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

**APPROVED**

**Wednesday, April 26, 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 26, 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; Mike Tassano, City Traffic Engineer; Jenny Soo, Associate Planner; Jennifer Hagen, Associate Planner; and Kendall Granucci, Recording Secretary

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

Commissioners Absent: None

**2. APPROVAL OF MINUTES**

**a. April 12, 2017**

Commissioner O'Connor requested the following amendments:

- Page 2, the motion approving the March 22, 2017 Minutes be amended as follows: "Commissioner Allen moved to approve the Minutes of the ~~February 22, 2017~~ March 22, 2017 meeting..." and the vote be revised to show Commissioner O'Connor did not recuse, but voted yes.

- Page 19, speaker Kay Ayala; he asked staff to listen to the recording to clarify where she lives.

Commissioner Allen requested the following amendments:

- Page 5, fourth paragraph, strike the second sentence: “~~I never make a final decision.~~”
- Page 33, second paragraph, strike the third and fourth sentences: “~~They’re limiting our future flexibility...~~” and “~~Your points I’ll just kind of reiterate.~~”

Chair Balch requested the fourth paragraph on Page 40 regarding depreciation cost be revised. He said his point was that as a City government entity, the City follows a different method of accounting.

**Commissioner Ritter moved to approve the Minutes of the April 12, 2017 meeting as amended.**

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

**ROLL CALL VOTE:**

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

The Minutes of the April 12, 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**

There were no revisions to the agenda.

**5. CONSENT CALENDAR**

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

**a. P17-0036, Eric Wall, Bottle Taps, LLC**

Application for a Conditional Use Permit to operate a restaurant which sells alcohol after 11:00 p.m. at 3020 Bernal Avenue, Suites 150 and 160. Zoning for the project site is PUD-C (Planned Unit Development – Commercial) District.

Commissioner Allen moved to approve Case P17-0036, subject to the Conditions of Approval as listed in Exhibit A of the Staff Report.  
Commissioner Nagler 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-2017-15 approving Case P17-0036 was entered and adopted as motioned.

**6. PUBLIC HEARING AND OTHER MATTERS**

Chair Balch and Commissioner O'Connor recused themselves from participating in the public hearing item and exited the Council Chambers. Commissioner Nagler chaired the remainder of the meeting.

**a. P16-0564, Tim Lewis Communities**

Work session to review and receive comments on applications by Tim Lewis Communities for various entitlements, including a General Plan Amendment, Happy Valley Specific Plan Amendment, and Planned Unit Development (PUD) rezoning and development plan to construct 39 single-family detached homes and related improvements on the approximately 154-acre Spotorno property at 1000 Minnie Drive. In addition, a scoping session will be conducted to receive comments from the public and Planning Commission on the scope of analysis for the Subsequent Environmental Impact Report (EIR) that will analyze the environmental effects of the proposed development. Zoning for the project site is Planned Unit Development – Semi-Rural Density Residential (PUD-SRDR), Planned Unit Development Medium Density Residential (PUD-MDR), and Planned Unit Development – Agriculture/Open Space (PUD-A/OS) Districts.

Jenny Soo presented the Staff Report and described the scope, layout and key elements of the proposal.

Vice Chair Nagler: Okay, so it comes back to the Commission for any questions of staff.

Commissioner Ritter: Did it address the trail connections in Lund Ranch or Callippe?

Soo: The applicant proposed the trail along Westbridge Lane, so that would hopefully loop around to the golf course trail. The other trail comes out of here and we call this the Spotorno Flats Loop Trail that is in the Specific Plan. This is the EVA. The Loop Trail would also be extended all the way along Alisal but in this plan it did not show it. The only trail the applicant is not proposing is the trail connecting from the PUD-MDR area from here all the way to loop around to Foley Ranch which is to the north. That is

not included in this proposal because they are not doing anything in this PUD-MDR area.

Weinstein: Just to clarify, the current proposal does include the bypass road trail as well, so a trail not extending along the Blue Ribbon Committee alignment of the bypass road but further west in this site, more along the edge of the developed area extending north, ultimately connecting to the Lund Trails.

Commissioner Ritter: You said without making a change to the General Plan, a 22 home max?

Soo: Yes.

Commissioner Ritter: Is that based on the 30 acres that buildable area? The 1.5?

Soo: Yes.

Commissioner Ritter: And if they did that, they wouldn't have the GPA change. Is that correct?

Soo: True.

Commissioner Ritter: Okay.

Commissioner Allen: On the urban growth boundary, if we use the earlier version of the General Plan which was more expansive, does this development fit within that urban growth boundary? Or, will there still be a modification?

Beaudin: I just want to try and delve a little deeper on the urban growth boundary question because it's probably where we've spent the most time on this project so far. Measure FF is a really important component in any decision that you make related to the urban growth boundary and the way it was established. What we'll really need to get to is the intent of Measure FF. There is very specific language included in the staff report on page 18 and in that excerpt which is from Section 2 of the findings of the measure, which is also included in the staff report, Exhibit G. If you go to Exhibit G and you look at page 18 or 24 in the staff report, you'll see that we pulled out a piece of Section 2 which are the findings for the measure.

What it says in there is the urban growth boundary extends along the base of the steep hills that enclose the Happy Valley area and so it's essentially the toe of the hill and that it's situated in nearby hilly locations to accommodate future development which has been permitted by the General Plan for many years. So getting this line at the toe of the hill is really what we have to do and in your plan set, Sheet 1 of 4, there's an approximate urban growth boundary from the EIR, it's the longest dotted line on that sheet. That dotted line is actually not reflective of either of those lines, so the lines that Jenny has up here are conceptual. The first line is conceptual from our General Plan, and the second is when we updated our General Plan software, we put another line on the map. So we overlaid them on here, but the General Plan map, just like all General

Plan maps is conceptual. So what we come back to is the language from Measure FF which is the toe of the hill which would accommodate growth.

If you're in agreement with that, on question #2 in the staff report tonight which is around the urban growth boundary, we'd like to work with RJA, with the applicant, and with our engineers here at the City to really nail the location for the toe of the hill as technically as we can and explain the methodology to you the next time out because RJA has done that and we just need to verify it. We can do that in a number of ways. Our engineering staff can look at this more carefully, if you're supportive of that approach, that gives us the direction we need to actually identify this either physically in the field—you can stake it or identify the locations where we think the toe of the hill is and we can say, yeah that's the flat land or that's clearly the toe of the hill or we're not quite there yet. We'd like to have that opportunity.

That's what I'm going to say about the urban growth boundary if that helps and I think we tried to be as clear as we could in the report about Measure FF and really teasing out the intent.

Commissioner Allen: Thank you. That answers where I was going with the question.

Vice Chair Nagler: So just to be clear for everyone's benefit, if Measure FF is properly interpreted to be at the toe of the hill and therefore the urban growth boundary reflects Measure FF in that way, then what is being proposed by the applicant falls within the urban growth boundary.

Beaudin: That's correct, and our General Plan. As I said, the lines in the General Plan are conceptual, and there's language in FF that talks about these minor adjustments that could be necessary. That was more directed at the intent which was 'toe of the hill'. This is literally a conceptual line versus the intent of Measure FF so we would want to work with technical experts to make sure we all agree on the toe of the hill, and that would become the urban growth boundary and we would physically make those changes in this application in the plans.

Commissioner Ritter: So when you state the urban growth boundary originally, typically it's just logic? I mean, if a river is here you don't bring the growth boundary line a half a mile from the river—you might bring it right to the river. Is that correct when we do create these urban growth boundary lines? There's usually something geographically you work around?

Weinstein: So the intent for Measure FF was really to protect hillsides and to not let Pleasanton sprawl and essentially what they said particularly for this area is the 'toe of the hill'. And so if there was a rock in the middle of it, we would still follow the geographic line.

Commissioner Brown: Can I ask a clarification on the two lines that you show up there? You call them conceptual lines and apparently—I didn't go back and check, but they appear in some figure within the General Plan as published and adopted and accepted by the City Council. So my question is for our legal advisor, is the language of FF

override what we're calling a conceptual diagram within a published and accepted plan by the City Council?

Harryman: I wouldn't use the term "override", but you look to the intent of the language as much more specific. If someone was tasked with drawing a line, it's very conceptual and we've seen this before. Herb's probably thinking about other projects where we had....

Commissioner Allen: ....the Berloger property?

Harryman: So the Berloger property is probably the most recent example where we had asterisks to show where homes could be clustered, and when we actually placed it on topo, they saw that doesn't make sense; it doesn't line up. So they're conceptual and whoever was tasked with drawing this basically chose an area and didn't have the benefit of the lots and all these things that we have now. It's not what they use and you heard Jenny talk about scale and where a simple line would be 100 feet wide. So, I wouldn't use the term "override". You'd look at both of them but really you look at the intent, and the language is quite specific here. We don't always see this level of specificity. Jenny's bringing it as the toe of the hill which makes sense. The specific language is the "base of the steep hills".

Commissioner Brown: Okay, so as long as you can justify the engineering definition of the base of the hill, then it's really defensible to be more accurate than the conceptual plans.

Harryman: We've done that many times with other projects and other Specific Plans where we had something conceptual like the asterisk showing where houses could go, but then we get the actual project, we look at it, apply it to the graphic, etc. and you realize, oh, it's a little off. It's basically the area but actually its 100 yards in the other direction.

Commissioner Brown: Okay, thank you.

Vice Chair Nagler: So just to be clear, this particular challenge of applying this particular clause in FF has precedence in the City?

Harryman: My answer was more specific to explaining the conceptual nature of these drawings, these lines, these asterisks, these other things that are showing in our maps. The language itself sometimes is open as we've seen—I hate to go there, but, what is a "structure", right? So those sorts of things are open to interpretation. This language, while still arguably open to interpretation that I haven't heard yet, seems rather clear and plain to me. It's the "base of the steep hills" and that includes the Happy Valley area. It is also situated in nearby hilly locations to accommodate future development which has been permitted by the General Plan. So there's some good guidance as to where it should be.

Commissioner Brown: Why was staff saying that we would need to consider whether or not we would need to move the urban growth boundary because it sounds like we don't, and that the urban growth boundary as defined in Measure FF is specific enough to

place it outside of the proposed development? I'm wondering why there was that discussion and can we move beyond that?

Weinstein: I think you can move beyond it. I think it comes down to a technical exercise. What we're looking for is confirmation of our approach to execute on Measure FF rather than to use the conceptual drawings, and we think that is the appropriate approach just to be very clear.

Commissioner Allen: I wanted clarification on page 3 of 24. This is the table on zoning. Starting with the flat area and the 33 acres of semi-rural density residential, my understanding of zoning and also the Specific Plan and this project, is that the standard is 2 acres per home. However, for this project or potentially other projects, we would allow 1.5 acres per home if the developer dedicated open space and trails, and in fact, that's where we got to 1.5 acres. The standard though, if they didn't dedicate that open space, is 2 acres per home. Is that correct?

Weinstein: Yes, that's correct.

Commissioner Allen: Okay, thank you. And the second question is regarding Lot 97; the Medium Density Residential. Obviously this was developed, the original plan, before Measure PP was in place. So my question is just, is that Lot 97 developable or not? Does it conflict with Measure PP?

Weinstein: So Measure PP would allow 10 lots to be developed on this upper parcel probably with a road as well, although there is a little bit of ambiguity in interpreting PP to encompass roads and a housing development. If you were looking at more than 10 units on that upper site, there are certainly PP issues, right, with getting the road up there to access the housing units but to also building the housing units as well. There's steep slopes up there so it's arguable whether they could develop 75 units up there.

Commissioner Allen: But for right now and for the future, there is no proposal to develop that site, correct? And the proposal is that it will stay open space.

Weinstein: Exactly.

Commissioner Allen: And is that primarily because of the road or, just out of curiosity, why is that?

Weinstein: It's a good question for the applicant, but our understanding is that the applicant is well aware of the Measure PP issues with developing the upper area and as proposed, this project, with removal of the bypass road as well, was intended to work around the constraints of PP.

Commissioner Allen: Thank you.

Commissioner Brown: Just so I'm clear, the Blue Ribbon Committee moved the bypass road from connecting into Sycamore Creek Way, also known as the west collector, to Sycamore Way. Is that correct?

Weinstein: Sycamore Creek? Yes, Sycamore Creek I know was 2006.

Commissioner Brown: Right, moved Sycamore Creek to Sycamore Way....

Weinstein: Yes, it was always going terminate at what was called the east/west connector in the Happy Valley Specific Plan which became Sycamore Creek.

Vice Chair Nagler: The change in half was how it traversed the hillside as opposed to where it began and where it ended, right?

Weinstein: Right. The alignment in the Happy Valley Specific Plan was really straight up the hill and down the other side, but the Blue Ribbon Committee alignment was, again, more westerly of the originally proposed alignment and was intended to be a little less visually intrusive than the originally proposed alignment.

Commissioner Brown: I didn't notice the road going past the water tower there so in both cases, both in the Greenbriar plan as well as the original bypass road route, it connected....okay, thank you very much.

Commissioner Allen: To your knowledge, is there a way to do a version of a bypass road that isn't one of these that potentially would not conflict with Measure PP?

Weinstein: Probably not, but it's something we're going to study in the EIR.

Beaudin: Can I add, just for the sake of this part of the conversation which has definitely come up in other conversations, the bypass road was always intended to be a mitigation for the level of development that was contemplated in the Specific Plan prior to Measure PP so when you're up close to the 100 unit area, and I think it was actually higher than that at a point in the past, the bypass road was a mitigation. As the project continues to get smaller, it is less and less likely that....I'll give a range for the sake of the conversation tonight, between 20 and 40 homes would be able to pay the cost necessary to build a bypass road. So I think that's really a fundamental issue for the environmental analysis but also for the overall project discussion about whether or not this commission is going to be supportive of a recommendation to remove the bypass road from the specific plan because I would imagine, if asked, the developer would indicate it is a make or break item for the viability of the scale and project being proposed in the flat lands.

Vice Chair Nagler: And of course a related question is the ability of the rest of the traffic patterns to handle how these homes get built in this development. So when we get to the scoping part of the conversation of the EIR, I would ask that we make sure that the EIR is going to ask questions adequately for our satisfaction about what will the traffic impacts be on a project this size, whatever it may be, without building the bypass road.

Weinstein: And just to clarify something and to add to what Gerry said about Measure PP and the road, I think it's important to remember that the City Council's determination on the road in Lund was a very site specific one. They said that in that case, they did not determine that a road, in the case of Lund, the connector up to Sunset Creek, was a structure. They determined it was not a structure in that case. But they did not indicate



that it should apply universally to any road in the city, so I just want to really make clear that we're talking about visual impacts of the bypass road and it's something that would be highly visible from lots of off-site locations. But, the determination that it would be a structure and therefore in conflict with Measure PP is a determination that would need to be made on a site-specific basis for this project.

Commissioner Allen: I do have one other question and that's regarding Lot 96 which we're not discussing tonight which is, I guess, another part of the Spotorno inventory. I'm just thinking long-term about what other development might be happening aside from these two lots. Can that land be developed? Is that a hillside? Or, what could be the maximum number of homes, if any, in that area?

Soo: That lot has existing homes on it, and the Specific Plan is for 5 units. It's a PUD-LDR.

Commissioner Allen: Thank you.

Commissioner Brown: Was there any sort of fund or reserve when they built the golf course to collect money for the bypass road?

Weinstein: We did look into this issue today. All the reserve funds throughout the city for future projects are listed in our CIP, and there is no reserve fund for the bypass road that is listed in our CIP.

Vice Chair Nagler: This was asked a little bit earlier, but to try and get clear about it, if this application were to build 22 homes only in the flat area and to construct the bypass road, then we probably wouldn't be having this hearing, right? In other words, there would be no other requested changes in policy, right?

Weinstein: So there wouldn't be a rezoning. There would just be a PUD development plan which is actually a little bit above design review which I know we talked about earlier. So for just a straight PUD development plan, no rezoning, no specific plan amendments, assuming the bypass road wasn't part of it, right? If that were to happen, the 22 units consistent with zoning, consistent with the Specific Plan, no bypass road; that would require a Specific Plan Amendment so it would be here today. But, just looking at the housing, just looking at the 22 units, consistent with zoning and with the Specific Plan, we probably wouldn't be having a workshop.

Vice Chair Nagler: No, my question really was, if the application was for 22 homes and to build the bypass road, then it would be a very simple hearing on whether or not the PUD conforms.

Beaudin: PP makes it interesting and so we would likely be having a conversation about whether the bypass road is a violation of Measure PP. So, that is the detail and it's after the Specific Plan.

Vice Chair Nagler: Then I have a question about the other part of the proposal which is to keep what was going to be developed into a number of homes as open space, and the applicant is proposing as I understand it, a permanently open space easement,

right? So, my question is, however or whatever the terminology is, as proposed what would you believe would be the public's access on-going to this land and are there other options to be considered to ensure public access to the land?

Weinstein: I think there are trails being proposed right now and we're hoping that this project continues through the process that there will be more trails as well in accordance with the Happy Valley Specific Plan and just connecting the open space that's out there right now. So, clearly we want to make sure the public has a permanent right to use those trails. The land itself, there are different options for disposition of the open space. It can be owned by the HOA basically and maintained by the HOA or it can be owned by the City. I think those are questions still up in the air that can be resolved as we work through the project.

Vice Chair Nagler: One of those options or some other option similar is the implication of saying there would be an easement on it.

Weinstein: Right.

Vice Chair Nagler: Okay, thank you.

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

Michael O'Hara, Applicant: Thank you so much. My name is Michael O'Hara. I'm with Tim Lewis Communities; the Director for Planning and we're thrilled to be here tonight. We're excited about this project and excited to be here in Pleasanton and we are just really looking forward to hearing more feedback and your comments as well as the public.

With that I want to say a couple of words about Tim Lewis Communities because we are new to Pleasanton, but we're not new to the Bay Area. Tim Lewis Communities is a 30 year company based in Roseville, California. They've been active in the Sacramento and Reno markets for a long, long time. About 5 years ago, we opened an office here in the Bay Area and all of us are veterans of the development field for quite some time and all in the Bay Area so we're very experienced here in the Bay Area.

With me tonight is Jessica Grossman and Jim Meek who are part of our team. Joe Azar is our civil engineer from Ruggeri Jensen Azar Engineering, and I wanted to also thank staff for handling some complex and tricky issues with regard to this. We've been working with them for a while to understand how some of these things work. I just wanted to commend them on that.

One bit of clarification, we did submit a letter which I believe got circulated to you all. There were a couple of things we wanted to clarify in the staff report. There's a couple of factual or applicant-related items in there. Spotorno Ranch—we're right here in the midst of the beautiful southeastern hills adjacent to the Callippe Reserve Golf Course. As Jenny mentioned, this is kind of a quick summary of what the project is. The real important thing I wanted to point out is that the Spotorno family is a long standing family and ranching family here in Pleasanton and they're actually celebrating their 150<sup>th</sup> year of family ownership of that site. So I wanted to commend them. They're a wonderful

family and we've enjoyed working with them. 39 homes on a 154 acre site—a couple of the points to underscore is that we're eliminating 75 of the medium density homes up the hill that were laid out in the Specific Plan. So what that does is essentially reduces the number of homes on this entire site from the permitted 97 down to 39, and more importantly I think, is its compliance with Measure PP and QQ, and to do that it really required us to consolidate the development footprint to the flats area.

As has been mentioned, there's over 120 acres of conserved open space and I do want to get into that in a minute to talk about some of the things that have come up. One thing we did point out is that Spotorno anticipates retaining the ability to graze those lands. We operate a conservation easement within that and would be an important thing to consider. We do have the trail open space in the development, but most importantly, the Measure PP and QQ, compliance is paramount to understanding our site plan.

Here is our site plan. In here, we mention the open space and in working with staff, we actually created this open space. We had the wetlands area and this little park down here in front as the primary open space and we just kind of expanded it into the site. The concept behind that was to enhance or create a view corridor in here. As its name implies, the flats are pretty flat. And so if you can move the homes away from one another to create this view corridor up into the hillside that was something we wanted to do.

The other thing that's important about this site plan is that the perimeter lots; those that face on Westbridge and onto Alisal, their frontages equate those lots that are near them. You can see some of the lots here on Westbridge that are almost identically lined up with that and the idea was to kind of keep this semi-rural ambiance.

This is the overall site plan. I won't get into that. There are a couple of other things that are more critical. This was in your packet, and I want to just go quickly through the evolution of proposals for this site. The Happy Valley Specific Plan (HVSP); those numbers are what we just talked about, what staff talked about—Summerhill came out in '99 and proposed a 75 lot subdivision, with 56 on the upper lots and 19 on the flats and with a total development acreage of 48. Greenbriar came along as we've heard about with a 79 lot subdivision request, predominantly on the flats. It went up a little larger than our development acreage, and was 35 acres. Then our current proposal is limited entirely to the flats, less than half the number of lots that Greenbriar proposed and on a slightly smaller development footprint, and elimination of the bypass road.

Another quick breakdown of the differences between Greenbriar's proposal and ours—you can see minimum lot sizes, largest lots and average lot sizes are all credited large as you can imagine with half the number of lots. The zoning changes are pretty similar which are covered in the staff report.

I want to focus my comments on the staff report on two primary things. I think Gerry did a great job of spelling out kind of the concerns with the urban growth boundary and I pointed out that language that's been quoted a few times tonight. So I won't spend a lot of time on this, but the black line in here is kind of what we're calling the Measure FF line; the 25% slope line. So if you use that definition of where the slope begins, that's where that would be.

The other few lines on here in the pink and the blue are those lines that are in Jenny's staff report. The red line was the HVSP EIR line and the green line was the HVSP limit of development. The green, the red and the black lines all are outside of the development footprint.

The other thing is that the application of this urban growth boundary right here inside of the permitted area of development for the flats and also incidentally, it runs right through the middle of the NBR site.

So, now the bypass road—The primary thing here is that with elimination of the MDR lots and with Measure PP, we don't feel that it's consistent. With the elimination of the MDR lots, there's really no need to build that road. In that past, when that existed there you had to get access and utilities to those lots. And in that case, it would make sense that if you're getting access up there, you might as well continue the loop, right, and continue the bypass road. So without those lots, our thought is it's really not necessary to do that.

Secondly, this is kind of an elaborate exhibit. I gave you copies of this. This shows the bypass road specifically as designed and recommended by the Blue Ribbon Committee. Joe Azar created this to show what that road would look like. The blue is the 25% slope area which continues down into here. The red is the 100 feet away from the ridgeline, so there is some language in Measure PP about that as well. So, just showing where this road goes...this is the southern portion of the road. Again, we're showing that line again that we're saying is kind of the western-most of those three urban growth boundary lines.

We have the 25% slope area in blue. The wetland area that sticks down into here, this little blue tail right here plus this one and this one here would all be impacted by that. There's also an extra retaining wall that's necessary.

Going further to the north, beyond the project development heading to the north, you've got some pretty substantial grading and retaining walls that have to occur here. This right here is a 10-foot retaining wall. These two walls here; in order to make this work, what's happening is you're going up the slope and then you're coming down and in order to make that work, these retaining walls get up to 26 feet in height. So that's something to consider there. The bridge would be in here.

In our mindset, when the discussion about is a road a structure, we would also consider that retaining wall especially of that size, and bridges would certainly meet the definition of a structure. Those would be a couple of things we would want you to consider when you're considering a bypass road. With that, I'm out of time and I can answer any questions or however you want to.

Vice Chair Nagler: We'll have a chance for questions later on. Thank you very much. We are now going to take comments from the public.

Jewel Hunt, Clubhouse Drive, said it was communicated to their family that a bypass road would go in if the residential area were developed. The developer also indicated

there was a reserve set aside of \$10 million for the bypass road to be built and she voiced concerns with added traffic and the ability to walk and bike in the area.

Al Zimmerman said residents were promised a bypass road if they supported construction of the golf course in 1998. He recognized those residents from the east side do not want the bypass road but if not installed, traffic will be impacted on Happy Valley Road.

Ben Maughan, Westbridge Lane, thinks development should occur within planning constraints, voiced opposition to the proposed 39 homes as being very different from the rest of the community, as well as traffic impacts on Alisal Street and Happy Valley Road, noted the new development will go right through the hill and will be very visible, stated mudslides occurred this year and he asked that the bypass road be required. He thought his street would remain a cul-de-sac, voiced concerns about safety and asked the Commission to keep the promises made in the past.

Tom Daggett, Alisal Street, described his property and said when the golf course and Westbridge homes were built Alisal Street took the brunt of the traffic and high speeds. He asked that traffic be mitigated, for safety concerns on Happy Valley Road to be addressed and said while he agrees a bypass road would be a good thing this is the third development proposal which continues to get closer and closer to his property. He also recognized it was early in the process, but asked that the City clarify the "toe of the hill's" exact location.

Vince Barletta, Laura Lane, discussed his prior involvement with the Alisal Improvement Club, his work with the City on issues relating to the golf course and Happy Valley Road, and said he currently serves on the Alameda County Septic Commission representing District 4. Residents were told that there were geological slide areas up top and that a bypass road would never be able to be put in at the top so no one could develop the MDR houses. He questioned why the City chose a 2 acre minimum, noting that only 20% to 30% of the lots are actually 2 acres or greater and he believes there is a discrepancy with the sphere of influence. He asked the City to reconsider the need for 2 acre minimum lots which would apply to the inner ring of homes, thinks residents will likely add accessory units on their properties and asked for a solution to obtain clean water and proper waste disposal. Lastly, he questioned how the City could allow significant development and ignore the Judge's ruling to mitigate traffic and build a bypass road.

Ken Mann, Clubhouse Drive, asked that sidewalks be installed from Woodbridge Lane to Clubhouse Drive, citing dangerous walking conditions, high speeds, narrow roads and generally unsafe conditions.

Frank Imhof, Happy Valley Road, former Alameda County Planning Commissioner and current member on the Board of Zoning, said the agreement between the City and County was made to build the bypass road and he remembers there being \$10 million in a reserve to build it. The City moved 6 million yards of dirt to build the golf course. The cul-de-sac was built for the traffic to end there to go out the other way and the no left turn and no truck traffic signs were part of the mitigation; however, large vehicles are still part of the 1,400 daily trips a day on the road.

Sandy Richert, Happy Valley Road, said she was supportive of property owner rights and developer rights to build within allowable guidelines; however, this plan asks the City and residents to support a GPA to allow higher density. She voiced concern with added traffic impacts on Westbridge Lane, asked if there was discussion to an alternative ingress/egress directly onto Alisal Street to mitigate the traffic on Westbridge Lane, and pointed out that drivers still turn left on Happy Valley Road regardless of the sign.

She voiced concerns for people forced to walk in the street, asked that the applicant apply better articulation to the home plans given surrounding custom home architecture, and asked if the City or applicant explored the viability of building 10 units at the end of Sycamore to help offset the loss of revenue should the development move forward with 22 homes as opposed to 39 homes.

Jay Lofthouse-Zeis, Alisal Street, voiced concerns about losing the agricultural beauty of the area and of being able to walk safely. He then briefly relayed an incident where a golf course member was trying to pass him while he attempted to turn into his driveway.

Steve Mix, Alisal Street, said he lives next to Spotorno flat on a 2 acre lot and was told he was not able to add an accessory unit to his property when he built his home 3 years ago. He voiced concerns with adding 39 homes in addition to those new residents being able to add accessory units. This could add several more residents with additional vehicles and he asked to take this into consideration in the EIR's analysis. He supported the bypass road as solving many problems, said the Spotornos have been great neighbors in what is an agricultural and diverse habitat, and he asked to maintain the 22 homes.

John Spotorno thanked the Planning Commission for hosting the workshop and thanked Tim Lewis Communities. He clarified that the hill part of the ranch will remain with or without the bypass road without significant grading or tree removal, and with the open space proposal in the middle, it may be possible to retain the existing windmill. He provided an historical account of the area at the top of the hill which could have been developed if dug out and regraded but it did not make sense cost-wise.

He clarified that Greenbriar was willing to move forward with the bypass road when the City was willing to pay their fair share, but as soon as they were told they had to build it themselves, the project became economically infeasible, even with 79 units. He spoke about his desire to continue ranching the area, discussed challenges having a trail and its access points, and spoke about the sale of a portion of property to put the road in when the golf course was built.

Jim Freitas, former Blue Ribbon Committee member, said when the golf course was built the bypass road was required to be put in per the judge's order, and there was also \$10 million set aside for the bypass road. He asked that the Commission also consider the 2 acre per lot requirement and require the applicant to be held to the same requirement and said the 22 home plan with open space was a trade-off from the originally planned 19 home proposal.

John Bauer stated one author of Measure PP believes a road is a structure and the other does not, and it was specifically stated that the bypass road was not a part of Measure PP. Once the 590 acre former G.E. Velacito facility just to the left of the driving range sells and is developed in the future, he questioned how residents would get to Sunol Boulevard.

Sang Lee, Westbridge Lane, cited safety as a paramount concern, given there are no sidewalks, lots of people walking, significant speeding and huge potential for bodily injury. He asked that the number of citations be checked as speeds have been documented 75 to 80 mph on Westbridge Lane when coming down the slope.

*Rebuttal – Applicant*

Michael O'Hara: First off, thank you everybody for being here and providing your input. It's valuable and we do appreciate it. We do like to be responsive and obviously there are a lot of things to balance here, but we do like to be a responsive company. We are an award-winning home building company. We do build nice homes and certainly we will take all of the commentary with regard to the architecture—we'd be happy to continue to work with staff and others on that.

I appreciate John Spotorno being here and talking about the trail issue—that was one thing I wanted to address. He's absolutely right. There are some challenges with that trail. The primary thing that we're trying to achieve there is a conservation easement over that property. As a result of that, we'll be working very closely with the resource agencies. In conversations with them, their concern is to make as valuable an open space area as possible. John mentioned some of the practical considerations of where the trail goes to and where it ties in to and where it ends. I also wanted to point out that anything that we would do there with regard to trails; some of the things that have been requested or recommended by staff, we needed to step back and say it's really critical that we create a very valuable open space area here and in order to do that, bisecting it with a trail that runs through the open space is a challenge as well. So I just wanted to get that out there that there are some challenges we would have to address with that. We would work with staff. We have been very clear with them about some of the things that we wanted to do.

With regard to the safety considerations for Westbridge, we get that. We understand that and as part of the development there is a pathway on our side that would allow for access and allow people to walk out in the street there. There were several comments and it makes it sound as though we're trying to expand from 22 to 39 when in actuality, we're trying to reduce from 97 to 39, and I think it's really important when we talk about....John's perspective on the upper lots is critical and key. That was something that was a development right of the Spotorno family and so to just talk about it in terms of 22 and an increase to 39 doesn't give credence to all of those considerations.

One other thing I wanted to address--In the recommendations to us there was a recommendation to increase the open space in the middle and I just wanted to point out in the site plan that some of the things we've been working with staff on—one of them was to create that open space area in the center there before there was a road went in here. The concern for that was we felt we had addressed that and if there are ways to

work through that, we'd certainly be happy to continue to do that but we feel that we've created something right there. If you have any questions, I'll be happy to answer them.

Commissioner Ritter: So the bypass road—it's a numbers reason....let's say they pass PP and everything makes sense to meet the voter's obligation. Is it more just a numbers thing of how much it's going to cost and the City doesn't have the money to support it either...is that what it is?

O'Hara: Well certainly, as John pointed out correctly, and we've spoken with Greenbriar about it as well, without a City contribution to that, even a 79 home subdivision was not anywhere close to being feasible and so obviously with 39 homes it would be even less feasible. Sure, I think when we talk about that, I'm not ashamed to say, yeah, 39 homes would not be able to support that level of expenditure. I think the numbers that we've talked about, and correct me if I'm wrong, but the numbers I believe we've talked about are somewhere in the \$12 million range, or in excess of \$12 million to build a road similar to what was there...pretty close.

Can I add just one other thing to that? With regard to the bypass road, I mean I think like I mentioned in my presentation, it certainly made sense when there were lots up there and then if you were going to be building those 75 homes up there, you'd have to build a road to get up there anyway, right? So, we feel like the circumstances have changed with regard to it. So not only is it a dollars and sense thing, it's a sensible development aspect to it as well.

Vice Chair Nagler: Similar question—I think the answer is self-evident but I'd like to ask you anyway. The proposal to increase the number of homes on the flat area from 22 to 39 I imagine is also driven by numbers, right, because you have actually come down in a number of homes, but the reality is once this neighborhood gets built and houses and lots are there and the open space is there, no one is going to remember at some time previously it was a conversation about putting a hundred and some odd homes which is quite a difference from 39. Just so just to speak to that number of homes, is it the case that you looked to maximize the acreage and ended up at 39 lots?

O'Hara: There were more aspects to it and I can walk you through that. What we were trying to do is strike a balance. We were trying to do a feasible development obviously. We were trying to work within the framework, intent and themes that were promulgated in the specific plan, and towards that, we tried to look at the edges of the development that tie into the others because as Mr. Mix brought up I believe, the two acre minimum, you know, and the frontages around there don't really....they're not really indicative of that size of a lot. So what we tried to do was max the frontages and the exposure to those roads on the perimeter; those things that everybody would see when they're driving down the road or walking down the road—those are the things that they would see. And so as you see the perimeter, and if you look at lots 1 and 2, 28 to 26 and all the ones that are on the perimeter of the site, even the lots 29, 30 and 31—kind of right in there at the end of that cul-de-sac....these lots in here, these lots along here, these lots along here. Those are the largest lots in the subdivision. They're all in excess of 30,000 square feet, so about three-quarters of an acre.



We also tried to deal with that in terms of lot width, so the frontages would allow us to have broad expanses between the homes along Westbridge and along Alisal and actually along Street A towards the open space. From there, we tried to then...we thought that if we were able to cluster the development a little bit, in working with staff that was kind of one of the recommendations we talked, was to make this more palatable can we cluster it more. Can we consolidate the interior of it kind of consistent with one of the comments that was made actually as far as the inner ring and the outer ring? I think our site plan is indicative of that.

Commissioner Brown: Can I ask a quick question? I know you probably don't want to spend a lot of time talking about the bypass road, but just so I understand, the bypass road you showed us on pages 13 and 14 of your handout, here it's essentially the Greenbriar route, which shows that if it were built for the project, it would go behind lots 19 through 24, but isn't there an earthquake zone in there as well? Would it essentially be over top of that fault line?

O'Hara: Yes, to answer your question. Can you hit the slide show? This plan right here shows, and there's a fault zone that runs right through the middle and you're absolutely right. So fault zone and fault zone setbacks typically relate to homes as opposed to roads. You can't put roads in areas like that, but you're absolutely right. We'd go right through the fault zone.

Commissioner Brown: So the road would be on top of a fault zone?

O'Hara: That's correct in that configuration that was proposed.

Vice Chair Nagler: Thank you very much. Thanks a lot. Okay, the next step in this is we want to have a conversation amongst the Commissioners, but know as we go into that that none of us have had conversations among ourselves because the Brown Act prohibits it. So you're going to be as much a party to our thoughts about this as we are to one another. But before we get there, we're going to take a 5-minute break.

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

Break 8:50 p.m. – 9:00 p.m.

Commissioner Brown: One of the speakers cited the 9<sup>th</sup> Circuit Court of Appeal; sorry for being a 6-7 year resident of Pleasanton and not knowing the history there. I need some comments on what that ruling was and how it might apply to this project from our legal counsel.

Harryman: So that pre-dated me being at the City as well, but I did get a memo from another attorney in the office who was here at the time and the lawsuit was a 2005 Court of Appeals decision where the Alisal Improvement Club, which essentially were Happy Valley residents who rejected the first annexation attempt of Happy Valley, sued over CEQA and the second annexation of just the golf course property as being too soon after the first failed annexation. The Court of Appeals decision was unpublished meaning it's not binding. Whatever the judge had to say is not binding and it's not precedent, but what I have here is the quote. Regarding the bypass road, the

unpublished opinion states, "The bypass road was included as an element of the Happy Valley Specific Plan. Therefore, the City's obligated to construct the bypass road, not just consider constructing it and it is possible the City will abandon this mitigation measure (the bypass road). Should that occur, the City would then be required to amend the Happy Valley Specific Plan and subject this amended document to scrutiny under CEQA."

So, it's an unpublished opinion. It doesn't bear any weight because of that and additionally, from the language I have here taken from the attorney from that unpublished opinion, the judge did acknowledge the City was supposed to construct it as part of it, but also acknowledged that the City could abandon that mitigation measure and amend the Happy Valley Specific Plan to the new CEQA description. So, that's essentially what the applicant is proposing.

Commissioner Brown: Thank you very much.

Commissioner Ritter: With regards to ADUs and second units, Happy Valley is not part of Pleasanton or annexed, right, so to speak, but we still put the restriction on them that they can't put a second unit on their property? Is that correct?

Weinstein: The speaker was talking about property in the County so there were different rules that apply there. This property that we're talking about is within the City so it's subject to our ADU rules we discussed.

Commissioner Ritter: Okay, then we don't have control over the County and that's why we can't make any changes to those, unless they got annexed.

Weinstein: Yes, the County does have to comply with state rules including the new state rules regarding ADUs. It sounded like this happened a couple of years ago and it's unclear what the specific details are.

Commissioner Ritter: So now if they went back to the County, they might be able to get that second unit in based on the new state rules that we have to comply with also.

Weinstein: Possibly.

Commissioner Ritter: Okay. And then one follow-up on that is, with development coming in and putting in the in-law quarters, this helps go towards the City's RHNA obligations, correct?

Weinstein: It helps us achieve policies in our housing element.

Commissioner Allen: It doesn't help with growth management though, correct?

Weinstein: Yes, ADUs do not count towards growth management.

Vice Chair Nagler: Which is to say, we're encouraging more in-law units by not counting them in our growth management numbers. In other words, we're suggesting that

building secondary units is a good thing to do and we don't want to limit that by counting them and then coming to the limit on what we can allow.....right?

Commissioner Allen: I have a legal question for Julie, and I'm not sure how to word this, but there was an implication that perhaps one of the reasons that the flat area lot 98 deserved or was looking for more units above the 22 was because they weren't building on lot 97 which was medium density and they wanted to take some of the lots that they might have built with medium density and put them into the flat area lot 98. My question is, is it legitimate to swap densities between two different parcels like that? My understanding is no, but I wanted to double-check.

Harryman: They're asking for an amendment to the specific plan to allow that, so when asking for an amendment, you can ask for anything and their rationale behind that is we're going to make all this that was developable open space and therefore move a few more. But because it's an amendment, it's new. It's new for the Planning Commission and ultimately for the City Council to look at as to whether or not that's appropriate.

Commissioner Allen: Okay, but absent an amendment, that's not something that is done with rezoning.

Harryman: Correct.

Beaudin: Can I add to it through the Chair if I might? Because there's the legality of density transfer and whether or not we have that in current code and that's not something we have in the City of Pleasanton, but there's also the amendment process that Julie was talking about. The rationale there that we've discussed with the applicant in this case is that on paper, there's development potential elsewhere on this parcel and the idea is to move this development potential down the hill. You can agree or disagree with that and so I think that's a point to make.

The other part of the discussion as it relates to Measure PP and some of the challenges with development up the hill is 10 or fewer units are what would be permitted by PP, and so the application is fairly close to moving 10 units down the hill. You can imagine a situation where they wanted to move forward with 10 units up higher and we wouldn't be in the PP conversation, bypass road aside, and so there is this threshold that does exist out there for development on hillsides in Pleasanton even with Measure PP. I want to put that on the table for discussion purposes tonight when we talk about the density and appropriate amount of development in the flats.

Vice Chair Nagler: Thank you, okay, let's start working through the questions that have been posed and we'll go maybe one by one and just say where we generally are and have a discussion about it.

Does the Planning Commission support the proposed land use and density changes to the General Plan and Happy Valley Specific Plan. Of course, just to say, this question relates pretty close to Question #4. In some ways, it's hard to divorce the two, but in trying to address this point, let's really stick to the overall site plan and the density question, okay? Is that fair? Because Question #4 asks us what do we think about the

building, the architecture, the points of entrance, traffic flows and so forth. Right? And open space, and things like that.

Commissioner Brown: In general, I have concerns of rezoning when going beyond the 22 units that are defined. I did actually go out to the property area earlier today to refresh my memory and I parked in the cul-de-sac outside the grey house. I don't know if that was your house and obviously didn't go on the property but sort of got the lay of the land and I do have concerns that a higher density is not in keeping with the rest of the neighborhood and the rural feel there, and so those are my comments.

Commissioner Allen: Mine is really identical, but I'll say it in my words. Point one is that the zoning standard is 1 home per 2 acres unless these lots can have a density of 1 home per 1 ½ acres in consideration for substantial agricultural open space and trail easement dedications, and that's from the Happy Valley Specific Plan. It's from the history. It's from the Blue Ribbon Committee. I think we need to stick with that. There's a significant benefit being given to allow 1 home per 1 ½ acres, so to go any further is completely inconsistent with the zoning and with consistency with other folks that are in this category. And second is, I also was out biking in that area in the last week and today and I think it is out of character, independent of what zoning says, with the neighborhood as well to have a density that is 37 homes. I think 22 feels right.

Commissioner Ritter: Yeah, I feel a little similar. I want to see that there's a community benefit for making any change to the General Plan or the specific plan and I'm struggling because I don't see any benefit yet other than just supporting property owner's rights which I'm very in favor of. And so that's why I'm kind of struggling with making a change to the General Plan and without getting something out of it, and I know that gets into the bypass road and all that kind of stuff, but other than adding space, I'd stick with the density change that we got per the plan in my opinion.

Vice Chair Nagler: And I am of similar mind. Unfortunately, this project, from the applicant's perspective, is sort of at the whim of or victimized even by various changes in policy that have occurred over the years and so probably primarily amongst them being the passage of PP. And because of the existence of PP and probably because of the specific geo-thermal issues that have been raised, it's just not possible to build those 70 something homes up the hill, but that's a fact. It stands on its own. It has nothing to do with what should or should not happen in the flat area it seems to me. And so what should happen in the flat area is, in fact, what was planned and given enormous consideration because in planning, one of the things I've been taught sitting on the Commission is we have to make certain findings and our findings are guided by City ordinance and City guidelines, and amongst those findings are that a building or a development or a set of homes that are built have to be, as you said, to be bounded in keeping with its surroundings and the character of its surroundings. And to, I'll say it pejoratively, to plot this many homes in what is clearly as was described by Mr. O'Hara as a semi-rural area, I don't think we can make that finding. And so even on the face of it, I think we have a very difficult time putting in more homes than the Happy Valley Specific Plan calls for. So it's unfortunate from the applicant's point of view that those upper homes were lost. We can have a long conversation about that too, but it's the reality of trying to develop this piece. So, I too, could only support that which is called for in the Happy Valley Specific Plan.

What additional tasks or research, if any, should the City undertake to ascertain the precise location of the urban growth boundary? And again, this speaks to us getting guidance on the application of Measure FF and like that.

Commissioner Ritter: I want to go back to the intent of when they created the urban growth boundary and using that along the base of the steep hills that encloses the Happy Valley, and I think we have to go with that and not some software map design change that maybe moved it a little bit with a 100 foot line. So I think it should be closer to that 1996 General Plan urban growth boundary line. It would seem to make more sense in my opinion.

Commissioner Allen: I agree with Commissioner Ritter and also where Gerry Beaudin was going with this in terms of plotting what that base of the hill or the foot of the hill would be. I think the challenge in doing that which would be important is, how do you define that foot of the hill. If the slope starts going up one-half inch or just slightly, do you cut it off right there? Or, do you let it go up a little bit and cut it off? I don't know how you do that but I think in doing it, it will be very important to have good justification and maybe also share 2-3 scenarios you looked at and why you looked at them and what the implications are for the Spertino property and the implication for how many homes can be built or not because I have a feeling it will still be grey and there will need to be decisions made about where you make that cut-off and we need to understand the balance. And clearly, we all know in defining the urban growth boundary and the goal for an urban growth boundary—it's around protecting hills and protecting open space so that's why it's important to understand the trade-offs you're making and the implications that go with it.

Commissioner Brown: I, for the most part, answered the question earlier when I asked or legal advice. Any decisions that we make, I'd like to be legally defensible and the answer from legal counsel around what was in Measure FF was pretty clear. The ambiguity is having to define the base of the hill, but I also have confidence that we've gone with best engineering terms and they will define it. And, if they want to stake it out and encourage public validation that they're making a good call, I'm supportive of that. I think there was mention of that earlier. But in general I'm okay with that versus the generalized mapping that we talked about earlier. I thought it was a reasonable answer. The other way of doing it is you can stake out the eastern-most portion of lots 19 to 24 and have it validated that it doesn't look like it's beyond the foot of the hill. That's another way of approaching it.

Vice Chair Nagler: Okay, thank you. And I generally agree as well. I think honestly it's not relevant what the boundary lines were in the prior two attempts. I think the only thing that's relevant is what's the governing law so it becomes a question on how to interpret it and as has been said, of course there will be some judgement that has to be applied to that. But in having us recommend to the Council, the Council will ultimately decide what the urban growth boundary ought to be just as Commissioner Allen said. It needs to be based on a very solid rationale so that a decision can be made. And having said that, I would hope there is a prejudice towards siting the urban growth boundary so this development can occur. But, of course, it's going to be based on facts.

Does the Planning Commission support the elimination of the bypass road and the retention of Westbridge Lane as a permanent access road to Alisal Street?

Commissioner Brown: There's not a fast answer to this. I kind of actually wouldn't mind hearing from Mike later if there's an opportunity. I think any discussion around this is in isolation. I did read the letters and probably some of those in the audience wrote those letters and some wrote the letters that couldn't be here, and there's a lot of discussion around walking along Alisal Street, walking along Westbridge Lane. I don't expect the developer here to solve problems that pre-existed at the outset of their property, right?

So that said, when we're doing a planning cycle, the accepted mitigation has been the bypass road for quite some time and I am sensitive to the fact that it's not a legal entitlement but people made buying choices on this cul-de-sac with an understanding it will close. It'll be the EVA, things like that, and we have to be respectful of that and we can't knee-jerk change our planning, and we need to have long planning cycles and planning visions. So I'm not saying outright 'no' and I recognize that if, irrespective of PP, we say the bypass road is meant as a requirement, it's a no-starter for the developer whether it's 22 or 39 unless the City pays part of the bill.

I heard enough people in the audience today with the perception there was \$10 million set-aside. I suspect that's not the case, but one of the members of the audience I spoke to earlier I think mentions in one of the attachments, it made reference to that \$10 million was collected, etc. So if you could just take the action to double-check that information, that'd be great.

And, so the long-winded answer is, I'm not ready to support elimination of the bypass road and the only instance I would consider it is if the traffic mitigation between Westbridge and Alisal and any road alignments and so on is with the input from the neighbors that are impacted. One person suggested maybe changing the development design so it exits onto Alisal. I'm sure that's going to make some other people upset and so many, many years ago when I was an engineering student, I actually worked for a traffic engineering department so I know it's a difficult job, I don't envy that, but I would like to understand which roads are City, which roads are the County, who owns what and what options there are available. It does not have to be here tonight, but as far as any future plans, I'd like to sort of understand all of the traffic mitigations and alternatives if the bypass road was eliminated, and that would address some of the safety issues; lack of sidewalks, lack of ability to get safely from your house to wherever you're going and things like that and still preserving the feel of the neighborhood. I think a gentleman earlier made reference to taking his horse many years ago and so on. That would be my long-winded answer.

Vice Chair Nagler: The questions Commissioner Brown asked are all obviously completely relevant in the scoping discussion on the EIR, so let's make sure we cut and paste in that conversation.

Commissioner Allen: I also am not ready to support the elimination tonight of the bypass road, but I am leaning toward eliminating the bypass road somewhat similar to the previous discussion. My reasons for feeling like this and that it may not be warranted in the future, and this has to be also supported by the EIR and the traffic

analysis so I'm just supposing now. The scale of this project has been reduced substantially from what it was envisioned originally, and second, PP would likely influence my thinking since this road is so highly visible about whether I would approve the bypass road or not. I'm leaning towards not wanting a road there right now.

And I agree with where you were going Commissioner Brown about looking at alternatives, again, there's pros and cons of all of these for helping with safety which, number one on safety could be really nailing this trail that would be along Westbridge such that the residents, kids and dogs would have access to a trail that would really go along that road or at least be easily accessible to a lot of people that live in that area to use instead of using Westbridge. And it would be great if it potentially could even be used by some bicycles. I'm now reaching, but if it could be used by bikes, that would be great too because I know how dangerous that road is to walk on even today.

And second, I do like the idea of at least exploring the pros and cons of having two access points into the development, potentially Alisal and Westbridge and not just one. And, like any decision, there's pros and cons.

Commissioner Ritter: Yeah, I'm going back to when they were proposing the golf course and in the minutes back in 1998, it says, "The Planning Commission recommended the bypass road be constructed as soon as possible; that the construction cost be fronted by the City if necessary." That is part of the process and they also estimated the bypass road would be \$3.8 million, so it's obviously changed a little. They also said "the City's share would be \$1 million." I'm sure all those things have changed in the process, but I still want to go back to what the task force recommended and they didn't talk about density and housing. They just talked about getting the bypass road there and that was kind of the intent of helping get the golf course approved. There is something we've got to look at. I'm going to say that if PP won't let it be approved I don't want it approved, I agree with that, but it's kind of like it's there. The City knew they needed to do it, but now that we have history on that road and I want to see the traffic study to show that it needs a bypass road, and if the traffic study doesn't show it needs it, then we can go back and explain why we changed our plan on it. But based on just reading this and what the intent was and everybody thought we should have it, I think we should really analyze that pretty deeply based on what was sold to the voters and the neighbors at the time.

Vice Chair Nagler: I'm not finally decided, if I may decide, particularly before we get the EIR done, but I have to say I'm strongly leaning in favor of eliminating the bypass road and the reason that I am, just to be clear, is that things do change over time and because even though it was part of the Callippe Golf Course conversation, and while it had to do with anticipated traffic flows and trying to bring some rationale to developing that area from a traffic perspective, the fact is the traffic flows off the golf course. While their driving habits are terrible, the actual number of cars was not more than I believe is handled on the current....

Commissioner Ritter: ...We don't know yet.

Vice Chair Nagler: ...We'll find out. The second is that PP does exist and building that road will create enormous retaining walls and the like and that's considered a main

concern. Third, if in fact the Commission's guidance or intent is to have fewer homes built on the flat area prevails, there might be other ways we can improve traffic flows absent building a bypass road which would not please everybody obviously, but be more environmentally sound.

And finally, the fact is that while it was definitely discussed that the Westbridge Lane would end up in a cul-de-sac one day, as I said earlier, things do change over time and the whole development that was envisioned for Spotorno ranch has changed and the number of homes developed, and therefore, the traffic has changed and the traffic coming off the golf course has changed. In the context of making the street safe, I don't know that that requires building a bypass road through an environmentally sensitive area.

Then the final point I'll make is just the simple reality of the economics of this project. It would be, I think, unfair and unrealistic to say on the one hand to the applicant here's how many homes you can put on the flat area, but you also need to build this road. That seems a similarly constructed dismissal. It's an approval that's a denial, and so if we really are intent on building this bypass road, then I think it can only occur if the City is willing to put up its proportional share out of its pocket to build that road.

Does the Planning Commission support the overall site layout including proposed development standards, building designs, entry locations and streets and trails. Are additional pedestrian amenities warranted?

Commissioner Ritter: I go back to the community benefit. I really want to support the highest and best use for that location and it's definitely not high density housing and it's probably not just a big field with cow grazing either, but I want to make sure we're getting these trails connected. I want to make sure we have sidewalks so people can walk to the golf course even or go for a walk around or even to walk down Happy Valley Road, and you know, I do golf there and it's kind of fun going on those bumps. They don't slow you down at all, but they bounce you a little bit (hahaha) which isn't a good thing. I don't think necessarily they're a traffic calming, but I would like to see it so kids can ride their bikes to school and feel safe going down that road and if we were even able to put DG instead of sidewalks down that road as part of a condition to get some community benefit out of the process, I think that would be important.

Building designs; I'm not going to get into details on that but I really wanted to fit in and match in the surrounding areas. I know a couple of people mentioned this looks boxy. I would want to dig deeper into that to make sure it doesn't stand out like just a big tract development. As far as the traffic, personally I can't wait to see the traffic report, Mike, when it comes, but 39 homes is actually not that many when you think about it. I live in a 168-home development with one exit and entrance and I very seldom see my neighbors leaving at the exit point so I don't think it's necessarily a traffic issue from the 22 homes or 39 homes. I think it's more of an issue with utilizing Callippe out there. Those are just my thoughts. Did I answer them all here, Chair?

Entry locations—I like not having the entry on Alisal. I think that's the busier street, isn't it? So entry and exit off of Westbridge Lane, it seems it makes more sense in my opinion.



Vice Chair Nagler: What about the open space that's within the development?

Commissioner Ritter: I like that. Is the community going to go sit in that park? That's what I want to make sure. It's not just a homeowner's association benefit. Maybe there will be some child swings and maybe it's a walk to there kind of thing, but I really want to make sure there's DG or sidewalk protected bike aisle so people can get to and from there. I don't expect golfers to be riding their bikes to the golf course, but I know some have before, but I just think it's for strollers and a great area to walk, but I just want to be sure the trails are inter-connected. Thank you.

Commissioner Allen: All right, so site layout, as mentioned earlier I'd like to explore the pros and cons of two entrances into the development versus just one both from traffic and visual impact and impact to neighbors. Also on site layout, I completely agree with Commissioner Ritter and completely agree about this idea of maybe DG and maybe it's part of an amenity since the money isn't going into the bypass road, that there's DG along Westbridge.

So, I mean, that's a great idea and then the trail network is huge to me so as I think about trail network, I also think about access points and that makes me think about potential parking sites—should there be a little parking area or turnout for people since there is no parking on the Westbridge Street, so I'd like that to be considered because I think we really want to use that. I want to make sure everything links.

The third point now that I'm on trails is I don't know how we answer this, but I am concerned with this conflict between the cattle grazing and Spotorno will be actively using part of that property, but part of the deal in allowing the density to go from 2 acres to 1 ½ acres according to the specific plan is there's a significant give to the City with the trails and the network. It just feels a little awkward that we're getting something but by the way it's still sort of owned by the Spotorno family for cattle grazing and there's limitations to have the public use it. So, I don't know how that all gets worked out but I'm concerned about and really desirous that the balance be, if we're giving up the density, the bias needs to be the City gets a strong trail network and strong open space that's usable.

Now the architecture-I think it needs more work. I agree with the speaker that said it looks kind of boxy. I'm especially concerned about the Italian farmhouse and the Spanish design. I don't think they're flat roofs, but when I look at them, they felt like a very flat feel to that gabled roof, you might call it, and it felt out of character and I believe it needs some more articulation, more interest. So anyway, I think the architecture needs some work to be consistent with the area and really feel like it's not a tract development.

And then also on site layout or architecture, landscaping. And I think staff brought this up in your earlier point to the staff report and this is also highlighted in the specific plan which says, and I'm looking at page 34 on landscaping, the first point is that substantial planted landscaping along with other soft surface landscaping between structures and importantly, fronting roadways is highly encouraged to keep that semi-rural nature. So I think seeing that landscape plan is critical and that's what we would see.

I don't know about the size of the homes. I know staff said they may be a little large. That's my feel, but I guess what I would ask for coming back to us is some better visuals because I'm not seeing any visuals that show this 1 ½ acres with the home and the accessory dwelling unit and the landscaping so one gets a real feel of how visible that house is and how big it feels relative to the other homes in the neighborhood. My sense is some of these might be a little large and a little imposing to the space, but I'm not sure. That's it for me.

Vice Chair Nagler: That's an excellent point also to make in our scoping conversation about the EIR.

Commissioner Brown: In terms of the public space I echo Nancy's comments in terms of the....and I know this is early days and this is a workshop, so I'm not going to over rotate on the comments, but one of the things that worked for me as related to the Lund project which eventually became, Measure K, was the fact it was permanently deeded open space in perpetuity, I think was the wording, and it's unambiguous in terms of the public benefit. I would insist that it does connect with the Lund Ranch from a trails perspective. I want to see that go ahead. In terms of the architecture, I kind of felt the same way about one member in the audience who described it as a little bit boxy—no offense. Specifically, the Italian farmhouse one I had reservations on, and again, no discredit to Tim Lewis Communities. I'm sure they've built beautiful homes. It's just based on the profiles.

And one thing I did notice by the way when you did your presentation, I do compliment you on your thought around trying to back the development off the main street. You said you put a lot of focus on that visual runway of the homes nestled at the base of the hill and so I did like that. I'm going to deviate a little off of the script and go back to the previous comment. When I went out to Westbridge Lane today and I listened to some of the comments tonight, the only place I could park was in front of that gentleman's house in that bulb-out that was half filled. And, I did not feel safe crossing the road to go stand on the corner to look at the property because of people bouncing over those speed bumps.

The original plan was a bypass road connected to Sycamore Creek Way and I've walked Sycamore Creek Way with my kids that are 5 and under and it has sidewalks, off-street parking, bike lanes, roundabouts. It is a real road with real traffic mitigations built in. The Westbridge Lane as it is today – I don't want to call it a temporary road but it feels like a temporary road so it doesn't have the sidewalks that we're used to. I don't know if that was necessarily part of the design because I wasn't on the Planning Commission at the time, but my other concern about eliminating the bypass road is, if we eliminate it, we have to provide an equivalent....I get the volume of traffic has come down significantly and the number of homes has come down significantly and if we were to propose the existing General Plan and limit it to 22, again, it would go down further but the point of the neighborhood is if the bypass road isn't there and a commitment to build a safe road with sidewalks, traffic calming and so on is gone. That's why I say I'm only supportive of eliminating the bypass road if at the time it comes back there's sufficient public discussion and agreement that the mitigation is practical and we've taken into account the surrounding roads that we would be impacting even with

22 homes because the impact is already being felt for many, many years since the golf course has been built, okay?

And I will make a comment around the bypass road though as well, and again, I'm going off script but these are some additional thoughts that I have. It feels much different than the Lund Ranch project. The Lund Ranch project was a slight increase over 25% for a short duration. This is much more, and I don't want to say drastic but much more problematic and so we can't lose sight of the fact....and this is partially why I think Council suggested we should evaluate every project as it relates to on a case-by-case basis, and I think it does feel very different so we need to be very careful of the visual impact and if the road was built and so on not to mention the funding issue.

My final comment and let me go back to point 4 on the charts, was that I think if we reduce down to 22 per the current General Plan designation, it would necessitate a different road layout, so I don't want to pre-judge the existing one. Again, whether it went onto Westbridge with or without a bypass road or onto Alisal, it needs to be part of the parcel. Are we mitigating the 22 homes we would be building as part of that proposal, if that's what the developer decided to come back with and does it mitigate the promises made for the traffic that's being borne for all these years to the golf course?

Vice Chair Nagler: I agree with everything that's been said so I really don't have anything to add, but I just want to make sure these points are emphasized. One, that we are very concerned about the safety of the streets bordering this development. People who walk the Callippe Golf Course trail have to experience what the residents on the Westbridge experience because the only place to park is in the Callippe parking lot and you walk the trail and the only way to end the hike is to go up Westbridge and cars are whizzing by. So, the general public who is already making use of the trail around Callippe experiences that safety issue, so pay attention very much to the safety issue of Westbridge and Alisal traffic-wise.

The second is, I agree with all the comments about the architecture, but in that context, if the applicant is going to follow the Planning Commission's guidance and come back with a proposal for 22 home sites, presumably not only the site plan obviously change and things like open space and like that, but it could be that the architecture and the size of the homes and positioning of the homes and so forth is obviously affected as well, so I would just encourage the applicant to keep in mind comments the Commission has made about the architecture in doing that.

And then the third again to say, the walking trails, I asked the question earlier about what's the difference basically between...what does the easement need? Who owns the land? How is the public's access to it guarded, so I just want to say that that is also important to this Commissioner as it is to the others.

So the final task before us is to talk about the scope of the EIR as it has been proposed by First Carbon Solutions who have been, as said earlier, identified by the City Council as the approach to view the supplemental EIR. And just to say, what we recognize is that this EIR is going to borrow in large measure or predicated in some measure on the EIR that was done for the Happy Valley Trails Specific Plan, right? So, the question I think before us, and staff you can tell me if this is wrong, what staff's looking for is if the

topics that are raised on pages 18, 19 and 20 of First Carbon Solution's proposal are adequate from our point of view and more importantly, are there additional items that ought to be covered. Just to try and make this conversation efficient, let's just take as a given that the questions Commissioner Brown asked are included and that the comments Commissioner Allen made are included, okay, so we don't have to rehash those. Anything else?

Commissioner Brown: Yes, specifically pedestrian and bike safety I think should be a topic called out in the surrounding streets.

Vice Chair Nagler: I would like there to be a healthy representation through computer generated imaging of what the development would look like as proposed and what alternatives might look like. Presumably when this EIR is done, we'll have to consider the application as is before us as well as 22 home sites. So, I guess as a point there, the EIR needs to make sure it takes into account what the variations might be and the size of the project, but in that context, it provides visual representations of what the project might look like. Anything else?

Commissioner Ritter: I echo a lot of what everybody said. One thing I didn't bring up though is the City's inclusionary zoning ordinance which requires new single family home projects of 15 units or more to provide at least 20% of the units priced at affordable to very low housing and I want to make sure we're looking at that also versus an in-lieu fee when they start looking at the re-design. Obviously, my biggest thing is the traffic and safety issues and the environmental with Measure PP making sure we can meet those goals.

Commissioner Allen: And I just have a couple of sub-points around the transportation section that I would like to have addressed. One is, I believe we should be including an assumption that there's an ADU for probably each of the properties over time in our volume forecast for traffic. Also, I think it would be important, especially for the public and us to understand the assumptions around traffic levels that were in the original EIR and what the change is that's seen in this new EIR. In doing that, I think it would be important to understand specific to the golf course itself, is traffic higher or lower than what was expected and then separately, all the other traffic from Spotorno and any other developments that were assumed so that you all can see what really is the change that's driving the roadway noise.

Vice Chair Nagler: And the traffic that they project, how it is impacted by the bypass road and not the bypass road.

Commissioner Allen: Exactly, and that's really important. And then I fully agree with the desire to have a section on bikes and ped and all related to safety because clearly that's the amenity of sorts that this project can bring if done right and it's also the risk that this project needs to mitigate if we don't have a bypass road.

Commissioner Brown: Can I ask one other question? As part of the last Happy Valley Blue Ribbon Committee meetings, they summarized six design considerations for lot 98, the first of which was to designate the maximum height of homes at 30 feet. Is that tied to existing....

Vice Chair Nagler: ....any existing proposals under that recommended height.

Commissioner Brown: Okay, existing proposals under that recommended height, okay, and is that maximum height already specified as part of the current General Plan designation? Is a maximum height specified as part of the PUD? I guess it's kind of a moot point, but I'm just curious.

Soo: The PUD-SRDR designation specifies that the house could go to 35 feet high.

Commissioner Brown: Okay, so the SRDR says it can go to 35.

Beaudin: You'll actually have the chance to look at all of this with the development plans and with the renderings that Vice Chair Nagler asked for this evening, we'll review those variations in height and see what those impacts would be.

Commissioner Brown: Okay, thank you.

Vice Chair Nagler: Anything else on the scope of the EIR? Is that okay from your perspective? Have you got what you need? Okay, any other issues on this project to be raised.

Commissioner Allen: Mine is just something I forget to say related to the site design and architecture and I'm referring to the architecture specifications in the Happy Valley Specific Plan detail which I pulled on-line today. I didn't see it in the package. But in this, they have five points about architecture and I didn't see that addressed here so I didn't know if this had changed or what, but let me just share what the five points were. Point one was a diversity of architectural style suitable to Happy Valley. It specifically says they don't want European estate or Neo-colonial or similar. I would say one of these you could call a European estate.

Point two is that front porches and other elements which facilitate neighborhood interaction and add visual interest to homes is strongly encouraged. It makes me just think about the desire to build that into the architecture because it didn't seem to stand out very much to me.

Third, and this is related to the building height discussion we just had is that building heights and forms should be similar to those currently existing in Happy Valley and it listed four sub-points; Point 1 is: "one-story structures are strongly encouraged." Point 2 is: "one and two-story combinations are accessible." Point 3 is: "two-story structures are generally discouraged but can be acceptable if building masses are broken up with attached one-story elements". And Point 4 "pitched gable and hip roof forms rather than flatter roofs are strongly encouraged." So I would ask that we sort of validate some of the architecture using this because it didn't seem to quite fit for me and it also prompted the question of how many single stories versus two story homes we're going to have and this felt very heavy on the two story and what's the right mix for us. So, those were sub-points to the third bullet.

Point 4 was, “The visual prominence of garage doors should be minimized.” I’m feeling like we’re probably okay here but this talks about it really needs to be buffered with landscaping and that’s where, to the degree we have a front-facing garage door, let’s make sure it’s heavily landscaped so it’s not visible from some of the key streets wherever possible.

And the last point is that “The house entry should be proportioned in size and structure”, and I didn’t have a concern about that.

Vice Chair Nagler: That’s good. Since we obviously are trying to provide direction to stick with the HVSP, we want to make sure that’s good. Good.

Commissioner Brown: Can I ask a final question of staff? So Adam, obviously we need to have a discussion around traffic and safety mitigations. What is your preference for members of the community that want to provide input between now and when the next plan comes in? Should they be directed to Mike or Jenny? Or do you have any guidance there?

Weinstein: So we’re still in the middle of the EIR scoping session so even at this early stage, we’re still taking comments after this meeting on the scope of the EIR. Of course, we’ll be going through a multi-month development process for the DSEIR which will then be released to the public and we’re always happy to get comments from the community or anyone who’s interested in the project about design or mitigation and we’ll be happy to take any comments that folks have and work with the EIR consultant to address them early on. So that’s sort of a less formal way of inputting into the EIR. But then the DSEIR will be released to the public and there will be a 45-day review period at that point so people can input their comments on that as well. At that point, we’ll probably have possibly a different design or different design alternatives at least that will be analyzed in the EIR. Those design alternatives will be released to the public in the EIR for folks to opine on.

Commissioner Ritter: And remind me, everybody that wrote for tonight’s meeting will be included in the EIR or letters and comments?

Weinstein: Yes, all environmental comments will be included as an attachment to the EIR.

Vice Chair Nagler: Okay, thank you. Thank you very much.

Commissioner Allen: Is your thinking we might have another workshop given you really have changed the scope of the project and we have a lot of areas to continue to tackle?

Weinstein: Probably, we want to see what the extent of the changes are, but it seems like based on the comments we’ve heard tonight that quite a few changes are being requested of the project and if that is the case then we’ll probably want to bring it back another time.

Commissioner Allen: Thank you.

Vice Chair Nagler: And based on that, it would probably be a good idea that on the applicant's behalf, if there is a second workshop that there be as little delay or time interval as possible between the second workshop and a hearing on the application. Okay, thank you very much. We appreciate your cooperation. We appreciate the fact that you're putting forward a quality project and we look forward to continue to work with you and very much appreciate the residents in the neighborhood and their input because we obviously have taken it to heart. So thank you very much. We appreciate it.

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

No discussion was held or action taken.

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

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

Commissioners Ritter and Brown provided an overview of the information discussed at the Downtown Specific Plan Task Force meeting which took place on April 25, 2017.

Commissioner Ritter reported that the Bicycle, Pedestrian, and Trails Committee meeting had been canceled.

### **b. Future Planning Calendar**

Adam Weinstein informed the Commission that the Pedestrian and Bicycle Master Plan Update which was continued at a previous meeting will be on the May 10, 2017 Planning Commission Agenda.

### **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**

Vice Chair Nagler adjourned the meeting at 10:08 p.m.

Respectfully submitted,

Kendall Granucci  
Recording Secretary