left prior to police arrival.

In 2013, there was one battery, two found properties, three PMC violations and those were incidents that we responded to but not actual cases that were written. Going into 2014, we have a disturbance, a vandalism, and what we have listed here as a hazard which is anything from a tree branch down on the trail. In 2015, there were two animal control incidents that were reported, another health and safety incident, a juvenile problem, and in 2017 we have one patrol check that was initiated. Some of these are also officer-initiated and not necessarily reported by the public.

Commissioner Allen: And what was 2016? I think you missed that.

Sgt. Fragomeli: I don't have anything for 2016.

Commissioner Allen: Okay, that's what we have here.

Commissioner O'Connor: What is property found?

Sgt. Fragomeli: So if somebody finds a bicycle that's been abandoned or if somebody finds a wallet—any type of property that is found. If you call us, we'll take a report.

Commissioner O'Connor: So it's not necessarily a problem.

Sgt. Fragomeli: Not a problem, correct.

Commissioner Nagler: This is a question relating to where bathrooms do exist. One of the truths or urban myths about bathrooms in public parks is that drug transactions occur there; that they seem to be a site for that activity. In Pleasanton, is that borne out by the data or not?

Sgt. Fragomeli: No. No, not overwhelmingly. There's nothing that I see that would say this is a bathroom where we have this activity.

Chair Balch: I'll just ask. So staff stated earlier that they would probably have a different site location for this had it been designed with the bathroom known from the start, and I don't necessarily need you to speak on behalf of the entire department, but if you were to look at the site plan, would you choose a different site? And if I could ask, what might that be?

Sgt. Fragomeli: Well, not actually being out there and seeing it, what I can tell you are what some of the challenges are. It is very nice for us to have a bathroom that is out in the open not only for us, but because on average, there are five officers patrolling the City streets of Pleasanton. That's our minimum staffing, and that's how many officers we have so we really rely a lot on the public. The public are the eyes and ears that help us combat crime, as we cannot be responsible for everything. With having a bathroom that's not easily accessible, it does pose a challenge for us. It's not something where you're driving by or anybody in the public that's driving by can really see it easily. It makes it a little more difficult.

As was mentioned earlier, this is something that we're going to have to change and alter our patterns, and that's going to be parking and getting out of our cars which we like to do. It's just going to be taking more of an effort to go out. I would actually want to walk around the bathroom and open up the doors because I can't see what's going on in there unless I'm actually on site.

Commissioner O'Connor: Don't most of our public restrooms in the City automatically lock at night?

Sgt. Fragomeli: Typically they do, yes.

Commissioner O'Connor: So that would prevent a lot of what could happen late at night where they cannot be seen.

Sgt. Fragomeli: That's true. There's a lot of things that do happen in broad daylight. You can't see behind the closed doors of the bathrooms.

Commissioner Allen: This is just another one of these myths and I'm just wondering whether this is generally the case or not, and that is loitering. I've heard that sometimes bathrooms can attract more loitering activities versus not having a bathroom. And some neighbors who would be living nearest the bathrooms have written to us saying there's a concern about that. Would you say that having a bathroom might create an opportunity for more loitering or less loitering than what might otherwise occur?

Sgt. Fragomeli: I would say having a bathroom breeds the opportunity to create that versus if you did not have a bathroom. There is nothing that I can see as far as the parks, especially more in the neighborhood, and when you're really looking at the number of people using the park, something like the sports park—there's a tremendous amount of traffic that goes through there but we don't have any data that is supporting that we have a lot of loitering occurring. We might in the past have had trends where it could be a one or two people activity, but that's typically addressed very quickly and then that issue is absolved.

Commissioner Allen: I've heard from a City staff member that there's been quite a bit of focus onto Delucchi Park and some issues that have been going on there and a lot of effort with that bathroom. I'm wondering if you can share with us what's going on and what some of the challenges have been.

Sgt. Fragomeli: So typically when we're talking about Delucchi Park, it is specific to the school hours. Most activity right before school when kids are walking to school and right after school. That's when we've experienced the most vandalism and graffiti.

Commissioner Allen: Thank you.

Chair Balch: Okay, any other questions? Thank you very much for your time tonight. I really appreciate you showing up. Okay, so back to our regularly scheduled program. We are at approximately 8:10 p.m. so we'll start the process here if everyone is ready.

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

Jeff Schroeder, Applicant: Thank you. Well, it sounds like Pleasanton's a pretty safe place and Valley Trails Park certainly reflects that. Mr. Chairman and members of the Planning Commission, my name is Jeff Schroeder, Ponderosa Homes. I'm pleased to be here tonight to present the Valley Trails project. We actually started working on this project in 2004 and then the big recession came along and everything kind of went away, but the church came back out to the market I think in 2013 and we were fortunate enough I think to be able to get it back into contract. One of the things that came out of that process was the idea of basically developing the entire site and giving the church an opportunity to move somewhere else. Constructing a new church building is really expensive and hard for churches to undertake anymore which is what happened to the Centerpointe Church on the other site in town. So I think that made a lot of sense.

I'd like to start by thanking the staff for all of their efforts in this process. We've worked around a lot of issues that they don't always deal with in these types of applications and we've had a lot of help from staff to get through all that, and I appreciate that. It's been

about a three year process. I'd also like to thank the neighbors, particularly some people—Connie Cox, Ed Broome, the Valley Trails Advocacy Group which used to be the homeowners association, including Phil, Dan and Dave and I'm probably not remembering everybody in the crowd, but I certainly appreciate you working through the process with us. We had numerous meetings on this project.

I'd also like to thank Bob Slack and the Evangelical Free Church. This has been a very difficult process for them as you can imagine. They've been there for 20 years I think Bob?

Bob Slack: The church – we've been there for 40 years.

Schroeder: 40—like I said, it's been a long time. We've had a lot of meetings with staff, with neighbors, with the Planning Commission, and out of that we've come up with a great project for this community which fits in at four units per acre which is the existing neighborhood density and it enhances the neighborhood with some amenities which will improve all of the Valley Trails.

The site's been a concern of the neighbors for quite some time actually. The church, bless their hearts, have not been able to generate the funds to develop the site as they probably envisioned years ago. It's a big property—its 9 acres. Most church sites aren't that big, and their existing building is a bit dated. The remainder of the site has been a weed patch for the most part and sometimes a nuisance for the neighbors. It's been an issue that's been raised with us and I know the church has tried hard to manage their property, but it's a big site.

So there's been a lot of discussion over this issue of changing the site from a P&I use and impacts and what not on that. You know, in all of the conversations we've had with the community and neighbors with the church itself and with other people in town, but primarily there's been really no support whatsoever for anything like a school on this site, high density housing or even the church. They could buy this site and develop it to its fullest potential which would probably include a school. So those have always been fairly negative in terms of feedback we've got from the community about this site.

As you can imagine, because this has been around for a while, we've had numerous conversations on an informal basis—nothing really serious—with the school district about, do you guys want to buy this site? Are you interested in this site? No, we're not. No, we've looked at it. We're not interested in it. Now, you heard something different last night because there are new board members in town and they weren't on the board in the past when this issue was discussed. They didn't have it on the board level because staff did not think it was appropriate to bring it to that level, but we're pretty confident that they're not interested in buying this site, okay? The site is not the greatest location for a school site. It's 9 acres which is marginal at best, but it's also ½ mile from the existing elementary school.

The site is bordered by homes. It's fairly deeply buried into this neighborhood and pretty far from any collector streets or thoroughfares so it's not easy to get into. There'd be a lot of traffic impacts related to a school on this site, okay? The school district doesn't have money set aside for this, and in their bond measure they did not include money for



the acquisition of properties and this would not be an inexpensive acquisition. Frankly, if this thing went sideways and this project was denied and the school district decided to pursue this site, it's going to be a long and not fun battle because the church doesn't have any options. So it's going to be in eminent domain. It's going to go to court. It's going to be expensive, so I hope that doesn't happen.

In addition, we have a signed mitigation agreement with the school district. We'll pay about \$1 million in fees to the school district for the development of this property and frankly, if I were the district I would cooperate with our application on this property—so, not that there's an issue there but I think I'm pretty confident that the school district is not going to buy the site or pursue it first, okay?

The neighborhood is very concerned that the site remains vacant. If the site remains vacant their concern is, what if another church comes in and buys it, puts a school in, develops it, who knows. The six acre site that we bought from the Presbyterian Church had approvals for 90,000 square feet of space. I'm talking about big-time, three-story structures and you know what goes with it. So, they are worried about that. They are also worried because it's been on the list for RHNA allocation and higher densities or something other than four per acre. If it gets on their mailing list, it's not going to be a four per the acre site. It's going to be something different.

Tonight, we present to you a 36 lot subdivision. It's below the mid-point of the GPA, but despite that, because of our relations with the community and our efforts to bring something to the community with our project, we're going to provide some amenities, some gratis. We're not getting any fee credits for this stuff—it's all a cost and a cost on the project that started out as a 43 lot project and it's now a 36 lot project. So there's a cost with that too. I note that cost doesn't matter to you guys but it matters to us that we're trying to create a community. So, park enhancements, a tot lot, we have landscape upgrades, a private community building for use for free by a neighborhood association or whatever that form takes in the agreement that's part of the DA, once a month or four times a year. We are also providing a public restroom which has been one of the biggest issues that I've heard from the neighborhood is that the way this park was designed for whatever reason 50 years ago, it's a long, strung out park—it's ½ mile long maybe more, and so people that live on one end of the park take their kids down to the play structures at the other end of the park and then their kids end up using the lot for the bathroom because it's tough to take your kid ½ mile to go to the bathroom. So, there are negatives with a bathroom I understand, but I think there are more positives than negatives. Ultimately, it's the city's decision. We certainly are here and always have been here saying they can provide that if the community also chooses that, and I think you'll hear from a bunch of neighbors about it.

So I think just as important about this site though is that it's not just development of this property we're talking about here, okay. This opportunity provides an opportunity for the church to do something else in the community. They're not going to take their money and run. It's a lot of money if you can imagine. They're going to take almost all of that money and pile it back into the community. They're currently in contract on a building in the Hacienda Business Park at 5959 West Las Positas, and if you want to pull that up—it's this building here—it's on the corner of Coronado and West Las Positas, okay? This property has been vacant for four years and in a pretty good real estate market, so

chances are nothing's going to happen to it unless somebody really wants to do something to it, and these guys have a great plan for it.

This building has some serious structural issues and that's why they're probably going to spend most of what we pay them to rehab this building and create something really fantastic, and Pastor Slack is here and he can elaborate on that if he likes. But I think this continues a trend where we're seeing institutional uses reinvigorating all over of worn out commercial buildings in places like Hacienda and removing actually conflicting uses of noises, traffic and other things from residential neighborhoods. So I think this is a positive thing for the community. It is part of this project. It doesn't happen without this project. So there's actually six other churches in town that are in business parks in this community so it's not unusual.

There are a lot of benefits for this project than just creation of the neighborhood. We're also going to bring in the restroom. We're addressing a housing crisis and I know nobody seems to care about that but we are in a housing crisis in California, in the Bay Area, in Pleasanton despite what RHNA tells you. And we're helping to redevelop one of the least attractive buildings in Hacienda Business Park which I think is important for the City. I'd appreciate the opportunity to come back and respond to any comments, but a couple of other things—just a couple of clean up things—on the setback issues, we're talking about the second floor setback. Most of these buildings that have a second floor, it's a very small portion of the entire footprint. There's only one plan that has a traditional second floor. The rest of them are very small, second floor options, okay? Also, our porches—I'm not sure where the 11-foot setback came from. I think it may be on one or two lots, but for the most part our porches are more like 12- to 13-foot setbacks from the street. Then the bathroom issue I think you've mentioned, and I guess the thing I'd like to say is frankly, there's all this discussion about the cost. That, to me, is something the City does for its residents is provide this, so we're here to provide it gratis; you'll just have to maintain it. So, thank you very much and we're here to answer any questions. Also, too, I have our architect, Bill Housenhall from Wayne Housenhall Architects, our civil engineer Joseph Zarr from Jerry Vincent & Zarr and Anika Carpenter, our landscape architect from Ripley Design to answer any questions.

Chair Balch: Okay, any questions of the applicant at this time? Okay, thank you very much. To the public, I've seen the Mayor do this and I think it might be good for us here. I'm going to just ask by a show of hands some different questions so that we can gage where everyone is at tonight and I'll also wake you up with the blood flow as we get ready for the comment area.

So, you probably have heard from the staff report, the first element to be considered is a General Plan Amendment to move from P&I to residential of some type. So if you are supportive of that amendment change, could you please raise your hand. (Majority of audience raised their hands) If you are against or opposed to that, could you please raise your hand. Okay.

The second question would have to do with primarily, I'll just call it the two options; Option 1 is a two-step process through the Park and Rec, and Option 2 is a singular process we'll call it where it's dedicated on the corner that is proposed. So with that, is anyone here supporting Option 1; the two-step process. Okay, by a show of hands, can

I see who is supporting Option 2; the singular step process. (Majority of audience raised their hands) Okay, thank you very much.

Phil Sayre stated residents look out for each other and he supported Option 2. He recognized the City's expenditure of \$400,000 on the neighborhood park, cited increased property values for Valley Trails' homes and recognized that the church has tried, but thinks 36 homes is less than what had been proposed. Ponderosa Homes has been very open and flexible to comments from residents and the City. He supported the idea for installation of restrooms and closing them at dark, thinks the project is a win/win and supported the Commission's recommendation for it to the City Council.

Dan Lacy said neighbors have worked with the church for many years and as a member of the Board of the Advocacy Group, he voiced his support for Option 2. He thought the most important points relative to safety were that 36 new homes will be here and people's eyes will be on the park. All homes in their neighborhood are selling with increased values, and while he supported Option 2, he would also support the entire lot for the City.

Joanne Norman recognized the number of meetings over the years and the need to see something other than weeds. She said neighbors have learned that if the park is used there is less crime than if the property is ignored. She fully supported Option 2 as the best option available over the years, thanked Connie Cox for her help in addressing issues, spoke of the need for people to have nearby bathrooms, and questioned how much longer it would take for the project to be completed.

Lin Huven-McNamee said neighbors have been trying to get this piece of land settled and part of the community are anxious for this to come to completion. She voiced her support of the clubhouse and restrooms, said she rides her bike and walks her dog in the park at different times of the day and while conditions vary, the park is actively used without many problems and said seniors as well as toddlers need nearby restrooms. Her one concern is that the intersection signal timing should be extended to allow the additional construction truck traffic to get through the intersection. She also asked that road repairs be taken into account, given potential damage from construction.

Jennifer Sabella said she has used the park often over the years and agreed the bathroom was very far away. She voiced support of Option 2, discussed people who "park hop" to the City's many parks stating that a restroom will benefit everyone using these parks, and asked that project move forward quickly.

Bob Gallagher stated he believes traffic can easily be handled in the current configuration except possibly one area around a curve that may be dangerous if speeding occurs. He acknowledged eventual development of the lot, believes this plan to be the best project, and discussed his work conducting air pollution testing for the State of California. He noted while prevailing winds and the freeway result in him getting a lot of dust and dirt into his home, developing a school or high density housing would produce a lot more air pollution.

Bob Anderson voiced his support for the plan which he believes is best suited to the neighborhood, the developer and the City. He cited the benefits from having a clubhouse and restrooms, supported Option 2, thinks the City will have sufficient funds to maintain the restrooms, stated homes have doubled in value over the years and asked that the project move forward quickly.

Donald Rybolt voiced his support for this project, Ponderosa Homes as a good builder with a good reputation and Option 2. He thinks the clubhouse will not only support the proposed housing but existing housing, as well.

John Conroy voiced his strong support for Option 2 including a restroom, discussed the property's condition and asked to see more work be done to clean up the property.

Todd Zaionz voiced his support for Option 2 and asked if any consideration has been given to the existing infrastructure of Valley Trail's electrical, sewer system or water system that tends to be frequently in need of maintenance given the additional strains which will be placed on it.

Marge Swansen supported the entire project, having a restroom at the park, and Option 2.

Kay Ayala said she attended the joint meeting last night and cited strong interest in a school site which she said was promised since 1970. She lives in Pleasanton Valley which has an elementary, middle and high school, and kids are able to walk to school. She thinks this project is not a community-wide benefit, given the restrooms, maintenance and police resources will be paid for by all taxpayers. The 36 homes will have children that will need to be driven to schools and she voiced concern over added traffic, and urged continuance of the project until after Tuesday night's school board meeting.

Carolyn Lacy voiced her strong support for Option 2 and thinks the restroom would benefit the entire community. She noted that the police constantly patrol the area where the restroom is proposed to be located, said loitering occurs on the trails, bridges, and on the arroyo and she was not concerned with loitering at the park. She agreed that both new and older homes will appreciate in value which will serve to address the costs of maintenance for the restrooms over time, and if a school was located here she thinks traffic impacts would be too great.

Rick Blake thanked the City for renovating the park, voiced his support for Option 2 and definitely did not think a school site was appropriate for the neighborhood given increased traffic and ingress/egress concerns. He also discussed and was satisfied with the Engineer's response regarding his questions on soil movement.

Ahsan Salahuddin asked staff to display the housing map and pointed to where he lives on Lassen Street, stating there are large trailers and trucks parked in this area. He asked that a stop sign be installed here and voiced concerns with parking spaces proposed, stating he himself has four vehicles. He supported Option 2, asked that traffic impacts be studied and thanked the City for making Pleasanton one of the safest cities in the country.

Ed Broome cited the numerous meetings and discussions held over the last 2 ½ years and thinks Ponderosa Homes has listened. Homes have been well planned, are a good fit for density and price point, and the majority of residents support the project. He supported Option 2, thinks there is existing precedence to having restrooms in neighborhood parks and cited Creekside Park as an example. He did not believe that removal of 9 acres from 600 acres in the P&I zone district was substantial and quoted Chair Balch and Commissioner Allen at the August 31<sup>st</sup> meeting. Their comments focused on uses other than housing for the site which they indicated would chokehold the street to gridlock and that high density housing does not make sense. He asked that the Commission recommend that the project move forward to the City Council.

Khaled Salah voiced his support of the overall plan, said he was neutral on the restrooms; however, he voiced support of what neighbors want and he likes the idea of having a clubhouse. He questioned how the homeowner association would be established, asked for consideration to use some of the money to equalize use of the clubhouse by neighbors, and thanked Ponderosa Homes.

Joe Cunningham voiced his support for Option 2, supported the restrooms and noted there is a restroom downtown which he uses all the time which is clean and without graffiti.

Denise Reyes said she and her family uses the park very often and the only reason they drive to the park is because there is no restroom. She voiced support for Option 2 and thanked the Commission.

Marcia Conroy said the Valley Trails neighborhood uses the park often and people tend to look out for any problems that may occur. She was initially concerned with loitering and restrooms but did not think there would be any problems. She voiced her support of Option 2, cited the benefits provided for the entire city and asked that the project move forward. She agreed the City was growing and that more children are coming to the City, but said there are other facilities for use and asked that the project move forward.

Connie Cox clarified that the neighborhood had been dealing with the church property's conditions since 1980 and the clubhouse was brought up at the very first meeting. She also clarified there were three access points—Kings Canyon, Platt Court and this project; that parents are now parking at Kings Canyon and at Platt so this will provide 10 extra parking spaces. She agreed that the neighborhood looks out for itself. She cited one incident of graffiti which was resolved and said Valley Trails has the lowest crime rate in Pleasanton.

She voiced her support of Option 2 with the caveat that the neighborhood did not want approval of the General Plan Amendment if the amenities did not come with it. She supported the compatibility of the proposed homes and thinks traffic is not a problem as the configuration exists in other areas, and she thanked the City for their work on the project.

*Rebuttal – Applicant*

Jeff Schroeder, Applicant: Just to clarify a couple of things--the issues about the infrastructure concern—we have a condition regarding the sewer leak. We were told some time ago that might be an issue. We actually did a little study on it and we don't have an issue but we're going to do a final review of that. The issue about the clubhouse 12 times a year and once a month is a free use of the clubhouse for the neighborhood group. The clubhouse can certainly be available for people who want to rent it just like any other facility which is quasi-public, but it is going to be privately owned and maintained so it will be available.

I know you have to go through this analysis of pros and cons, but a couple of comments on that. I don't think redevelopment is necessarily that common in the neighborhood, especially in this situation. The existing trees will be removed but we'll plant a lot more than that so there will be way more trees than are out there now and we're going to tag onto City services but we pay impact fees. In fact, not including sewer and water, we'll pay about \$2.6 million in impact fees to the City of Pleasanton with building permits and over \$1 million to the school district. So with that, I'm available for any questions you may have and our consultants and designers are here who did a lot of work on this project. Thank you very much for your time.

Commissioner O'Connor: Maybe I misunderstood, but one of the speakers earlier said that with the development of this clubhouse bathroom area, there's going to be an additional 10 parking spaces available. But I thought this was a fenced parking lot.

Schroeder: The parking lot would be set aside for use by people who are renting the clubhouse so it's not available for public parking on a regular basis. Of course, we're adding cul-de-sacs which people park on, so they're public streets, but the parking lot itself would be available for users of the community facility. It's a private lot so there's a cost associated with that. Our homeowner association dues we think will be manageable, but in any case, that's the situation now.

Commissioner O'Connor: Is that going to actually be a gated lot?

Schroeder: How you control that I don't know frankly, but it will have the standard signage that a private facility has when a homeowners association owns a private facility, it is signed appropriately. We'll have to work those details out. There is a requirement in the DA for a use agreement for this facility and the details will be worked out at that time.

Chair Balch: I just wanted to ask, from the plans I want to make sure I read them correctly. There appeared to be a small fence maybe at a height of three feet or something around the clubhouse but not around the bathroom. Is that correct?

Schroeder: Basically, we're showing a two-rail fence basically to provide some sort of sense that this is not a public space if you will, but the bathroom would be outside and the fence would butt up to the bathroom and it would be over to the park.

Chair Balch: Any other questions of the applicant?

Commissioner Ritter: Just one. I know this park was planned to have the purple pipe go into it, but I understand that it never made it into this park. I just wanted to know that if it ever did make it into this park, when you develop a property, do you plan for purple pipe for residents, just curious.

Schroeder: We discussed that issue. It's not that big of a deal. I don't know how it's implemented. We have to look into that. Supposedly, I've been told that the purple pipe's going to get there eventually.

Commissioner Ritter: It's pretty small for 36.

Schroeder: Yeah, we're only talking about the park strips and the low detention basin area.

Commissioner Brown: I had a couple of quick questions. The parcel A and B which is at the end of the cul-de-sac, I know you had a more narrow sidewalk proposed as access. The view that it is narrowed is okay is the assumption that the number of pedestrians you have coming from the cul-de-sac you wouldn't need to have crossings both ways.

Schroeder: Yes, it's the same width as a public sidewalk, so you'll be going from a public sidewalk and folks walk to the trail. And those areas are part of the C3 water detention basins and so widening that short section of sidewalk doesn't have much benefit and it impacts the square footage they can use for that purpose.

Commissioner Brown: Yes, and I think there is some mention of retaining walls or something like that. On the Parcel A/Parcel B, what would prevent people from walking across the grass versus using the sidewalk? Is there going to be any sort of fence in there?

Schroeder: Typically we haven't, but we can do that as a detail to look into, but there's not a large depression there and it's got a different type of grass as you know. It's like the low mow turf type of things and so it wouldn't look like it was part of the park. It will be slightly depressed. I don't think you can keep people from walking across it, but you know, a fence might be appropriate for that if it becomes an issue.

Commissioner Brown: I'm just wondering because people take the shortest path and the sidewalk was not the shortest path. As the applicant, did you have any issues with the City staff putting in the conditions of approval not to accept Parcel C and to make that part of any issue there?

Schroeder: That was part of the previous proposal. At one time they had a hybrid proposal on the building and the bathroom and so that was eliminated in favor of the plan now which would be to create a separate, or an eventually a different Parcel C that would then include the bathroom that would be ran through the City.

Commissioner Brown: Okay, final question—any concern around....I know that you had certain parking spaces designated and you provide ample parking throughout which I noted. Is there anything that prevents or are we going to put red lines in and etc. on

those corners to stop people from parking and creating a hazardous situation on Streets A and C?

Schroeder: I'm not aware of those. They're public streets and they would meet public street standards. There's going to be some red striping for fire hydrant protection so we don't block fire hydrants, but other than that I don't know of any special condition on the corners.

Commissioner Brown: Okay, thank you.

Chair Balch: Okay, any other questions for the applicant? Okay, so with that we will close the public comment period. I will be bringing it back to the Commission, but we're going to take a quick 5-minute break so we can stretch and use the facilities as necessary and we'll be back in a few minutes. Thank you very much.

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

### **BREAK**

Chair Balch called for a break at 9:18 p.m. and thereafter reconvened the regular meeting at 9:25 p.m.

Chair Balch: So we're going to bring it back to the Commission at this point. This is either sometimes difficult or sometimes easy for the public based on how it goes, but I will point out that the public comment period is closed. So as we have not been able to discuss this issue before; only at the workshop, this body of six people—we will bob and weave through issues because we have not had a chance to discuss it. Please understand we will work through a process to come to some mutton at the end of this and go from there. And please be patient with us.

Why don't I just start by saying, are there any questions of staff since we've heard the public comment period? I do have a few myself but any questions of staff?

Chair Balch: So I'll just start with my questions if I may and then we'll go into it. The first question that came up from a speaker was the light at Valley Trails and Hopyard and extending the cycle time, and I know we have Matt in the back, but I don't know if we need that. Do we typically do that when we have development projects underway to accommodate the construction traffic?

Beaudin: We adjust signal timing on a regular basis based on the needs that come up and we do it as dynamically as there's an issue on the freeway in the morning and we need to move traffic through our communities as efficiently as possible, so we'll certainly keep an eye on that intersection during construction and help traffic along.

Chair Balch: Okay. The next question that came up during public comment period was—I'm going to go a little out of order here—but the intersection control at the new street and call it North Valley Trails because I don't have my map in front of me. But this intersection there. As I recalled earlier, I think you said it will not be controlled? Is that correct?



Weinstein: Yes, that's right. There are no plans for any traffic changes or circulation changes on Valley Trails Drive. What is a condition of approval is that the applicant will pay to fund a traffic calming program if deemed necessary by the neighborhood and by the City's Traffic Engineer. So stop signs or other traffic calming measures could be potential features along Valley Trails Drive if the City undertakes a traffic calming program and gets buy-in from a neighborhood.

Chair Balch: And then if I may ask to that, if we found that in the future it did need control, it would be evaluated and adjusted accordingly then?

Weinstein: Right, right, so that intersection at Lassen right now does not meet our stop sign warrant, but conditions can change and that intersection just like others in the City would be evaluated.

Chair Balch: Okay. I believe the applicant addressed a few other questions that came up-electrical, sewer and infrastructure capacity. I just wanted to ask if City staff agrees with the applicant's assessment.

Weinstein: Yes, that's right. This project has gone through a very long project review process and one of the initial things we do is sit down at a staff review board with representatives from all City departments and divisions, including folks who work in the area of utilities. No existing deficiencies have been identified with utilities in the area. Of course, this project will be building new infrastructure that will connect to the old infrastructure but no capacity issues were identified.

Chair Balch: Okay, I'm just going to keep going down. The next one I had was the clubhouse arrangement and I think it was discussed or brought up by Commissioner O'Connor, which was, is that parking lot going to be publicly used and we understand it will not. It will be devoted to clubhouse use. But, I was looking at the plan that came out of Attachment 3C and in light of the police officer's earlier comments about having to get off and access it to get around, that is the closest, call it, "drive able" location. But, I also noticed there is no sidewalk and now they're talking about a couple of feet of fence that would prevent the bathrooms from being easily walked around. Do you have any comments on that?

Amos: Fencing is not a requirement as part of this development. As the applicant was stating it was something they were showing the possibility for it. If it is something that's just a parking lot or if they do some other means of it, it's definitely not necessary and we can evaluate it and work with the police department about what would be the best access during the actual building submittal process.

Chair Balch: Okay, which could possibly contain no trees around the restroom if that was what was recommended, correct?

Amos: Correct.

Chair Balch: So the model we have of 10 year trees might not be accurate to what....

Amos: ...it could be modified, yes.

Chair Balch: Okay, I think that concludes my questions of staff at this point. Anyone else?

Commissioner Nagler: Just further on the easy police access to the restrooms, I know this isn't a comment period but just to say for context of my question I'm about to ask, what concerns me the most about going forward with the public restroom in fact is the ability of both neighbors and the police department to monitor activities around it. So with that in mind, has any consideration been given to potential changes to create a special access road maybe from Platt Court or Yellowstone Court? In other words, changes in the existing corridor since the existing neighborhood is going to benefit from the restroom that, in fact, would be made easier access from monitoring purposes.

Amos: It could and our Operations Services Department and the Parks Division that has to go out and maintain it, they do access it from certain courts where it is a wider access for trucks to get through. There could be some potential to extend those parts of it and closer to it. It's a matter of how much linear footage that would be required to make the modification to actually get a truck through or vehicle through it because they may have to stop at a certain point and then get off and walk. But it's something with police and with the Operations Services Department to evaluate when it comes in that perhaps you can extend something or a road or a future access off of the existing court or existing access point.

Commissioner Nagler: And would that occur prior to construction of the restroom or following construction of the restroom?

Amos: Either option.

Commissioner Nagler: Okay, I would ask that you consider that as an additional condition of approval.

Chair Balch: The clubhouse—is it architecturally designed all the way around? For example, when I look at some of the models in the plans, only the front have the shutters for example and not the rear windows. We've talked about this in the past—do we put architectural features on all four sides. Do you know if the clubhouse or the restroom are planning to do that?

Amos: We don't have the elevation drawings for either of those facilities. How it would work for the clubhouse is they would have to provide elevation drawings and we can look and evaluate and definitely make comments and work with Ponderosa on what would be best if it were to have some architectural features all the way around. You could also add that as a condition of approval if you found it necessary as a recommended condition of approval. In terms of the restroom facility, it would probably be consistent with the City's standards and specifications because if we were accepting that, we wouldn't want to create too many additional architectural features that we would have to maintain. So it's going to be a pretty standard facility in terms of the restroom. For the private clubhouse, it definitely is open to have more features added to it.

Commissioner Brown: I have two questions. One is would it be inappropriate for the Planning Commission to—obviously, this is my suggestion—to make a condition of

approval around addressing to make sure we have some sort of discouragement from parking on those corners? Is that an appropriate thing to consider? And the second question is, obviously the surrounding neighborhood you mentioned it's a puzzle piece. It looks to me like a Pacman surrounds it, and obviously under Connie Cox's leadership the neighborhood is united and they were very, very clear that they see it as a package deal in that they would not want us to proceed with recommending a land use P&I change unless they got the bathrooms and the clubhouse. Have we ever done, for lack of a better term, a poison pill condition of approval that would tie the project to the Parks and Recreation Commission and the City Council, who it ultimately would go to the Council? Is there some sort of provision or established process for that I guess is my question?

Amos: In terms of a poison pill or a poison condition of approval, you could make a recommendation for that. Ultimately, it would be the City Council's decision on whether they would want to accept that recommending condition of approval or not, but you definitely could craft something this evening that added either a sunset clause or some other timing requirement to be associated with it. You could do that.

Commissioner Brown: Okay, all right. I just thought it was a fair question. I don't want to create a legal complication for the City in going through obviously ultimately through to the City Council who can change any recommendation that we make, but I just wanted to emphasize the community input to say they don't want the rezoning if they don't get the community benefits that they expect. Okay, thank you.

Commissioner Ritter: On the demographer's report, does it show on that report that based on where they think a school should be needed? On the report, does it just estimate how many kids are going to be coming into the area? Do you remember?

Beaudin: So the demographer's report does look at the existing school boundaries and it does show which boundaries, which areas of schools see kids not being able to be accommodated in their own neighborhood schools. But there are also other reasons for that. There are special programs where you see more kids coming into those kinds of schools. Our General Plan does identify the 10<sup>th</sup> elementary school site as the Neal property on Vineyard. This isn't that site, but certainly when you look at the demographer's report you can see north Pleasanton is impacted and I think that's what generated the interest around it. But there's no real way. The District has some management options in terms of how they draw those lines and where they move kids and they haven't done that either. They have some existing frameworks.

Commissioner Ritter: I'm getting the sense that the neighborhood doesn't want a school in there and they think this is the highest and best use, but I'm just curious what the demographer report states.

Beaudin: It's not by neighborhood. It is by area for individual schools.

Commissioner Nagler: This goes back to your point about the traffic calming measures and Chair Balch referred to it and let me just ask specifically—If the applicant is willing to install some traffic mitigation measures along Valley Trails and it just doesn't seem in the beginning to be necessary but does 6-12 months later, is there any provision on

who would pay for it 6 to 12 months later? In other words, might it be put in escrow for this purpose as a condition of approval?

Amos: Condition No. 65 is timing requirements. The applicant would have to submit a bond that the City would retain.

Commissioner Nagler: Okay.

Commissioner Allen: I have one more question. As I recall at our workshop—this has to do with long-term maintenance and full replacement for the bathrooms. At our workshop, my understanding was that Ponderosa was likely paying for 10 years and I thought it was like this full maintenance where the City didn't have to worry about any expenses or our taxpayers didn't, and what we see now is five years, but it's not the full cost. It's just a custodian going out once a week to basically maintain the bathroom. It doesn't even include toilet paper. So, has there been discussion about having the developer cover really the fully loaded costs so that our taxpayers are not bearing it for this bathroom for the life of the bathroom.

Beaudin: I think that's the conversation we started earlier in the evening. The opportunity to make decisions about the level of community benefit that should come from this project is certainly something I would encourage the Planning Commission to discuss. If you think that the community or the neighborhood should have more, then I think that should be part of the recommendation.

Chair Balch: May I pause for a moment? I want to point out that it's 9:45 p.m. and we have two additional very large...well, one relatively modest sized item and a second item which is fairly large which is the Pedestrian Bicycle Master Plan with staff sitting in the back. Do we think we're going to make it? Do we want to evaluate in a little bit? Any comment on that? I don't think we're going to make it. Staff, could you weigh in on whether you want to try to get through that tonight.

Beaudin: We have a tentative agenda date with the City Council for the Bike and Pedestrian Plan. We have some folks that are sitting in the audience this evening for that conversation, but I think that the appeal is something by code we have to hear. The Bike and Pedestrian Plan is something that ends up as a City policy document and could take another meeting.

**Chair Balch moved to continue Item 6.c. Pedestrian and Bicycle Master Plan Update to a future meeting.**

**Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, Nagler, O'Connor, and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

Item 6.c. Pedestrian and Bicycle Master Plan was continued to a future meeting.

Chair Balch: So in going back to our Ponderosa item, would the Commission like to do a quick straw poll to evaluate how we feel about the General Plan Amendment and then go into deeper comments? Would that help us or do we just want to go through comments? Any thought on that?

Commissioners voted for continuing comments.

Commissioner Nagler: Sure, I'll start. First of all, in the sort of largest context, I think this is a fine application. The amount of effort that has gone into this and trial and heartache over the years has resulted in a plan that's appropriate to the neighborhood. As I've done in the past, I compliment the applicant for seriously engaging the neighbors in a conversation over time so that the project is as appropriate as possible to the neighborhood. I know that it's not universally supported by neighbors in the Valley Trail area, but it is so significantly supported that it's impressive.

So with that having been said, I also think that while it would be preferable that the porches were larger and that setbacks were greater, I'm not willing to ask that the applicant re-architect the building to accomplish that just given the location of the project. I don't think it's something that you pursued. I think that the traffic layout is what it is and that I have confidence in the Traffic Engineer's analysis of what the impacts would be so that it has a single point of entrance and exit. It certainly will impact people living at that intersection, but overall, for the project I think that the site plan is as good as it can get.

The issue of some controversy; that is the bathroom and I am of a mixed mind about the bathroom. The only thing it seems to me that speaks to the validity of the idea is just how long it's been on the table. The fact that it is creating for the first time in the City a policy because it is a policy change; that there is a bathroom that the City is obliged not just to maintain but to monitor I think is not in isolation simply because this is a long park or it's surrounded by streets and arroyos and things like that. I actually think that it's a neighborhood park that's getting a bathroom and we have as a City policy to go through our Park and Rec Master Plan as well as the General Plan of the City, we have not crossed that bridge until now and I can see why. You know, we hear there's little crime in the park and crime is less when the park is used, and the logic of that is I'm sure true. But, it's not possible for the police department to not take as a serious obligation driving by this bathroom periodically and making sure that bad stuff isn't happening. They're going to take it on as an obligation because that's how the Pleasanton Police Department sees its job, and I think that it's not really a.....if the City Council is beginning to have conversations about whether five patrol cars are adequate at any given time, then I don't know it's the right policy choice to say that the five that currently exist should in part be used to monitor a neighborhood bathroom. So, that's on the one hand. On the other hand the fact is that it's important to the neighbors and the applicant has had these conversations, so based upon the sentiment of the rest of the Commission, I could go either way on this question. However, I absolutely believe that if we do pass along the inclusion of a bathroom that a condition of approval must be changing the access points or roads from the existing two nearby courts so that the

efficiency of monitoring the facility is improved, right? I think at a minimum that's what we should do.

Commissioner O'Connor: So I've been around Ponderosa for a long time. They do a fantastic job and I really like this project and I like the look of it. My two concerns that I know we'll talk about is the bathroom; it's the precedent. I don't know if the flood gates are going to open. I hear it in what I'll call my neighborhood. In fact, it's quite a distance from where I live, but the same thing—there's no facility for toddlers and it's too far to get home and so anyway, I can just see this becoming an issue as to who gets a bathroom while all the others don't, and I don't know if we can help that with deeper funding from the developer for more than 5 years. I mean, I don't know how the structure is. I do see this as becoming a problem.

The other bigger problem I see for us right now is the timing of this project. Everyone wants to build residential. It's the name of the game right now. It's the highest priced land. Everybody wants to sell for residential, General Plan Amendments, you know, moving from our P&I or other designations all to residential, losing some of that diversity within our City and just being heavily in residential, but at the same time not getting any RHNA credit for this. I know that when we get our RHNA numbers we do have room in there for market rate and something above median, but when we do these things outside of the cycle when we don't need to, we don't get that credit when the time comes. So that's a concern for me, the timing of doing this project now. And I don't know if there's a way to approve it, zone it, whatever, delay its build—I don't know if we get no credit from RHNA if we actually approve something but not have its built. Approving seems to be where we get our credits. It's not in the construction timing, so that's been my concern since we've been having a lot of discussion around changing the designations to residential.

Chair Balch: I do remember from the workshop and we've had our RHNA conversations since then. There was an element of you get credit for building and performing under our RHNA numbers, is that correct?

Weinstein: It's about the city's inventory of zoned land, right? So we've already met our RHNA obligations for the current cycle. So what happens is that we prepare an annual report every year that looks at housing units that are actually developed in the City and different income categories. So if these units were built in the next couple of years we would report those units in our annual housing report, and that's what the State does look at, but it is disconnected from our RHNA obligations. Again, we've met our RHNA obligations. We don't need to rezone any more land to meet those.

Chair Balch: Thank you. Commissioner Brown?

Commissioner Brown: So I'll be very clear. I think Ponderosa Homes is being a very good partner to the surrounding neighborhoods. I think it's a quality proposal. I think the homes are in keeping with the neighborhood. I have driven around the neighborhood. I have walked around the park, and I think the project as it stands, stands alone and it is good. I'm happy with the traffic. The only partial criticism would be those short curbs, but I don't need to belabor that point so I'll be very clear on that. I do have concern about the fact that we're reducing developable P&I from 60 acres to 51 acres. I know the comment was made earlier from one of the residents that we've got 600 in the City

but the point is we only have 60 that's developable currently, so this would reduce the inventory down to 51.

That said, obviously it's been an eyesore and a missing puzzle piece for a long time and there's not a lot of projects that come to us that have such a unanimous support from the surrounding neighborhood, and the fact this is a fill in project in the middle is not lost on me.

I do agree with David around the access around the bathrooms. I have no doubt that the neighborhood, given the support, would probably be willing to consider this in their neighborhood watch to include the bathrooms so I'm sure that would be addressable. Like the other commissioners, I do have concerns around recurring costs beyond year five. I think there was one comment that graffiti can go anywhere up to \$100,000 and so the \$5,000 is typical costs but it may run a lot more than that. The comment is that we've got two levels of parks in the City; one is community parks of 10 acres or more and less than 10 acres that is more isolated to an individual smaller community...probably not the right term – I should probably say neighborhood park. So I have the same comment as Commissioner O'Connor in that this is one of 33 I think was the number. You're going to have 32 other parks, and Greg and I happen to share that same neighborhood park, and I've got toddlers and certainly could use a facility like that myself. I've gone running with the toddler home before as well.

So that said, I totally get it and respect the neighbors' support of it and if it was put forward to the City Council I think we need to reflect as a condition the fact that they don't want the rezoning if the Parks and Recreation Commission, in their recommendation to the City Council, was to reject the bathrooms. So I think we need to be consistent there. And I don't know if you guys saw the movie, "Airplane" but I'm the alternate here tonight so unless somebody ate the fish, I'm obviously not voting, but the concern I have goes back to the P&I piece. So, if we're voting as a package my preference, although not a voting member tonight, would be that we wait for the school board to have their meeting before we would make the final decision on recommending the package including the P&I rezoning. I have no doubt that the neighborhood believes that a school would not be the best use and that single family homes are the best use, and I can fully get behind that. But I would be in clean conscious want to know that the school board has had their opportunity to evaluate their interests before agreeing to report. Like I said I'm not voting but before recommending to my colleagues that are voting that we do the P&I change....

Commissioner Nagler: May I just ask Commissioner Brown a question? You've said several times that if the Park and Recreation Commission doesn't recommend the bathroom....so you're referring to Option 1? Because Option 2 would have it go straight to the Council as a recommendation to include the bathrooms. So I'm just wondering what you're referring to.

Commissioner Brown: Because of the combination Parcel C? All right, so I would revise that comment. Yes, it would, yes.

Commissioner Ritter: So, in listening to this whole process, I just want to forget about RHNA, listen to the neighbors obviously, forget about zoning for a second and I just look

at that lot and try to figure out what is the best use for that lot. I'm real concerned that if we put everything on hold and wait, we're going to get that state mandate telling us what to do and we already know what happens when that happens. We get issues like we have at Owens like we've got high density and we had to do things we didn't want to do. And I really like the design because it fits into the neighborhood. It doesn't feel like we just put something there because there was space. I know it took a lot of time to get to this level and I think the staff, the developer and neighbors have done a great job trying to come up with something that seems like will work in that area. So I am in support of that.

As far as waiting for the school board, I appreciate your comments on that but I do think it's our obligation to keep the process going because the City Council will still have that option after the school board meeting to make a decision based on what the school board says. This has been worked on for so many years. Like we've heard, it's been considered for a school, should we leave it as a church, and I think we still have to look what we've got in front of us versus let's wait and see again because we've been doing that for 20 or 30 years or so it sounds like.

But, I'm also thinking we're supporting a church which is part of our community. We're supporting the Hacienda area which is where they're going to move to which is supporting our community. We're fixing an empty lot that gets peed on and that has rats running around in, and so I see there is some benefit here other than just building these homes.

As far as the revenue or costs, I think we've got to think above that issue. Gerry gave me 2% of 37 homes; that's about \$74,000 a year of tax revenue that we bring in. Beaudin: Can I just round it out just to be fair in this conversation because I got halfway through the thought and then I moved on. There are a lot of costs that come from a residential development as well. The point I was trying to make is, try not to make your land use decisions based on the financial inputs and outputs for residential development because ultimately, we're a City, we're a public agency. We do a lot of things for a lot of reasons other than the financial bottom line.

Commissioner Ritter: And I agree with that. I was going to say it's a small portion of what we should be deciding in this process so it's rough numbers, but....but also, the last one is....I was six years on the Parks and Recreation Commission. If we ever had a neighbor come over and say, I'm going to rip down my house and put a clubhouse in, make the bathroom available for the park, I think based on what I've heard from my six years on Parks and Rec, there's always a wish that we had bathrooms. My wife used to take my kids to parks with bathrooms and we named them by what they were; the big white slide park. Now, this could be the bathroom at the long strip park or something like that (haha), but it does add a community benefit in that sense. I understand when on Parks and Rec we always got mad when things went around us, but I know this park has been in discussions with Parks and Rec and Commissioner Chair Balch could probably help me with some of those over the years. We were both on the Commission together, but bathrooms is always a hot button and there's generally people who want bathrooms in the neighborhoods from what I heard other than they don't want them next to their house which is always the other issue.



As far as traffic, I don't think this is a traffic issue. I live in a neighborhood where there are 168 homes and we all come in and out of one exit and I very seldom run into a neighbor coming in and out of my exit and it's right off of Foothill. I don't think traffic is an issue in this case. But I do agree with Commissioner Nagler that if we have a bathroom in there, I think we need to look at Yellowstone, Kings and Platt Court so it's an easy access so where if someone were in an emergency, the truck doesn't have to come all the way down and around and get in the gated parking lot. They should be able to come through that cul-de-sac and drive across the grass for easy access, so I do agree with that.

Those are my comments. I do believe Option 2 is the best for the best use for this location and I do appreciate everyone's input. I think it's been a tough process, but I do think irrelevant of RHNA and costs and all of that, this is the right thing for this location. So, thank you.

Commissioner O'Connor: One comment on your RHNA comment. We are only five years away from our next cycle and just because RHNA gives us numbers doesn't mean we have to zone every property for high density. I don't believe that this location is correct for high density, but we can meet other goals of our RHNA numbers by doing this same development when we have our numbers.

Commissioner Ritter: But we get credit for that.

Commissioner O'Connor: And we do have other land that we can rezone in town for high density because we have a list of those that we took off the list when we created ones that we currently have, but there are other sites.

Commissioner Ritter: But we do get credit for what we do right now.

Commissioner Allen: Just to clarify, we do not get unit credit, do we? It doesn't help us with our unit credit.

Beaudin: RHNA is that point in time that Adam described when we rezone and then literally, every time when we see those projects, those sites be developed, we're checking those boxes because we theoretically zoned enough land in the City at a certain density to meet the RHNA number that's provided to us by our regional planning agency. The annual report that we do; while it's not RHNA credit it's housing credit. So credit's probably not even the right word in the annual report. We're generating units which is consistent with our housing element policies and so we go through a pretty significant exercise telling the Department of Housing and Community Development how we're doing with respect to generating residential development of all kinds to be able to house our share of who want to live in Pleasanton. We've grown slower than our neighbors and we'll continue to do that because we have growth management. We do it in a very cognizant and methodical way.

Commissioner Nagler: And legal.

Beaudin: And legal. Apparently, we've got that down now as well. So what I would say is it's not RHNA credit but it is housing credit relative to our discussions with HCD on an annual basis.

Commissioner Allen: And can I just follow-up with that because I want to also differentiate when we're talking about what the HCD is excited about when they read these annual reports. My understanding when we were looking at Irby was they get excited when they see we're adding special needs housing and that we're adding a lot of units of lower cost housing. But I haven't heard that they're getting excited about adding million dollar homes, and I don't mean to pick and choose, but my understanding is that group is most interested in adding special needs and lower income versus above market rate housing and that's what we've been stressing in the reports that I've seen is the work that we've done there. Is that correct?

Beaudin: It's a very fair characterization to say that HCD gets excited about special needs housing. There's a lack of supply in our region and in our state and probably in the country, so it's really exciting when we can put forward projects like that. So those small lot single family homes are also a unique housing type for Pleasanton and what they also get excited about is diversifying our housing typology with projects that we're putting forward in the community. So the top box is special needs housing, but diverse housing type is also an objective of our Housing Element and we've met that goal with the Irby project as well.

Commissioner O'Connor: So correct me if I'm wrong but just in the extreme, if we build up every piece of dirt that we have before the next RHNA cycle; single family homes, whatever, we've covered the dirt. That doesn't mean that we're not going to get another unit number generated in 2022, correct? Because it's a jobs/housing balance they're looking for?

Beaudin: That's where Hacienda's an interesting place and building out every square foot of dirt is interesting. A lot of communities like to think "built-out," but the reality is that there's just new layers to the fabric, right? We've got a lot of parking lots in Hacienda. We still have some vacant sites in Hacienda and you can imagine moving to structured parking over time and potential to have even less parking if things like autonomous vehicles become our new normal.

Commissioner O'Connor: I'm thinking Palo Alto and Piedmont—they have nothing left but they still get a number.

Beaudin: They get a number and by law they have to zone for it.

Commissioner O'Connor: They rezone an office building for high density housing.

Beaudin: They do it based on.....there's an investment value ratio that gets created in your Housing Element and so you take an older site that's ready for redevelopment in the next cycle and you identify that site and that's correct. It's just re-layering and re-using what you have in those communities that are a little further along.

Chair Balch: And we've slightly seen that in our own downtown area here where we have two story going in next to 1950 housing stock for lack of a better word because that has come down in our downtown.

Beaudin: Yes, but the point that was made earlier is exactly right. We at the local level get a number but we decide where it goes. We're not told by anyone outside where we're going to accommodate those houses, but to zone the property. We don't build anything either, just zone the property to meet that number.

Commissioner Allen: All right, so I'll start with a compliment to Ponderosa for your work with the community in designing what I think is a very nice layout and nicely designed homes. And also to the Valley Trails residents who spent a lot of time and clearly have a lot of passion. I believe you represent the majority of Valley Trails about this project. I've walked the park four times and the majority of people are supportive of this and they have also told me that bathrooms are critical and that it comes with the package.

So with that said I have three concerns about the project and let me start with the bathrooms. They're bathrooms. I have multiple concerns with bathrooms—that add together to cause me concern. Any one of them on their own may not push me over the top but together they do. One is the potential for loitering and crime and the challenge it will be in this kind of park because of the design of it for police to patrol. Now, police probably will patrol but that's an additional cost to the community. Second, and I do think of overall benefits of the project and cost and I'm not talking about property taxes. I'm talking about incrementally this project is adding the full cost of the bathroom replacement over 20 years and all of the graffiti cleanup, the toilet paper, the plumbing breaks, the water, the electricity.

When I worked with the Operations Services Director, she and I both agreed and she said I could use this rough number over 20 years, it was close to \$500,000 in today's dollars that that bathroom will cost the taxpayers. You are here representing the benefits side of that bathroom and you will receive, for those of you who are here it's really important to you and your kids, the majority of taxpayers who will be footing the bill won't be seeing that benefit. So I get concerned and to me, to even think about this project, if I was too I would need to see that being net neutral because I don't think it's right for taxpayers to bear that burden. If you escalate that and you use what the inflation rate is every 20 years right now and every 20 years a dollar equals two dollars, so that's a million dollars in 20 years if you use those numbers.

So, take the taxpayer cost as number 2 with concern about bathrooms. Third is the lack of consistency between other neighborhood parks. As mentioned earlier, there are three neighborhood parks today, Delucchi being one, Creekside being another and Stoneridge that do have an exception, and when I talked to Susan Andrade-Wax who manages our Parks and Rec, she made it very clear that those exceptions were made because those parks specifically are used by the overall community. Delucchi is where we have all of our concerts and it's heavily used by downtown residents. It's not just the people that live there. Creekside is in the middle of Iron Horse Trail and it's used by cyclists, and that was why that was developed. And Stoneridge had a reason too. It was related to two lighted tennis courts there and that was the driver for saying that was a broader community than just one neighborhood amenity and that was the only driver

that allowed that park to have a restroom. I know Susan said she talked to Connie and many here in the very beginning and said if you build tennis courts, then I can begin to justify a bathroom. At least when I talked to her, and this was two days ago, I flat out asked her do you support this and her answer was no. She said it is inconsistent with the Parks and Rec rules and she can't speak for the Parks and Rec Commissioners but she felt it was very unlikely that they would support this change because it was so inconsistent and there wasn't a clear broader community benefit.

As a side note, I do live in a park. It's Orlock Park and I know a number of years we had come to the City. This is selfish but this is reality, asking for bathrooms and were told no, it's inconsistent and the same information that we've been told about neighborhood parks. So to be a taxpayer now paying dollars for one park in our community doesn't feel right.

So anyway, those are my main points on bathrooms and why I am concerned with that being in this project. If it wasn't, my concern would be significantly mitigated....somewhat mitigated I should say.

And then the other issue is the same one Commissioner O'Connor brought up which is we don't receive RHNA unit credits for this project. Now, I've never turned down a project solely because of RHNA. Commissioner Ritter always challenges me...I mean all of us challenge each other, but I do believe it is my responsibility and I won't speak for others that when we are doing a General Plan Amendment the threshold for the kind of community-wide benefits that are required, the threshold is higher than it is for something that's already in the General Plan and zoned because then it's sort of already a given and we're looking more at design aspects of the project and technicalities. But here, we're looking at a General Plan Amendment and to me, the broader community needs to see a compelling benefit or why do it now. So that is a concern to me.

So it kind of leads the question that Commissioner Ritter brought up and many of you brought up—so what do we do now? The way I think about that is I could be open to....well, either you leave it vacant and you wait and I'm just saying this is where I come out. It's left vacant and one waits for the next RHNA cycle and this same project could come forward. And if it did, my guess is I would be much more inclined if the bathroom situation was dealt with, some of the issues, the RHNA issue would be off the table because half of RHNA is supporting above market housing and we would get credit for it. If we build it now, we don't get unit credit and it means we need to build more houses in 2022.

The other potential thing that I personally could be open to is something like a senior kind of project and I'm also saying generally without bathrooms. But a senior kind of project would have less impact on the community. The traffic impact here isn't huge but we do have two D rated intersections which are not good. They're on the cusp of unacceptable along Hopyard at Owens and at Stoneridge and seniors have less impact. It would also impact the folks on Lassen that have had some concerns. It would be less people driving.

So I know you've already been and had the discussion early on. We as a Planning Commission were not part of any earlier discussions about senior housing. And also, there wasn't this discussion about whether this project would be approved or not. So I don't know. Things can change. Things can change when decisions are made about looking at alternatives about projects. I don't know where this will go, but if this was not approved as is, it may cause folks to say, well, let's start to make some compromises about senior housing, about the gates, and about the design of the homes because maybe we can create a win/win. I don't know but we've had a lot of projects that we've said no to initially or we've asked for further work to be done and they've come back as a different project or as a significantly modified project that that was a better win/win. And I'm not saying that for you because I know you all want this, but I'm saying for the broader community of people that are not just you.

Speaker: Excuse me, aren't we part of the community?

Commissioner Allen: You are, that's why I said it.

Chair Balch: Public comment is closed. Please hold your comments.

Commissioner Allen: So my comment was not just you because you are part of the community but there's a much broader community as well that's driving on our streets that has taxpayer dollars to support bathroom maintenance and other efforts and schools and issues like that. So I'd better wrap up my time, but I guess finally, I don't think we need to continue this project. I believe that if this project were to be approved by others and if the school district decided they wanted this property, my hope and assumption of my peers would be that they would hopefully add a condition of approval that if the Council approves this that we would hope you would continue it if the school board wants to do further research in looking at this site as a feasible site for a school because I think they deserve—there's been a lot of turmoil in the school, but if they do a study and they believe this is the right site based on the new demographer data that we ought to protect this limited institutional property that's in the north end and where we have limited capacity in our schools.

Beaudin: Chair, if I might on that point. I think the cleanest way is for the City Council to make that determination....but I also know I have a boss who may want to do it the way that you had described it, Commissioner Allen in that if the PUSD did decide next week, then we would have some informal conversations with everyone and make sure there is an agreement to take more time if that becomes the case. But I just want to put that out there as an option. It's either going to be the City Manager making that call or the policymakers for the City. So I think it could go either way. I'll say I think the cleanest way to do it is keep it moving to the policymakers, but there is a possibility if it's a reasonable amount of time that we would just hold the application if that becomes a condition or even if the PUSD folks make that special request.

Commissioner Allen: Thank you.

Commissioner Ritter: I mean, the City Council could do that without any condition we put on this application so it's going to happen anyway, right?

Commissioner O'Connor: They could continue it until after the school board meets.

Commissioner Allen: That is an option.

Commissioner O'Connor: There's a lot of options.

Commissioner Brown: I just want to add one thing for Nancy to consider. If I listened to everything that you said and I'm just going to play devil's advocate for a second. If you look at the project site, it is nowhere near a major thoroughfare like Las Positas or Hopyard, right? It's the missing puzzle piece. It's completely enveloped by the surrounding residents that are here tonight and so when you talk about that for a rezoning of P&I to Residential, it has to have broader community benefits. I would argue from a devil's advocate perspective the site itself doesn't lend itself to that because it doesn't border any major streets or anything that would allow it to provide broader community benefits. It can only do what it's doing which is provide a neighborhood park or a neighborhood benefit because it's in the middle of another neighborhood. So, I'm making those statements just for your consideration.

Commissioner Allen: If I could just respond to that. Thank you for that, and you're absolutely right. I will say here's some examples of things that I'm just saying could be done. I'm not saying I'm proposing them, but number one would be making sure the taxpayers are not paying for the overall replacement and long-term cost of that bathroom. To me, that's about \$500,000 because the taxpayers are picking that up. So that neutralizes that bathroom. Whatever the numbers are officially by staff, if that isn't the right number, you have the experts to get it, but it's bigger than \$5,000 for five years.

Another thing is we've seen developers who donate money into a fund for Parks and Rec across the City. They don't necessarily have to just do it for their project. Third idea, and I'm on the bike and ped committee and there's that bike trail that goes by Valley Trails and that is I think on your side. It's not paved yet and that's....I mean, I have a road bike and I'd love to use that road and it would help kids getting to schools too. So that's another amenity that could be used by folks beyond the development that would have a benefit. Or you could even give money into the bikes and ped organization to be used Citywide. So, all I'm saying is right now the benefits that are being seen for this project are specific to this community and I'm okay with some of the benefits, especially the park improvements make a lot of sense, but what I'm looking for is more because I think this needs to be a compelling story. It doesn't break even now in my mind for the community but does more than that when one is asking for a major General Plan Amendment.

Commissioner Brown: That's useful. Thank you very much.

Chair Balch: I'll point out that trail is Zone 7 and outside of our purview.

Commissioner Allen: So we have to find more trails.

Chair Balch: Okay, so I'll just lay out my comments a little bit. So I was quoted earlier as saying I believe residential is the right choice for this project and I still probably stand by

that comment. I think that a P&I use right this second would choke this neighborhood traffic-wise. I think if you ran a couple of buses down that street and you accommodated whatever type of use—senior center being one example. I’m considering a school but I just personally don’t believe that’s the right type of project.

The RHNA waiting element that has been brought up, my difficulty with that, and I respect exactly what you guys are trying to do, but my difficulty is that the City in my opinion cannot close for business for five years. I just don’t see that as an ethical way our City should run. As a person in real estate I just consider that very detrimental to our image, our community...I just don’t think we should run like that.

Commissioner O’Connor: Can I ask staff a question real quick though because I thought we had enough units approved that under our management plan that we can build for the next five years, can’t we?

Chair Balch: With growth management, we haven’t hit the numbers.

Commissioner O’Connor: Under the growth management plan, if we build what we have per year, we have enough sites to build for the next five years, don’t we?

Beaudin: There’s kind of two questions there. There’s the RHNA sites and there’s a number of those that are RHNA sites that are still undeveloped. They happen to be sites that are less likely to be developed, you know, areas around the Stoneridge Mall and places like that for residential are less likely to happen. There are properties owned by Roche, Sheridan is another example, so they’re less likely to be developed. But what I would say is that we do have housing element policies that talk about creating these kinds of opportunities on an on-going basis and we have growth management that limits our development to 235 units per year. Those units are based on our RHNA but they don’t all have to be on the RHNA properties, right? So theoretically, we could take a site like Valley Trails and develop those units and they’d be completely consistent with growth management, they’d be consistent with other Housing Element policies, but it’s just not a RHNA site.

Commissioner O’Connor: I guess what I’m saying, the comment was shutting down the City for five years. We’re building. We’re not shutting anything down that I can see right now, right?

Beaudin: Yeah, I think it’s just whether we’re going to continue to process residential applications that come to us. If they’re consistent with our plans or they’re consistent with our overall planning objectives, maybe they’re not consistent with the existing policy. This particular one’s interesting. There’s residential zoning and a P&I General Plan designation on the property. So, you could say we had our toe in the water for residential on this one already and so they’re the kinds of applications that are going to continue to come forth. Like you said earlier, the market is for residential right now. They’re going to continue to come to us and we have to evaluate them on a case-by-case basis and there may be applications that we decide that are not appropriate. We did that recently with East Pleasanton again during the work plan process. The City Council said we’re not interested in pursuing that in this particular point in time, but there are others that have merit and they have merit for different reasons based on

community benefits or filling in a gap in a neighborhood. I think we have to continue to look at them on a case-by-case basis which we're having the opportunity to do now.

Commissioner O'Connor: That's what I'm saying. We're not shutting down.

Commissioner Nagler: I think the point is a little bit confused because if what you're saying is, it's okay for us to approve construction up to our growth limitation policy then in fact, we aren't shutting down and we are limiting growth and it's in a very rational way and we're going to make allocation decisions about what may get built up to our growth limitation, right? If though what you're saying is what I thought I heard you say which is, we shouldn't even allow growth up to our existing policy, then that does equate into shutting down business. So it may just be a misunderstanding of what your point it.

Chair Balch: Well, I think it's the General Plan Amendment. It's the General Plan Amendment which cannot get credit, but the underlying zoning is the R-1-6,500 so if I may, I'll just continue on to say, you know, I know we're underneath our growth management number. The Council tracks that, and from my view and in thinking about the land use as a resident of Pleasanton, would I want this to be something different? I'm at the point where I'm saying I think this is a good plan and a good infill so I'm there. I'm supportive of the General Plan Amendment at this time with some denotation from either through the Council reading these minutes and understanding that we do so knowing the school board is acting and we'd like them to mesh this altogether at the appropriate time. I think that's their prerogative. They're also going to take into account I'm sure what other departments say as to management costs, replacement costs, and I'm saying that because I hope they fully consider the costs you were mentioning about the burden to taxpayers throughout. So I hope they would do that. So I'm supportive of that.

I will circle around about Option 1 or Option 2 which is the restroom and I'll kind of be with Commissioner Nagler. As a former Park and Rec Commissioner I hated it when other commissions did not follow their purview of responsibility. The Planning Commission should not be, in my opinion, dictating to Park and Rec what they are responsible for which are amenities in the parks. So I really like the fact that Ponderosa is giving the money and working through Park and Rec for the tot lot and the other amenities. So my question about that is should this bathroom be in their purview as well? Which I know residents who have spoken said no because they understand that that two step might not actually net them a restroom, and it concerns me because I don't know how to resolve that but I wanted it to be an open-ended conversation.

I do really appreciate how staff has noticed the entire neighborhood and not just the 1,000 feet. We've got the whole neighborhood so I do feel like that process has been vetted. So I could probably go either way and support Option 2 as proposed but I do so cautiously because I wish there was a way to respect the Parks and Recreation Commission more.

Commissioner Ritter: Could we propose that with the condition that it has to be reviewed by the Parks and Rec as an endorsement sort?

Chair Balch: Well, that's Option 1.



Commissioner Ritter: No, but it's all part of this project. If it's part of Option 2 so the way we laid it out, it's not giving \$300,000. They're going to build it and Parks and Rec would just have to accept it. If they choose not to accept it, then it comes back to the City Council.

Commissioner Allen: That is Option 1.

Chair Balch: What you're describing is Option 1.

Commissioner Ritter: But Option 1 was not to have it part of.....

Chair Balch: Yeah, it's a little different, that's true, but the process was....

Commissioner Ritter: It would be waiting until later, so we do Option 2 but put that as a caveat along with adding those cul-de-sacs as the amendments.

Commissioner O'Connor: I know we had a poison pill in there somewhere because the neighborhood does not want the project if they don't have a bathroom.

Chair Balch: I will say that when the Council does that to us and I've seen them....to me, they're the elected officials so I have no problem with that and I'm trying to also remember we're just making a recommendation, so it is a recommendation. I'm okay going with Option 2 but I am voicing that I really wish there was a way that I felt Parks and Rec could weigh in.

Commissioner Ritter: I'm with you being a past Parks and Rec Commissioner so how do we do that with Option 2?

Commissioner Allen: I have a different point, so go ahead to finish that.

Commissioner Ritter: Well, I guess if that was an option, how do you condition it to get their support and if they don't support it then....a strong "we'd like to have a review...." And then Council will hear it at the next one.

Beaudin: I think the only challenge is you can't bring it to another Commission and ask them to just smile and nod. There would have to be a public input process and then we really are back at Option 1. It's how you time Option 1, it's still Option 1 in a subsequent process and it's a public review and a recommendation to Council. I don't know if you could just swing it through as an FYI to that particular Commission without ruffling more feathers than if you went directly to the City Council.

Commissioner Ritter: Could we Option 2 it with the strong encouragement that Parks and Rec weighs in before it gets to the City Council? The Council could change everything we approve.

Commissioner Nagler: There was a need, in fact a pledge, to the Park and Rec Commission....

Commissioner Ritter: That we got the process started and they'll have all the notes.

Commissioner Nagler: That's the point. They have to agendaize it. It has to be timed properly. They have to have a staff report, a hearing, right?

Chair Balch: My concern is while Council has that purview I think fully in their right, I personally am concerned. I don't think that necessarily is our right and it bothers me to do it. With that being said, I support Option 2 so....I struggle with that internally.

Commissioner Nagler: Could we slightly change and respond to this issue about on-going maintenance?

Chair Balch: Sure.

Commissioner Nagler: So perhaps our recommended condition of approval on this shouldn't be \$25,000 but instead should be that a condition of approval is that the City recoup, whatever the words are, a preponderance of the cost of maintaining the bathroom over a 10 year period or some such time. So in other words, we describe what we're trying to get to without specifying a number., and again, leave it up to the Council to decide what that means.

Commissioner Allen: And that was going to be my question and request to you to consider as a potential amendment so that at least it's revenue neutral for taxpayers generally. You're not going that far but you're saying go beyond \$5,000 for five years.

Commissioner Nagler: Open up the necessity and make a determination of some number that may not be \$25,000.

Commissioner Allen: Maybe 10 years of full replacement in value of fully loaded costs for 10 years and let staff determine what that is?

Chair Balch: Should I let you two figure this out? So speaking as a CPA on the Commission here, are we recovering depreciation costs?

Commissioner Allen: Yes, that's critical.

Chair Balch: But why is that a cost?

Commissioner Allen: Well, it's a cost because in 20 years the building needs to be replaced.

Chair Balch: So there's an argument that depreciation cost is not true replacement cost. They are a different element and as a government entity we follow a different method of accounting.

Commissioner Nagler: Besides it's an accounting principle. Just to be clear here....

Chair Balch: We're really trying to recover the costs.

Commissioner Nagler: I think that the comment just to say, that the comment to say that \$5,000 a year is as arbitrary a number to arrive at as \$10,000 a year or \$100,000 a year

and that it has not been carefully thought through yet and that between now and the Council making a final determination, we ought to invite that analysis to be done. That's all I'm saying.

Commissioner Ritter: And I agree. Our job is zoning and not financing and figuring out that With that, can I make a motion?

Chair Balch: Sure, but I'm going to ask questions on it. I've got more.....so, maybe I misunderstood so let me ask for clarity. The recommendation would be that they do analysis to evaluate what the true costs of the restroom and evaluate the number that they want to set, not necessarily us put it in exactly.

Commissioner Allen: Yes, I agree with that.

Commissioner Ritter: And I agree. That's their job.

Chair Balch: And let them decide if they want to do \$5,000 or if they want to something.....

Commissioner Allen: The concept is that it would cover taxpayer costs.

Chair Balch: But Council could choose if they wanted to do something different.

Commissioner Ritter: Yes.

Commissioner Nagler: The cost of operating and maintaining the bathroom.

Commissioner Allen: Long term, over 10 years.

Commissioner Ritter: If we did something like that staff, could that work?

Chair Balch: Could that work? Okay, good. Before you make your motion, if we got to this point I had some other quick comments I wanted to just make specifically related to Exhibit A and B which I have not forgotten about for you Ms. Amos. On Exhibit A-1, number 7, "Clubhouse to be architecturally designed from all angles" was my question. Clubhouse—it's in there that it's part of an HOA. Condition No. 7 talks about it specifically. Staff weighing in on whether it should be architecturally designed from all angles? Yes?

Beaudin: You could make it a condition of approval.

Chair Balch: And I'm asking because we discussed it at the League of California Cities. We discussed whether things of that nature should be or not.

Commissioner Nagler: So make it a condition.

Chair Balch: So currently, we can "architecturally require all four sides of the clubhouse to be designed so that we have shutters all around it for the windows". Number 34: this is the obligation of the restroom. Reserves for replacements and repairs are on the HOA

as well for the clubhouse. So one of the things that I worry about regardless if it's a restroom of the clubhouse, they are.

Commissioner Ritter: They are—they're maintaining the clubhouse.

Chair Balch: So Condition No. 34 says that the HOA shall be responsible for the clubhouse, for lack of a better word, but I also was wondering if we should add language that talks about specifically the reserves and replacement of the clubhouse. I know it's not the restroom because not on this body, but when we were on Park and Rec, we had HOA's come to us because they did not fully fund their reserves and as a result, when it came to those 20 years to replace, they did not have the funds. Or are we covered under the condition as written?

Beaudin: We could make that a condition of approval. We do review CC&R's for these projects and we could add that kind of language as a requirement for that document to lock it into the project.

Commissioner Nagler: Yeah, let's do that.

Chair Balch: So I think it's Condition No. 34. You ought to take a look at it.

Amos: Also in the Development Agreement it has language that Ponderosa has to own and maintain the clubhouse.

Chair Balch: Yeah, only maintain, but I'm saying replacement costs of structural reserves and things like that. I understand and we have seen this when we have talked about CC&Rs at Planned Unit Developments, so I'm asking staff right? So when it comes back to you, when a PUD association comes back to you, you guys typically present to us these exhibits of approval. I'm thinking of the Miller's/Mason issue that came back. We did look at the minutes a little bit, but that wasn't the crux of the meat and potatoes when we looked at it. We looked at conditions, right? And I'm saying any conditions I would like it to say pretty strongly that we're talking about clubhouse repair and replacement. I don't want a dilapidated building and an unfunded structural reserve.

Commissioner Nagler: And this would be on the HOA, right?

Chair Balch: The 36 HOA which I believe is their intent by the way. I don't think we're talking about a non-intended item. I know it's a state requirement as well, so to complete your structural reserves on a regular basis, evaluate the HOA...I'm with you my friend. Okay, I won't get into too much into Condition No. 59. I was just going to say if we went to Option 1 which it sounds like we're not supporting, but I was going to make it so there was no incentive to not bring it back. I was going to make it \$300,000 the actual amount or like Commissioner Brown had said.

Commissioner Brown: \$400,000.

Chair Balch: Yeah, so we're going away from that so I wanted to mention it. Condition No. 108—please remove; “Unless otherwise provided by the City Engineer, I don't like

him waiving the requirement for water meters.” My personal pet peeve. I would expect every house to have a water meter.

Amos: As a point of clarification for each lot; not for each house.

Chair Balch: Yeah, I was just going to say for Condition No. 108, it says “each lot shall have a.....” I’m looking at my notes so I apologize. “...shall have a water meter unless otherwise approved by the City Engineer.” So you’re just striking “unless otherwise approved by the City Engineer.” So I think I have 3 changes; No. 7 “Clubhouse to be architecturally designed on all four sides”, No. 34; modifying the condition to just mention the obligation for replacement in structural reserves, understanding it is State law, and No. 108, striking “...unless otherwise approved by City Engineer.”

Commissioner Allen: Could I just ask a question for clarification? I had one condition item. Should I wait until we get to the motion?

Commissioner Ritter: No, go ahead.

Commissioner Allen: All right, and I don’t have the number on this, sorry. But, it’s regarding the clubhouse and there was a statement about entering into an agreement between the new homeowners association and the Valley Trails residences about how the 12 uses once a month would be categorized. There was also a note about there needing to be insurance indemnification. So my question is, given Valley Trails is not an association, how can there be insurance and indemnification related to that group as an entity, and second, how can that non-homeowners association enter into any formal agreement relative to how those 12 openings get allocated. You don’t need to answer, but it was an open question because I’m not sure how it would get done.

Beaudin: We’ve been working on that. There’s a use agreement that has to occur for this particular clubhouse, but in addition to the use agreement, with the Irby Ranch project, some of you may recall that we set up a similar public facility that would be used for meeting space and it’ll be the neighborhood; the uninsured folks working through the City to help cover those kinds of issues off, so someone from the neighborhood. So we’ll have a use agreement that outlines the process that folks will go through and we’ll likely feed that through our Community Services Department to make sure that we know who’s in there and that insurance does not preclude someone from using the space. It’s just a way for us to plug the loophole.

Commissioner Allen: Thank you.

Chair Balch: In the development agreement I just have a few quick questions before Commissioner Ritter makes his motion. So on 4.3, in the redline there was a change to the date of when the clubhouse would be constructed, but in A, it also talks about when the homeowners association will be done and that did not change on the redline, and in C it talks about the use of the clubhouse as well and that did not change from the 30<sup>th</sup> to the 13<sup>th</sup>. Was that the intention or not? So I think you changed B if I’m correct.

Amos: The intent is to have it be universally the 13<sup>th</sup>.

Chair Balch: Okay, so we'll change all three to the 13<sup>th</sup>, A, B and C of 4.3.

**Commissioner Ritter moved to recommend approval of Option 2 for Cases P16-1386, P17-0155, PUD-113, and TRACT 8259, subject to the Conditions of Approval as listed in Exhibit A of the Staff Report with the following conditions:**

- **Fully evaluate and include the long-term maintenance and operational costs of the bathrooms and for the applicant to set an appropriate level of support;**
- **Include emergency access from adjoining courts to be reviewed near the clubhouse bathroom;**
- **Amend Condition No. 7: "Require all four sides of the clubhouse to have good architecture."**
- **Amend Condition No. 34: direct staff to add language that specifically addresses "the structural reserve and replacement of the clubhouse".**
- **Amend Condition No. 108 to delete "unless otherwise approved by the City Engineer."**
- **Amend Items 4.3 A of the development agreement to be consistent with the redlined version or to "13".**

**Commissioner Nagler seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Balch, Nagler, and Ritter**  
**NOES: Commissioners Allen and O'Connor**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

Resolution Nos. PC-2017-10, PC-2017-11, PC-2017-12, and PC-2017-13 recommending approval of Cases P16-1386, P17-0155, PUD-113, and TRACT 8259, respectively, were entered and adopted as motioned.

**BREAK**

Chair Balch called for a break at 10:53 p.m. and thereafter reconvened the regular meeting at 10:58 p.m.

**Commissioner O'Connor moved to continue the meeting past 11:00 p.m. to consider Item 6.a. P17-0054, Greg Creighton.**  
**Commissioner Ritter seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, Nagler, O'Connor and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

**a. P17-0054, Greg Creighton, 989 Crellin Road**

Appeal of the Zoning Administrator's approval of an application for Administrative Design Review to retain an existing 11-foot, 7-inch tall open-sided patio cover at the rear of the property located at 989 Crellin Road. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Adam Weinstein presented the Staff Report and described the scope, layout, and key elements of the proposal.

Commissioner O'Connor: Just on the timing of the history, conditions of approval; the appeal was filed on March 6<sup>th</sup> but then we didn't notice or the City didn't notice until April 3<sup>rd</sup> that the patio cover was apparently completed. So somewhere in that time between the appeal being filed and four weeks later the project is completed?

Weinstein: Right, the project was complete. I don't think we have a perfect sense of the exact determination of construction. When we went out a couple of weeks ago, it seemed like the construction was wrapping up but it wasn't clear that everything was in place at that time. We went out during the day. We weren't able to verify that the lights were installed for instance.

Commissioner O'Connor: Well, I'm just wondering when the appeal was filed the project wasn't completed, correct? So obviously they continued to build?

Weinstein: That's right. That's correct.

Commissioner Nagler: A couple of questions. One, specifically on the indemnity condition, does our Municipal Code specifically speak to that? The applicant saying that that condition goes beyond the Municipal Code, what is he making reference to?

Weinstein: I don't think it's a provision of our Muni Code, and I'm looking to Julie to correct me if I'm wrong, but there is a policy in the General Plan that seeks to recover costs for private development projects and since litigation sometimes happens regarding private development projects, the indemnification clause is something that we include as standard conditions of approval.

Julie Harryman: It's a standard condition of any approval of any kind; any approval and almost all cities have it.

Commissioner Nagler: And another question of you Julie, given that a permit is required to construct this and given that the appellant did not seek that permit, is it in the City's authority to simply tear down the structure?

Harryman: The Planning Commission has the option to approve....when we're talking about appeal it gets confusing, so let's ignore this appeal, but you have tonight the ability to approve the building of this, to have it torn down because you're rejecting the approval as though it hasn't been built. So you do have that purview. I didn't want to sort of speak in double negatives and talk about the appeal and get things confusing, so I put it that way. Or, you can approve and modify staff's conditions if you think more should be added or they shouldn't have all of those....

Chair Balch: Okay, questions?

Commissioner Brown: I have one quick question. You mentioned that when that tree loses its leaves it exposes more of the structure. The 15 gallon tree that you specified, did you specify that it would not be deciduous.

Weinstein: Yeah, we specified that it would be an evergreen tree, but subject to the approval of the department. So we would work with the applicant on identifying the precise species, but it would be evergreen.

Commissioner Brown: Okay, I didn't think that was in the report.

Weinstein: It should be in one of the conditions of approval attached to the approval letter. So Exhibit A, Condition No. 3 should specify evergreen.

Commissioner Brown: You are correct. I read the staff report.

Weinstein: There were a lot of staff reports for this meeting.

Chair Balch: Can I ask another quick question? If I read it correctly, approximately 12 by 19 foot patio covering—that requires a building permit as well, does it not?

Weinstein: That's right.

Chair Balch: So we're here for the design review. Can I just ask the status on the building permit?

Weinstein: So that's condition 2. Within 30 days of approval, the applicant has to go and get a building permit and it will be inspected. The construction will be inspected afterwards.

Chair Balch: Now as a procedural matter, one of the building inspection items is whether you have the footing inspected. How is the footing inspected post construction of this? The depth of footing, adequacy of footing, structural soundness?

Beaudin: So there's a couple of ways we do this. We'll often take people at their word when they're building smaller structures and we want to make sure that we have an engineer for the project or someone who is capable of reviewing the plan, give us that design detail and you saw a little bit of that in the elevation we had this evening. There's also field verification and we would actually dig up the corner and look at the depth of the foundation and do it that way as well.

So there's two approaches, and usually the Building Official makes that determination based on the particular condition. It happens more than it should but it doesn't happen often if that makes sense, so it's really case-specific in terms of how we try and address it. You can often tell by what's out of the ground and whether someone knew what they were doing when they put it in the ground.

Chair Balch: That's a good one.



Commissioner Nagler: And just in reference of taking the applicant at his word, the reason the City was given by the applicant to not seek design approval was because it was a replacement of a pre-existing structure and he felt therefore it's not an added item of approval. But, in reviewing aerial photos, apparently City staff as recently as 2015 can't find evidence of there having been a structure, right? So how do we determine—not that it matters—but just because again, for my own satisfaction, whether the applicant is telling the truth or not—is there any way to verify whether there was a pre-existing structure?

Harryman: So I'd like to focus on the fact that it's irrelevant as to whether it existed or not. You can go back and Google....I don't know what year staff picked. I didn't do the exercise myself, but I do a lot of claims for the City and regardless of that of whether it existed or didn't exist, a structure once it has been removed, you need a permit. You always need a new building permit and if it was less than 10 feet he wouldn't have needed design review and planning approval, but in this case it's above 10 feet, so whether it's replacement or not, it would still need that.

Chair Balch: So since those are questions and we're short on time, why don't we keep it moving if we can. Any disclosures by Commissioners of any ex-parte communications? None? Okay. We're now approaching the open comment period. I have two speaker cards, so we'll run it just like the prior one.

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

Greg Creighton, Applicant: I'm the property owner and I appreciate you hearing me. I understand that this is kind of an unusual deal and I want to be respectful of your time. There are a couple of things I want to address based on comments that were just made. First of all, the issue that I did not pull a permit to do this work, I can see that I've gotten myself in some hot water. I've been in this house for 19 years. The patio structure was here at my house and can I show you this picture? It was an exposed wooden structure. The wooden structure had rotted out and was dying. That structure is bigger in size, about the same height as the structure I replaced it with. This isn't something I do regularly. I didn't realize I needed a permit to replace my patio cover. Since I've started through this process, Adam has discussed what this process might entail and like I said, there's certainly some hot water involved here and hopefully we can get through this.

As far as the timing goes, when I was notified by the City that there was a problem, the structure was complete. The structure was up and the roof was on. I have proceeded with painting but other than that the structure was already done when I was notified when I received my violation notice.

As far as the foundation goes, I spoke to the City as well and in the building department. I've taken photographs. I have photographs of the excavation. I have photographs of the rebar cages I built and the concrete I poured with the sizes of those footings. That photographic evidence is there and you can see what I did. I used #3 bar. They're all tied. It's 30x30x30 foundation on each corner. It's a fairly substantial structure to say the least. Really what I wanted to talk to you about were two of the conditions on the approval. The other condition was that construction activity was complete. I understand

the lighting over spill issue and I will certainly install a low density lighting in the structure. It really boils down to this tree issue. Adam, can I get you to pull up the picture from the neighbor's viewpoint? I just want to demonstrate here that I actually have a couple of pictures here that I want to show.

I heard during the comments there was a question about the nature of the trees and the proximity. That picture there, what it's demonstrating is that all of these trees here are that these are all evergreen trees. They do not lose their leaves. The only tree in the proximity that loses its leaves is in the adjoining neighbor's property. It's a house over. All the rest of this stuff, it stays. And Adam can you pull up the other picture as well—the one from....there's two pictures in the staff report.

Weinstein: Yeah, I don't have the second picture, but it's on page 7.

Creighton: I have it here and what it's demonstrating is that you can't see the structure at all; that you really had to make an effort to get to a position to see it. You know, the deal is planting a tree is not the end of the world. Am I really here to battle over planting a tree? I took out two big pine trees that were in this area where it is requested I replace them with evergreens. I tore them out. They were a mess. They made a mess of my property. They dropped sap, pine needles, and I just took them out and I've replaced them now with fruit trees in that area. Those fruit trees are a year old. They're just starting out. Also, they're in those pictures you see. There's a citrus tree, an apple tree and in the corner my intent was to plant another fruit tree in that area. Again, I don't see that first of all that my structure is creating a vision problem from the neighbor and I guess in the planning approval, it indicated that that tree had to be planted and maintained in perpetuity. I see that as being a permanent restriction on my property of what I can do and it would actually affect my ability to sell my property. That would be something that I would have to disclose to a future buyer; that there was documentation that said this tree has got to be maintained in perpetuity. If it dies, it needs to be replaced, and I see that as an onerous restriction on me, especially given the condition of the property.

I've got another picture I want to show. This is the patio cover looking at the lawn. You can see that the landscaping virtually blanks off the view across that fence. So, again, what I'm asking for is that that condition be removed from the approval.

Now the other one here, this is about the indemnification. Again, this is not something I do regularly right? But I get this letter and it says that I have to be responsible for the actions of a third party that I have no control over. To me I see that as riding the City a blank check and saying, yeah, that check—maybe it'll never be cashed but again, maybe it will be cashed for an unlimited amount of money, and that's not reasonable for me to expect that I would put myself under that kind of cloud. This is a dark cloud that again, I'm taking financial responsibility for something I have absolutely no control over. And I just don't see that as reasonable. That's all I had. You guys have any questions?

Commissioner O'Connor: So you said you were willing to take care of the low intensity lighting?

Creighton: Absolutely.

Chair Balch: Okay, thank you very much.

Jon Gavin: Thank you. So I've been living at [REDACTED] Crellin which is the house that backs onto this. I've been there for 50 years as a resident of that place. I think mine is the only house impacted by this structure here. We don't object in principle to this thing. We pointed out it's in the code and that's fine. I think we're just looking for what I consider to be a reasonable mitigation for the vision impact of this thing. It's a very large thing that has gone up that wasn't there before and the way it's structured here is a kind of gabled end, so we see the full height of this thing. It's not like we could look at the side of this thing, but it's a great thing that's gone up and to us, it feels almost as high as our single story house from our observation on our side. Our lot is not that deep and so the house is close to the property line. It really, to us, is right there in our face, so we're asking for what I consider as a reasonable mitigation is which is to put some vegetation up and take a lesson for some other potentials and really I think that's it. I appreciate your consideration of this and your time tonight, so thank you.

Chair Balch: And Greg would you like to come up to rebut anything, you have an additional five minutes.

Creighton: Just a short rebuttal. Adam, can you pull up that section here quickly? I just want to reflect here that the structure itself is offset 11 feet back from the property line and it's significantly below the roofline. I have a two story house. It's 18 feet there I think and the structure is 11 feet, 7 inches. So it's not like it's up in the sky. It's completely....7 feet below the peak of my own roof. That's all I wanted to show you.

Chair Balch: Thank you very much. With that, we'll close the public comment period and bring it back to the Commission. As I said earlier, we haven't had a chance to discuss this and why don't we see if we can do this quickly because it's getting.....are you ready to go?

Harryman: May I make one...I'll be quick. With regard to the indemnity clause, this is for the Commission but also for Mr. Creighton. So this only applies when someone sues to set aside an approval or void the approval. So we've approved it, so this would only apply if a neighbor sued the City to stop the approval, which is not where we are. This is a very limited indemnity clause. It doesn't apply to everything under the sun. I'm sorry, I'll try to be quick. If a large family daycare goes in, the neighbors don't like it and they sue the City, should the City bear that cost or should it be the large family daycare, right? So that's the theory, and it only applies in a narrow situation.

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

Commissioner Brown: Can I ask a clarifying question? Does the City indemnity clause expire when the appeal period ends?

Harryman: So there's a statute of limitations for persons to challenge and I want to say it's 90 days? It's very short so it's a very short window.

Commissioner Brown: Okay that helps. Thank you.

Harryman: And, someone has to exhaust their administrative remedies which means in this case the only way there could be someone who could sue properly would be if they already appealed, and this is not what actually happened. The applicant actually appealed his own approval. So, it's not going to apply here basically for your benefit, but also since this has never come up, hopefully to give the appellant some comfort.

Chair Balch: Commissioner Nagler, start us off.

Commissioner Nagler: I would deny the appeal with one exception. On the tree planting, I would support the condition to say the tree as specified must be planted and not removed but not mandate its maintenance in perpetuity. Still evergreen and everything else as stipulated, 15 gallon, and eliminate the maintenance requirement and the rest of the conditions be imposed as suggested.

Commissioner O'Connor: So my initial feeling was the lighting which he's already agreed to. The indemnification clause needs to say. It's a standard approval. When it came to planting something, I looked at this and this things like 11 feet, 7 inches. It's 19 inches taller than he could have built without any approval. I don't see 19 inches as being that egregious and I wasn't going to talk about any planting. I thought maybe the planting was a little bit overkill. If the rest of you want to have some kind of a screening done, I too think the "in perpetuity" should be taken away, but I would even go with a 10 gallon. The problem with some of these larger ones-I don't know how big a space he has, but the smaller plants, and I know we want to get some coverage quicker, but they acclimate better when you plant something smaller and the growth time to get there is only a year and one-half. It doesn't take that long, but anyway, thank you.

Commissioner Brown: I was just going to make one quick comment. The structure it replaced was against the house. This is offset from the house so I think that's why to the neighbor behind, it looks more imposing than the structure it replaced and that's probably why he didn't see it on Google Earth because it was against the house and not offset by the fence. Just a comment—it is 11 feet off of the property line.

Commissioner O'Connor: What is the code to be back off the property line? Is it five feet?

Weinstein: Five feet.

Commissioner Brown: Yeah, it was 11 feet, 9 inches.

Commissioner Ritter: Does he still need a building permit and have it all approved? And they might deny it and tell him to rip it out if it doesn't meet engineering standards?

Weinstein: Yes, and there would likely be rectification of the building issues.

Commissioner Ritter: I'm in general favor of denying the appeal and I'm good with the plant size and will let you guys decide.

Commissioner Allen: I'm in support of denying the appeal and upholding the Zoning Administrator approval. I agree with removing the "in perpetuity" and I need to defer to staff as the experts of being out at this property as to the appropriate size of the tree.

Chair Balch: Okay, I'll just keep going here. I was going to remove the "in perpetuity" but also require that it be at least five years, so within five years it not be replaced, so at least we would know that we were not planting a sapling that will die. It gives it some time. I will say I'm slightly, and I'm going to do it just because I'm Chair, but I'm disheartened that I see a picture of a structure near a home and told it's a replacement structure when this one is clearly away from the home and I find that very frustrating to me, and it bothers me that that would be a comparison because we see clearly a hot tub being removed and a structure near a home, and this is definitely not that. Also, I'll mention that your knowledge of a rebar cage and all of that shows that you do have some construction knowledge. That doesn't come from someone just doing a home project on the weekends. So I'm very frustrated that this is where we're at so I also support the denial, and I would remove the "in perpetuity" and I would stay with five years.

Commissioner Allen: I agree.

Commissioner O'Connor: Staff, do you have a comment on the size of the tree?

Weinstein: So the 15 gallon tree—that refers to the size of the pot that it's in, so there's not necessarily a direct relationship between that and the height of the tree, but typically 15 gallon trees are like 6-10 feet tall, so we felt like that was an appropriate size for this location. It will hopefully grow a foot every year and within a couple of years it should be way taller than the patio cover so we felt it was an appropriate size in this case. Our landscape architect said trees like this run \$200 to \$300 so it didn't seem like the cost of this particular tree would be a burden.

Chair Balch: Less than the building permit.

Weinstein: Yes.

Commissioner Brown: Question—would a Lemon tree be considered an evergreen?

Weinstein: Yes.

Chair Balch: Okay, with that, do we have a motion?

**Commissioner Nagler moved to deny the appeal of Case P17-0054, with the modification of Condition of Approval of No. 3 to remove the "in perpetuity" clause and to require the tree to be maintained for five years. Commissioner Allen seconded the motion.**

## ROLL CALL VOTE:

**AYES:** Commissioners Allen, Balch, Nagler, O'Connor, and Ritter  
**NOES:** None  
**ABSTAIN:** None  
**RECUSED:** None  
**ABSENT:** None

Resolution No. PC-2017-14 denying the appeal of Case P17-0054 was entered and adopted as motioned.

*Continued from March 22, 2017:*

**c. Pedestrian and Bicycle Master Plan Update**

Review and comment on the Pedestrian and Bicycle Master Plan Update.

This item was continued.

## **7. MATTERS INITIATED BY COMMISSION MEMBERS**

Commissioner Brown: Can staff please—I've gotten a few complaints around the parking by the new Starbucks—people parking on the curve where there are no parking spaces—can you take a look at that?

Chair Balch: Can you take a look at that also with the Dunbar money transport company that parks there to deliver and take funds from Starbucks?

Beaudin: Are you talking about the red curb on....Valley Avenue?

Commissioner Brown: I'm saying there is no red curb and can you look into whether there should be one.

Weinstein: I think there is red on it.

Commissioner Brown: The photo I was sent does not show a red curb there.

Beaudin: Can you forward the photo and we'll look into it. I actually saw the police giving a ticket out there the other day, so it's definitely on our Police Department's list and you're talking about the Starbucks on Main Street, correct?

Commissioner Brown: No. I'm talking about the new Bernal and Stanley—that one where it curves into people parking on that corner. I'll send the photo.

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

**a. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)**

Commissioner Ritter: I attended the Bicycle, Pedestrian, and Trails Committee meeting for Commissioner Allen and they changed the meeting start time to 6:45 p.m. to work

with mass transit people so they could get in and not drive a car. Also, they approved the Transportation Development Article III Act for updating West Los Positas.

Commissioner Allen: Thank you.

**b. Future Planning Calendar**

No discussion was held or action taken.

**c. Actions of the City Council**

No discussion was held or action taken.

**d. Actions of the Zoning Administrator**

No discussion was held or action taken.

**e. Matters for Commission's Information**

No discussion was held or action taken.

**9. ADJOURNMENT**

Chair Balch adjourned the meeting at 11:35 p.m.

Respectfully submitted,

Kendall Granucci  
Recording Secretary