

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

APPROVED

Wednesday, June 14, 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 June 14, 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, Community Development Director; Adam Weinstein, Planning Manager; Dan Sodergren, City Attorney; Jenny Soo, Associate Planner; and Kendall Granucci, Recording Secretary

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

Commissioners Absent: Commissioner Nagler

2. APPROVAL OF MINUTES

a. April 26, 2017

Commissioner Allen requested the following change to the last sentence of the second paragraph on Page 26 "...I think the architecture needs some work to be consistent with the area and really feel like it's not a ~~sub-development~~ tract development."

Commissioner Brown requested the following changes:

- He asked staff to review the recording to clarify the first sentence of the fifth paragraph on Page 26 "...so I'm not going to over-rotate on the comments..." The same sentence should be revised to state "...eventually became"
- The fifth sentence of the second paragraph on Page 27 "...the number of homes has come down significantly and if we were to ~~oppose~~ propose the existing General Plan and limit it to 22..."

Chair Balch noted the meeting was adjourned by Vice Chair Nagler, given he was recused from participating.

Commissioner Allen moved to approve the Minutes of the April 26, 2017 meeting as amended.

Commissioner Brown seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, Brown, O'Connor and Ritter

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Commissioner Nagler

The Minutes of the April 26, 2017 meeting were approved, as amended.

b. May 10, 2017

Commissioner Brown requested staff review the recording to clarify the last sentence of the third paragraph on Page 8 "...a study by 2021 when ~~you glued up the gaps~~ you've clearly got gaps on Santa Rita and it's not a pain point..."

Commissioner Ritter moved to approve the Minutes of the May 10, 2017 meeting as amended.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, Brown, O'Connor and Ritter

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Commissioner Nagler

The Minutes of the May 10, 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 speakers.

4. **REVISIONS TO THE AGENDA**

Adam Weinstein informed the Commission that Commissioner Nagler requested Item 8.f. be continued to a future meeting.

Chair Balch moved to move Item 8.f. to the July 12, 2017 Planning Commission meeting. Commissioner Brown seconded the motion.

ROLL CALL VOTE:

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

Item 8.f. Consider whether to change the Planning Commission's alternate representative for the Downtown Specific Plan Update Task Force based on recent advice from the Fair Political Practices Commission was continued to the July 12, 2017 Planning Commission meeting.

5. **CONSENT CALENDAR**

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

6. **PUBLIC HEARING AND OTHER MATTERS**

a. **PUD-93-02-16M, Hakam Misson, 2001 Ruby Hill Boulevard**

Work session to review and receive comments on an application for a Planned Unit Development (PUD) Major Modification to the Ruby Hill PUD and related entitlements to: (1) modify and expand the existing former Ruby Hill sales office building to an approximately 20,419-square-foot, 42-room hotel; (2) construct an approximately 62,175-square-foot facility that includes a lounge/restaurant, event center, spa facility, sports bar, art gallery, and conference center with capacity for 672 attendees; and (3) construct a 176-space parking lot and related improvements on a 36-acre site located at 2001 Ruby Hill Boulevard. Zoning is PUD (Planned Unit Development) – A/OS/LDR (Agriculture/Open Space/Low Density Residential) District.

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

Commissioner Ritter: The original approval was in 2007 by the City Council?

Soo: Yes.

Commissioner Ritter: Is there a time or length when that has to be completed by? Or, when it's sold, does it carry over to the new owner or does it all start over again?

Soo: The project approval has since expired.

Commissioner Ritter: So a new owner would need to go through that process again?

Soo: Yes, if they wanted to pick up on what was originally approved they would need to go through that.

Chair Balch: With the usage of the viticulture and the agricultural element, the prior Planning Commission and City Council were able to go ahead and allow a home to be there with the exhibits that you said? And they were able to make that finding?

Soo: Yes, at that time the homeowner asked for a caretaker unit there to watch out for the vineyards and also there is the owner's residence.

Commissioner Brown: Your Table 1 in the staff report seems to omit...I think on the main level there was proposed to be a restaurant and it said up to 19 staff managing or in the kitchen. I believe you should add to that main level the staffing for the restaurant. The recommendation said to add to the table.

The question I had was the original project—I know it got extended a couple of times and eventually expired—did that restaurant project and expanded residence at the time of approval have neighborhood support?

Soo: When it was first approved it did not receive very welcoming comments from the neighborhood. So, we went to the Ruby Hill HOA. As a result, we formed a focus group and talked about the project, and the project eventually addressed the neighborhood concern which was noise impact and parking.

Commissioner Brown: Okay, all right, and the last question I had was in the Tri-Valley Conservatory letter, they mentioned the building envelope was below the maximum. So I was wondering why the comment said...within the letter it said, and I'll quote, "The plan showed a building envelope area of 108,507 square feet which is within the 108,900 square feet building envelope allowed by the conservation easement. The proposed building envelope provision requires an amendment to the conservation easement for the property." So, can you clarify if it's within the building envelope allowed by the conservation easement why a building envelope revision amendment is required.

Weinstein: So Laura Mercier from the Tri-Valley Conservancy is here and she can answer more precisely. I think the current understanding is that the buildings that are currently proposed on the building site fit within the 2.5 acre of building footprint requirement but the

roads do not and the roads at the very least require amendment, but perhaps Laura wants to respond.

Laura Mercier, Tri-Valley Conservancy: The conservation easement already identifies the building envelope, but it's called a floating building envelope because it's not set in a specific area. So through amendment of the conservation easement, then you receive the legal description and report exactly where that building envelope is. Does that make sense?

Commissioner Brown: Right. And I did meet with the applicant last week at their request and they clarified that I guess you got a 2.5 acre building envelope within the 36 acre site, and so essentially you'd have to amend in order to settle where that envelope would be for this project.

Mercier: Exactly, right.

Chair Balch: I'm going to follow on that. So the building envelope definition does not include parking structures?

Mercier: It does; permanent parking structures. If you then start to talk about overflow parking, that's a whole different issue. With other conservation easements we have made it where you can....we have to work with the City, but a certain event requiring over 300 people or 200 people, then you would have to notify TVC and the City to notify us so that we make sure overflow parking does not harm the agriculture.

Commissioner Brown: Okay, final clarification then—I think it was made mention that you deemed the road that would connect the two pieces of property as an agricultural road and therefore not within the 2.5 acre building envelope restriction, but the parking and the buildings are. Is that correct?

Mercier: That was on the assumption that the access road from Ruby Hill Drive from the entrance was going to be permanently closed so there was only going to be one entrance for farm equipment and commercial, or for the events center and bed and breakfast. But if that access point along Ruby Hill Drive is open for farm equipment then....

Chair Balch: ...the conclusion might have been different.

Mercier: Yes.

Commissioner Allen: This is regarding the original approval of the restaurant. In reading through this, it says a restaurant was approved and considered to be a conditional use in terms of zoning. That confused me, and my question really is, as we look at this project now and we think about the use of a restaurant, to what degree is it or is it not consistent with our understanding of our General Plan per zoning for this land?

Soo: Conditionally, it is part of the zoning, but our Municipal Code says that if they are going to sell alcohol or have alcoholic beverage consumption after 10:00 p.m. a CUP is required. Because the restaurant will be open past 10:00 p.m. and will have alcoholic beverages served we have to process a CUP.

Commissioner Allen: The most important point is that as we look at this now and think about a restaurant, to what degree is it or is it not. It would be from your point of view consistent with the General Plan and also with zoning or PUD?

Chair Balch: Would a restaurant condition require a General Plan Amendment as mentioned in the staff report?

Commissioner Allen: Or PUD amendment?

Weinstein: Right, so I think our current understanding is that the current land use designation for the project site is open space, agriculture and grazing which only allows for open space and agricultural uses but not a restaurant, not a hotel, not an events center. Those are all commercial activities that would not be allowed pursuant to the current General Plan designation, and the same for zoning as well. The current zoning only allows for agricultural uses on the site with exception of the existing house. So, yeah, any of the uses that we're contemplating tonight as part of this proposal or any uses that are similar to this proposal would require a General Plan Amendment and also rezoning.

Commissioner Allen: Thank you.

Commissioner Ritter: So is there a need, and I guess it's more marketing analysis for the City of Pleasanton, is anyone in charge of event centers? Could you have your wedding next week out there? Is that part of the analysis the City has done?

Weinstein: We don't analyze supply and demand for uses like that as part of this process. I mean, it seems like there is probably some sort of demand. The applicant is proposing it at least, so from that perspective it seems like there is demand. There are many event centers and places that hold events in the City.

Chair Balch: Okay, so before we move onto public comment, Commissioners' disclosures. I'll start. I visited the site and looked around a little bit and had not had a chance to speak with the applicant.

Commissioner Brown: I already mentioned I met with the applicant last week for a half hour to an hour just to go through their proposal and get some clarification.

Commissioner O'Connor: I have none.

Commissioner Ritter: I met with the applicant also for a half hour to an hour and just got their feedback.

Commissioner Allen: I drove by the site but have not met with anybody.

Chair Balch: Okay, with that, we'll move to the public comment period. I will also mention that we would like to do a quick show of hands, although as staff mentioned earlier, there's a bit of correspondence that's already been received but I'd like to see by a show of hands who's in opposition of this project. Could you please raise your hand? Okay. If you are in opposition of this project due to traffic, can you please raise your hand? If you are in opposition of this project due to noise or another matter? We're pretty consistent here.

THE PUBLIC HEARING WAS OPENED.

Mark Stoklosa, Architect on behalf of Applicant: Thank you Planning Commissioners, staff and the public for permitting us and hearing our project. My name is Mark Stoklosa. I'm an architect. My clients, Hakam and Sameer Misson with their consultant. I wanted to outline what the project is about. It is not an events center or a hotel. The project is a hospitality center with a variety of functions proposed by the owner for the public to enjoy. The bed and breakfast—it's a boutique place to go to and it is accessed by functions of the hospitality center.

We understood that the neighboring properties have set a size so we wanted to minimize the footprint of our building to be very closely to what the adjacent properties are. In order to create a properly designed hospitality facility, we needed to distribute the functions on several floors, therefore, minimizing the building bulk and also the footprint. It will be a part of different hospitality functions and therefore in the building, we'll hold some cultural events like wine tasting and art expositions and other functions that complement that. Our goal is to provide a first class facility with emphasis on green architecture as well. Also, the center was intended as a key point for Tri-Valley wine country development.

My next step would be to discuss the staff report. I have found quite serious inconsistencies in the staff report as to not only the language but also the sizes of the previous project. I've been an architect to the previous project that happened here on this site so I am very familiar with what happened and how we went through the whole process. For instance, again, this somehow was put in that this was an events center that has very bad connotations. We don't intent to have, you know, I would say "shindigs" or a large number of people that then neighbors perceive as something negative. Our approach was to have something very classy. So let's move to the B&B, not a hotel and a hospitality center and not an events center. The building which will house a bread and breakfast is not 420 feet to the nearest house. It is 500 feet. It is true from the previous project that we had to have this project approved and it was determined that the house nearest to the existing building was 500 feet and the hospitality center has to be another 500 feet which the restaurant in our building in the previous project was 1,000 feet to the nearest house.

Then, then numbers—the existing building is not 6,600 square feet. It's almost 7,000 square feet. The next, on page 8, you have listed different functions in here which we can discuss later with the public. We will have hospitality functions, conferences, weddings of course, and also on the roof deck we will have no alcohol sales. Here, it says we will serve alcohol. It's not true. Again, the south facing deck is accessed already to the main function of what will happen in the hospitality center.

Then we move to page 10. You list a variety of sizes for the adjacent buildings. In the previously approved project, again, 6,600 square feet – we designed it as 7,000 square feet plus 10,000 square feet, not 5,000 square feet. Therefore, the entire building was 17,000 square feet. So the planning staff report is off about 30% of the previous project. Our building as previously proposed and here as indicated does comply with all of these figures.

Then we can move to page 12. Again, it is a comparison of the previous project to the current project. You are listing building width previously at 83 feet. It was 129 feet. I designed the building so I know the numbers. So we are talking almost 40% off. When the public sees

these things they of course have the perception, oh my God, what are they doing. That's crazy. The same thing with the depth of the building; 110 feet, and our new building is 150 feet.

So these are the things we wanted to point out in the presentation. If you could go to the next picture, this is the site plan of the project as currently proposed. We don't have the access from Ruby Hill Boulevard. We have combined the ag-access and the functional access to the site together so it would be outside of the concern of 6 ½ acres. Next slide. That's what the building would look like. Next is a photomontage showing how the buildings will be viewed from the street. Next. Okay, here we have the comparison of the adjacent building. So we have Rubino Winery, Palm Event Center, our bed and breakfast, Palazzo and Casa Real in plan. Now you can see how in plan in a footprint how they relate to each other. You see on the elevation above that we are taller but only a portion of the building because the buildings cannot be the same. And then you have a 3-D representation of the project. So we are packing a lot of function in three floors. The other people have a big box, two to three stories high with one floor that is compatible to our building.

Vin Pohray registered his opposition to the current proposal which he felt would be out of character with the neighborhood and bring unsavory events catering to the nightlife in a suburban family-friendly neighborhood. He voiced concerns with height, bulk, mass, safety of residents, and stated campaign funds will go to the City Council candidates who oppose the project and asked to limit development for wine production.

Michael Pecherer, attorney for project, noted significant errors in the staff report by huge percentages, describes the project inaccurately and as a result, has inflamed the neighborhood. He said proponents are not married to this particular size but in booking any usage of current centers, people are into 2019. Pleasanton has become part of the wine industry and people doing so are not classified as "riff raff" as described. There is no reference as to what is occurring in existing facilities, and he said these are not creating drunks or criminality and asked the Commission send the project back to staff so their architect can work with staff to correct dimensions and sizes of the project.

Brad Lusher voiced his opposition which he said has nothing to do with the size of the project as outlined in the staff report. He built his family's home from scratch and paid about \$50,000 for a viticulture fee and instead, this will go to promote a hotel and restaurant and removal of grape vines which is contrary to the spirit of that initiative. In building their home and property, they anticipated the surrounding area would remain in its current form, and thinks all comments relating to potential criminality, nuisances, noise and traffic are valid considerations.

Chair Balch: Thank you. I remember what I forgot to mention earlier, which is if you support the comments mentioned you will raise your hand and we will understand that. We also ask that if you are repeating comments as previously said, you are welcome to state you support the prior comments. We understand that as well.

Terri Yang said they bought their lot in Ruby Hill in 1994 and has lived there since. She voiced strong objection of conversion of open space of viticulture and open land into commercial space, as well as many of her neighbors and urged the Commission to consider the consequences of setting this undesirable precedent in Pleasanton.

David Perry expressed extreme concern and said he knew when he moved there would be a project, but since then there have been several structures holding events built in proper scale and design for the community built by Mike Callahan who did everything as desired by neighbors to satisfy the community. He thought it was clear the owner has no interest in working with the community or its board or has any willingness to incorporate recommendations of the staff report. He voiced difficulty with a public sports bar, art gallery, spa, restaurant, hotel, etc. only when there are not events taking place which could then lead to food trucks or pop-up street festivals, spoke of illegal Airbnb rentals, and referred to the Board of Directors' June 6, 2017 letter which outlined oppositional comments to traffic, noise, congestion, size of the project, access, neighborhood safety, non-permitted use, project mass and bulk, unfitting use with other commercial businesses in the area and community expectations.

Elaine Lusher echoed concerns of speakers, voiced her strong opposition of zoning changes which would be a radical departure from current zoning and the ability for the City to amend the original agricultural zoning to heavy commercial. She also voiced concerns with the buildings and proposal in general which is completely incompatible with the character and security of the neighborhood.

Richard Yoo referred to his June 6th letter which raised concerns and echoed speaker comments. He said he is the closest house to the existing sales office and is 300 feet away and not 500 feet. He was close enough when there was a disturbance earlier this year, and said he was unaware of the Airbnb situation, but noted his family called the police because of a large party. He voiced issues of traffic safety and night driving, spoke of an accident which resulted in his daughter suffering traumatic brain injury and permanent disabilities and urged staff to continue to investigate unknown environmental impacts. Regarding criminality, this particular hospitality center is adjacent to the gated community but people can walk in and out. Lastly, the application represents an excessive expansion of the original application and zoning and he urged the Commission to oppose the project and that the City not enter into any negotiations given previous use.

Ahmed Shah pointed out that when hospitality events occur there will be significant traffic on Vineyard Avenue. He and his children often like to ride bikes on Vineyard Avenue and said he will no longer be able to do this and asked that this be considered.

Neil Poplin rebutted points mentioned by the architect. The site is supposed to be a low use site, the applicant cannot be trusted because they have allowed the house to be used by Airbnb, there is already significant traffic around Ruby Hill due to the new mall, the previous approval was sold to neighbors as a high end restaurant, there are safety and traffic impacts, and asked for the Commission's consideration of these points.

Sandy Lake, Livermore resident but neighbor to Ruby Hill, said bed and breakfasts are in the countryside and hotels are in cities and she did not believe the location is appropriate for a hotel and event center which accommodates even more people, with traffic impacts and potential criminal activity.

James Mansour voiced opposition to the project and echoed speaker comments, removal of agriculture, thinks it is not a good fit for the community and asked that the Commission oppose the project.

George Hastings voiced opposition and echoed speaker comments. He asked the developer to explain how 672+ people at the conference center, hotel, sports bar, spa and art gallery can be accommodated with 176 parking spaces and questioned where overflow parking will occur. He disagreed sustainable elements will be installed in the project, noted they could not find records on crime in Campo di Bocce but the restaurant would not post signs regarding the need for guests to lock vehicles if there were not problems with theft in the location.

Bill Vierra voiced opposition primarily because it is out of scale with the neighborhood, given the semi-rural character of the neighborhood and residents' expectation when they purchased their homes/lots. A General Plan Amendment and rezoning would be required which would change the fundamental use of the property. He took issue with the interpretation of the Tri-Valley Conservancy of the 2.5-acre envelope, stating roadways and impervious surface are not agricultural use, and thinks any inconsistencies in the staff report are a result of the applicant not being fully transparent regarding their application.

Daniel Sonsino reiterated speaker comments, felt "boutique" and "hospitality suite" relays a sense of how developers will treat the community and board of directors in general. There is a sense of deceit before even starting the process and he questioned whether the City should do business with the applicant team and said the applicant should be prepared to go through triple the amount of "proverbial hell" as referred to by the applicant. He supported the maintenance of zoning and open space, encouraged the previous decision to reject the project due to its size and asked that the Commission reject the current proposal.

Steven Willins echoed comments of previous speakers and added that when his family purchased in Ruby Hill and looking at zoning and land use, they were told that the current structure on the property was going to be moved from its space onto a lot in Ruby Hill and the space would be used purely as an agricultural use which is what all neighbors want.

Nitin Bhandari said he supported all points of opposition of speakers. He referred to the term "hospitality center" and noted that the attorney mentioned there were no event centers available until 2019 which he feels was deceitful.

Leslie Jones concurred with all speaker comments because she has been representing opposition to much of Pleasanton's development and "stack and pack" of almost 2,000 units within the city's limits. The East Side Specific Plan will be considered next year to add 1,500 more units which will impact traffic. She encouraged neighbors to speak about all development in Pleasanton, and voiced opposition of this project.

Kevin Goebel, General Manager of the Doubletree Hotel, they considered building a 15,000-square-foot event center in their back lot and they were challenged with parking. They felt they needed at least one parking space for every 2 people or 400 spaces and the project died because they could not afford to build a garage. He took exception to the point made about event centers filled on all weekends, stating his ballroom sits empty most weekends because of Casa Real, Ruby Hill and other event centers and said he would accept anyone's business. He noted a B&B and a hotel is the same thing, but people come back to his hotel after weddings and he must manage the noise problems as a result. Therefore, if the Commission allows people to sleep on the property, they will experience problems from noise and disruptions from people going to their rooms.

Sameer Misson (Owner on behalf of Applicant for rebuttal): I want to thank the Commission and our neighbors for coming today. They have been trying for 18 months to get before the Commission. They submitted an application through the planners. We had some comments come back to us. We did eliminate one of the buildings. The volume for the buildings that we are proposing conforms with the neighbors of the adjacent properties. If this meeting could have taken place earlier, we have met with a couple of hundred Ruby Hill residents which was why I visited 150 homes and I appreciate the comments. I do appreciate these questions were presented in an email to us. We did prepare responses for these questions and concerns, and I want to take back the feedback we received today as well as the emails and as modified our solution. Thank you very much.

Michael Pecherer (Attorney on behalf of Applicant for rebuttal): You know, I think that the objections we've heard tonight are hard felt and I think they are sincere, but I also think that they are in a very large extent misplaced. The reason they are misplaced are because of two things. First of all, the idea that the agricultural usage here is going to go away is not correct. It is not factually correct. There is presently 34 acres of vines, some of which are obsolete. There will be 30 acres of vines were this project to be approved. Secondly, every one of us who lives in northern California is severely impacted by traffic. I don't know what the answer to that is. It's a bigger issue. My level in the town I live in which has a Planning Commission just like here and you can deal with. We have flows of traffic coming in from all different places. It is a fact of life in northern California. To blame or to attribute it to a project that can be scaled to an appropriate level, a catastrophic change in the characteristics of traffic, noise, etc., etc. is not ingenuous. It's just simply not. The traffic we're dealing with is the product of many, many things. I think the speaker at the end talked about housing. Every town in northern California is being required to build housing. We're being required in Orinda where I live to build low income housing. The City of Walnut Creek has built so much housing that you can't find a parking space.

So when we look at these projects—any kind of development projects, we need to focus on the specifics of the project and limitations can be reasonably imposed on the project. The land is presently lying fallow for all intents and purposes. I don't think there was a promise buried in the history of this project that nothing would ever happen on this property. I've heard some discussion but I've looked at the records and I don't see it.

What I would suggest the Commission do is to refer this matter back to staff to allow the architect and staff to review the numbers in the staff report so we get that we're all talking about the same thing and to discuss with staff how to scale the project so that it meets the requirements staff would impose. I'm very grateful for the Commission taking the time to hear everybody here and I know these are difficult decisions.

Chair Balch: Okay, with that, we will close the public comment period. We will take a 5-minute break. Before we do, I want to mention that this body has not heard this matter now nor has discussed it. So when we come back we will have some conversation because we have not been able to discuss it amongst ourselves before this point, I should clarify. I want to emphasize this is a workshop. Under the way the City works currently, workshops come before us so that items can be vetted. Applicants can then hear that and choose a variety of paths and then if they resubmit, then action may be taken.

THE PUBLIC HEARING WAS CLOSED.

The Commission took a break at 8:24 p.m. then reconvened the meeting at 8:29 p.m.

Chair Balch: Are there any questions of staff?

Commissioner Ritter: Did the applicant get all the minutes and information from the prior approval and all the comments from the residents back then to review and help them decide what is important to residents?

Soo: As the architect indicated, he was the original architect from the project and so yes, both the staff report and the minutes were available, but I don't recall for this project they have asked for the previous minutes.

Commissioner O'Connor: When it came to the parking requirements, and I know there's some debate over whether all these numbers are correct, but just looking at staff's numbers, if we truly have enough square footage in the buildings being proposed to accommodate up to almost 1,000 patrons—I think it comes out to about 975, how did we come up with the 176 parking spaces. I mean, that would take about 5.5 people per car to accommodate 975. Is this number something staff wasn't involved in or do you believe that the required parking would be much larger?

Soo: We believe that number would work because it is too high often per party. That's why we're also questioning the adequacy of the parking proposal.

Commissioner O'Connor: So if these sizes were correct, we would need almost double the parking?

Soo: Yes.

Chair Balch: The question for an event center or a hospitality center--what would be a parking ratio? Is it approximately 2 to 1 similar to the other two?

Soo: In the Municipal Code, we did not have a parking ratio for such a use, but most of the time we look at the practical uses and if we are using 2 to 1 car is a ratio too low or should we pop it up to 2.5 and we normally do several scenarios, say 2 to 1 or what is going to be general. If we do 2.5 or 3 and again, we try to find a number which would fit most of the time. I think the skew we need of the statistics without the 50 percentile or 80 percentage. That's what we come up with. We also asked the applicant in case of a large event with a large number what is their "Plan B" and to comment. Sometimes they will have valet parking so you can stack up the vehicles. So that's another way for parking.

Commissioner Brown: I just wanted to clarify. I believe whenever the staff report, it indicated the applicant was saying when it is being used for a special event, that's 672, then the same 672 users would at other times be using the other facilities in exclusivity, so I don't believe it is quite the situation you described where it's cumulative. I believe that the question on the table is, is the parking sufficient for a maximum of 672 plus staff which was 10 staff, and that's why I added 19 for the kitchen. And then in your staff report you quoted that it works out to an average of 3.8 guests per vehicle, which I would also agree is insufficient.

Commissioner O'Connor: I was looking at the numbers in Table 1 where the 672 was for the main level but then we have a mezzanine level, a second floor level, we have a basement level which is the sports bar.

Commissioner Brown: Correct, but you have to read through the staff report and that's why I was looking for Jenny to nod her head. It says in a couple of places. Half of them I highlighted and pointed out where those are not concurrent uses.

Chair Balch: So maybe we could ask. Based on your conversations with the applicant, they are concurrent or exclusive uses?

Soo : The applicant indicated that 672 is the all-time maximum.

Commissioner Brown: I think some of the public pointed it out that it is inconsistent whether it is a hotel or bed and breakfast. The issue I had with the narrative is it says "B&B will be open 24/7, is a compatible function to residential uses, is ventured to be much quieter than single family, etc., etc. Breakfast may be offered since the bed and breakfast has a small kitchen to prepare simple breakfasts for guests." Either it is a bed and breakfast that serves breakfast or its not, so I was trying to get to clarification there as to why that's a question.

Weinstein: We can direct the question to the applicant, but I just want to make a point about how we craft the project description in the staff report. We often use different terminology from what the narrative provided by an applicant to make our language consistent with our Municipal Code definitions and the way that we describe projects at other sites as well. In this case, the hospitality facility or whatever you want to call it they are proposing does not meet our Municipal Code definition of a bed and breakfast which is much smaller than what is being proposed here, so we did not describe it really as a bed and breakfast in the staff report, and I think the same holds true for other terminology that we used in the staff report as well.

Commissioner Brown: I think that's essential for the public as well as the Planning Commission, differing terms as well. The other comment I had for the applicant when we met last week. As part of the downtown plan we had some reports provided to us. One of the topics in those reports is around hotel usage in the City and number of rooms and demand and so on for hotels. I'm paraphrasing, but essentially the finding from the report said that there wasn't really a huge demand in Pleasanton at this time for additional hotel rooms; however, there was demand potentially for a boutique hotel similar to the Rose Hotel and other things. So I just bring it up in this forum just because this is an additional data point that might be relevant to people; that that public document is out there.

The other comment I have was that I didn't see anything from the applicants around the business need, and as you explained earlier, that's not a requirement of city staff, but when we're talking about a hospitality center or events center, I know there's one gentleman that operates a facility nearby and I haven't seen any data that implies what the demand is for these types of services. So anytime we're considering a zoning change I'd like to understand whether there's a need for it and I haven't seen any information. As part of our recommendation before this comes back, I would be looking for some additional information from the applicant that indicates the demand is there.

Beaudin: What I think I'd like to do if possible if see if there's interest in these uses in general and then if there are, we can follow-up and make sure that's the desire of the Commission to bring that kind of information back, because I think there's some pretty fundamental questions about this application that we have that we'd like to hear your input on.

Commissioner Brown: That's fair.

Chair Balch: If I may, just also for a point of clarity, so we're looking at support for a PUD modification at this time, correct?

Weinstein: It's really a brand new PUD and General Plan Amendment, so it's pretty substantial legislative changes to the existing policies and regulations that make up in this item.

Chair Balch: So, maybe that's exactly where I'm going. This parcel is not within the Ruby Hill PUD?

Weinstein: It is within the Ruby Hill PUD.

Chair Balch: Can I ask a question of that then. So if a piece of parcel is within a PUD then that has association, correct, the City required association. So is this parcel subject to the Ruby Hill Homeowner Association for lack of a better term of what their name is?

Weinstein: Sorry, it's not within the association's boundaries; however, it would require a rezoning. There are lots of different entitlements that would be required to pursue this project as currently proposed. First, a General Plan Amendment; second, modification to the Ruby Hill PUD.

Chair Balch: Now why that? Why a modification of the Ruby Hill PUD? The PUD that set up the whole Ruby Hill PUD but not the association's element within? Is that....there's a subset?

Weinstein: Right. And rezoning to allow for different land uses, and a PUD development plan to allow for building footprints in different locations.

Chair Balch: Which is part of the Tri-Valley Conservancy element?

Weinstein: Modifications to the conservation easement that the Tri-Valley Conservancy holds.

Chair Balch: Okay, that helps me because a lot of the comments were about how they bought and so when we kept talking about being the lead, I didn't realize it wasn't in the actual association. Okay.

Commissioner Ritter: So to go on with that, the PUD approval for the Ruby Hill development allows for only viticulture uses on the project site, planted vineyards, vineyard maintenance facility, irrigation, retention ponds and other functions ancillary to wine production. So, if the applicant proposed something that met all of those requirements, they wouldn't need to come before us again and that would just be an approval?

Soo: No.

Weinstein: There would be a General Plan Amendment and there wouldn't be a modification to the existing PUD or rezoning of the site. There might be a design review application like if there's a new structure that's built on the site like a winery or something like that.

Commissioner Ritter: But it would come to the Planning Commission.

Weinstein: It would come before the Planning Commission.

Chair Balch: I think if I may suggest, I think we should start going to the discussion points because I think we're moving around on a whole bunch of stuff, but I think we need to figure out where we're all at.

Commissioner Brown: Can I make a slight modification? Maybe instead of discussion one, the first question we should ask is are Commission members in support of changing the use from agriculture and supportive vineyards to include commercial? Could that be a starting question?

Chair Balch: Can I further modify to say the General Plan, right? Because the General Plan is designating it kind of like low use or low impact to higher use or higher impact land, right? So why don't we just take a straw poll? Are we generally in favor of that?

Commissioner O'Connor: Well, I think you all know me pretty well by now. I'm not a big fan of a General Plan Amendment unless there's really some overriding considerations, and I don't like going outside the General Plan update process to do that. So, the short answer is no, I'm not in support of a General Plan Amendment.

Commissioner Brown: In short, no. The reason being is I haven't seen any business case or need justification for saying something other than what it is currently zoned as in the General Plan is needed in this area. I'm not opposed to consideration of evolving uses with evolving needs as the City grows. That said, I don't see the business case or any justification to consider that at this time. If additional data was provided to me, I'd be willing to revisit that, but at this point I would say no.

Commissioner O'Connor: I probably should back up also to say that in 2007, I was sitting on the Planning Commission and even though there was an approval done so there was a lot of negotiation going on and you know where the votes are going in view of some of the discussions. There was a lot of discussion about modifying or pulling down the size of the development and such for the restaurant they were going to build, but I do believe that even what was proposed in 2007 or approved in 2007 was too large.

Chair Balch: Can I just clarify as well? The 2007 approval wouldn't require a General Plan Amendment at that time as well? I know we talked about this earlier where I think there was a house for the caretaker?

Weinstein: So our current understanding of the General Plan land use designation for this site suggests to us currently here in 2017 that there's a restaurant that's being developed on the site; that requires a GPA. If you look at the definition of agriculture/open space land use designation in the General Plan, commercial facilities like a restaurant isn't allowed. I think at that time there was probably some rationale for supporting a restaurant on this site without a

GPA, but I think our position today with our current understanding of the General Plan is that an outline use re-designation would have to occur.

Commissioner Ritter: And how often have we had a GPA in the last 10 years? Less than a handful perhaps?

Weinstein: We don't know the number off the top of our heads. It's uncommon.

Commissioner Ritter: So I'm 100% not in favor of doing a GPA unless there's a big community benefit and the way you get community benefit is applicants do community outreach and then they come back and they say this makes sense.

Commissioner Allen: No, not unless there is a compelling business case and strong community support, and that would look like 200 letters coming to us or 300 letters saying we want it and not 300 letters saying we don't want it. So what could that be? That's sort of a challenge. I would be open to saying potentially like a small winery. Would that require a GPA? If there's a small winery for example, to me that's close to viticulture. It might be by appointment, but I mean I could see that happening even if it potentially required a GPA if the community also supported it, but not a winery as an event center.

Chair Balch: Okay, and I'll go on record saying I echo my fellow Commissioners. I don't believe that a GPA is supportable at this time and I also would believe that a GPA could occur should the benefits warrant such a significant alteration to our General Plan. So with that said, should we go through the rest of the elements because I think that's more or less predicated on the whole thing, right?

Weinstein: You don't need to. I think that's the fundamental question that the material was referring to and we were interested as well. If the uses aren't supported then it really isn't worth talking about the design and layout and so forth. If you have any other guidance for the applicant or for us working with the applicant on what uses would be acceptable, we'd like to hear that.

Chair Balch: Maybe because we came to such an abrupt end, we shall provide additional commentary.

Commissioner Ritter: I met with the applicant. I actually like a lot of the things you have in the project. I think personally there is a need for some hospitality centers or event centers. There's not going to be a vote on the east side this year? Has that been confirmed?

Beaudin: No.

Commissioner Ritter: There's no vote on the east side this year just to clarify that, but I don't think this location is right for this project, but I would encourage the applicant and any applicant that comes back is to do some more community outreach before you go to staff just to see if there is an interest for that location, and that would mean having slide shows and post-it notes and those kinds of things. I think that will really help because once you get the community behind you, it makes it a lot easier to go through the pieces.

Commissioner O'Connor: And I also think something like the winery and tasting room—that fits in with the viticulture. I think size is a factor. There's an existing building there, you know, if we're not enlarging. And I'm just throwing this out because I too would like to see the community surrounding that area support it, but I do think that that is probably more in line with the intent of what the zoning is out there, is that type of a center, that type of a structure or tasting room.

Chair Balch: I was going to mention that sometimes we have disagreements between our local zoning, our PUDs and our General Plan. We've dealt with that very recently. This is seeming like all three are trifecta showing we want a low use ancillary type activity on the site. Obviously, the community commentary today supports that. It is zoned that way. It is General Planned that way, so I think the semi-rural nature is what we are consistently expressing up here. What that may be is obviously significantly scaled from where we're at here. I do want to mention and I see you want to speak because we have an active listening audience, the Planning Commission, not Council, they did as well. But, we just passed a Bike Pedestrian Master Plan. I don't know if anyone's heard of it, but significant safety concerns about biking and pedestrian access throughout this city has been a forefront issue as well as traffic and some of the things you brought up. You may be involved more actively than you hint on right now, but this body does deal with those and makes recommendations to Council, and the comments you bring up about other issues—traffic, water, sewer, housing, all of these, I'm going to say that despite the challenge being great, we shouldn't shy away from trying to address them and this body does try to do that every meeting. That was supposed to be a conclusion, but I saw you want to speak.

Commissioner Brown: I want to amend my statement slightly and just jump on the comments from Commissioner Allen and Ritter, as well in terms of—it is rare for us as a Planning Commission and I'm not only fortunate enough to be a member of this body for I think 15 months I believe to have a project come to us that doesn't have City staff support. City staff usually has a very good pulse on the community and they understand the current zoning and why it's zoned the way it is, and so it is rare for us to get a report that doesn't have staff support and also where the applicant and staff aren't in lock step with having fact checked or agreed upon the numbers in the report. Obviously, we all know the community around this proposed project is fairly united in what they want to see with the property and what they don't want to see with the property and I'm a little concerned that there hasn't appeared to be more engagement with the neighbors up until this point and so I would encourage the applicant to work with the neighbors and the HOA and others to potentially come back with a different project that has more neighborhood support because ultimately as a Planning Commission we are responsible for ensuring our projects are consistent with the General Plan and we do resolve discrepancies with PUDs, General Plans and other things, but we look for a compelling reason to deviate or make recommendations to deviate from the General Plan and that deviation has to have significant community benefit, community support and needs to have a business case associated with it. I just wanted to re-emphasize some of the points of my fellow commissioners.

One final comment just going back to the conservancy, I thought one of the members of the public spoke well regarding the agricultural road being impervious. I would tend to agree with that public comment. I'm not sure I would agree that a...I didn't make note that it was a cement or asphalt road, but I would think that most agriculture roads would be exempt from the envelope; the 2.5 acres would be a traditional dirt road and things like that, have free water

flows, and so on. I'm not sure in a revised project whether or not I would be in agreement that the road would be outside of the 2.5 acre envelope. But, I thought the design was attractive for the project, but I would kind of agree with Commissioner Ritter—I'm not sure this is the right place for it.

Chair Balch: I'll close by saying that as I mentioned earlier, the applicant has several avenues to pursue at their choice. I don't know all of them, and as a result, I would recommend that residents that came sign up for the City's system. They will email you the agenda of the Planning Commission or the City Council and it's just an email and it posts the agenda so you can just be aware of City meetings. If this topic comes up and you might miss the yellow card, you can actively engage in your community. And with that, I believe this item is completed.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Commissioner Ritter: I get to drive across the Bernal Bridge every day and I just want to report it's going okay. I sit 18 seconds and wait for a car when I know another car's coming because cars pass. I just wanted to make a suggestion. I don't know if they're on sensors or not, but just to clarify, do you know Gerry?

Gerry Beaudin: We're tied into the City's existing signal system and we're adjusting as we go. Every morning as you get there it should get better and we actually had, knock on wood, relatively few complaints so far, so we're continuing to adjust them.

Commissioner Ritter: Well I have seen people go through, whether they just don't see it, at the light and that's not good. One suggestion to add and I talked to Mike about it, during the Fair, I think at peak hours it's nice to have humans control it because sometimes it locks up and in 30 seconds you can't get 25 cars through so that's just one point, and the other one is, when there are peak hours in the day I saw the traffic guys were there manually and they were at the signals and I thought that was good because there's just a bunch of cars coming—just to let Mike know, but the Fair I am worried about.

Beaudin: It's on our list, thank you.

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

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

Commissioner Allen: Bike/Ped Committee, quick meeting. We mainly discussed the new Bike Corral that's going to go in and a little Parklet which is across from or right next to Peet's and we talked about different designs for bike corrals, and we're just testing some different designs, so both of those are concepts we tested and evaluated to see if they should be expanded further within the City over time.

b. Future Planning Calendar

Adam Weinstein informed the Commission there will be a workshop for the Stoneridge Chrysler site on June 28 and an appeal of a Zoning Administrator approval on July 12.

c. Actions of the City Council

No items were discussed or actions taken.

d. Actions of the Zoning Administrator

No items were discussed or actions taken.

e. Matters for Commission's Information

No items were discussed or actions taken.

f. Consider whether to change the Planning Commission's alternate representative for the Downtown Specific Plan Update Task Force based on recent advice from the Fair Political Practices Commission

This item was continued to the July 12, 2017 Planning Commission meeting.

9. ADJOURNMENT

Chair Balch adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Kendall Granucci
Recording Secretary