



## PLANNING COMMISSION MEETING MINUTES

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

**DRAFT**

**Wednesday, January 25, 2017**

### **CALL TO ORDER**

The Planning Commission Meeting of January 25, 2017, was called to order at 7:00 p.m. by Chair Balch.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Ritter.

### **1. ROLL CALL**

Staff Members Present: Gerry Beaudin, Director of Community Development; Shweta Bonn, Acting Planning Manager; Julie Harryman, Assistant City Attorney; Natalie Amos, Associate Planner; and Kendall Granucci, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Justin Brown, David Nagler (arrived at 7:05 p.m.), Greg O'Connor, Herb Ritter and Chair Jack Balch

Commissioners Absent: None

### **2. APPROVAL OF MINUTES**

#### **a. January 11, 2017**

**Commissioner Ritter moved to approve the Minutes of the January 11, 2017 Meeting as submitted.**

**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 January 11, 2017 Meeting were approved as submitted.

### 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.*

There were no Consent Calendar items.

### 6. PUBLIC HEARING AND OTHER MATTERS

#### a. P16-1900, City of Pleasanton

Consider an amendment to the Pleasanton Municipal Code to comply with State legislation for second (accessory) dwelling units.

Natalie Amos presented the staff report.

Commissioner O'Connor: What's the difference between the ADU or Junior ADUs contained within the home? What's the difference between one of those and just someone who wants to rent out a bedroom?

Amos: So what was shown in the staff report and in the presentation is that for renting a bedroom, someone could do that, but for JADUs there are specific requirements that have to be maintained in terms of providing an efficiency kitchen which has to have a sink, cabinets, so that they have some type of living space in addition to having an interior access from the house to the unit and an exterior access from the unit to the outside, versus if you were just renting a bedroom, you don't have to have a sink, kitchen cabinets, and you don't have to have that exterior door from the dwelling unit to the outside space.

Commissioner O'Connor: But, if I wanted to rent a bedroom and I had a large bedroom, I could put in a kitchenette because it says they can use the bathroom within the house?

Amos: The kitchen as well, as you have to have an exterior door. So you would need two doors; one door that's internal in the house and an exterior door that goes from the bedroom unit to the outside building.

Commissioner O'Connor: But what if I didn't do that, I'd really be renting a bedroom that happens to have a sink and a hot plate or something. You know, it seems like a strange comparison. I can do that without having to come to the City to ask for a permit for an ADU or Junior ADU if I didn't put in an outside door.

Amos: You'd still need a building permit in order to do those improvements. You wouldn't necessarily need a planning entitlement unless for some reason the door you were adding was over 10 feet in height. But, for the most part the State is offering the City the possibility of having these JADUs. We're not mandated to adopt an ordinance for Junior ADUs but staff has taken a proactive approach in trying to offer more flexibility for those that may want to add a kitchenette if you will into a bedroom space.

Commissioner Nagler: And also Greg, you wouldn't have a separate address if you just rent a bedroom, right? Because this allows for a separate address, right?

Amos: Correct.

Beaudin: And there's also the deed restriction and some of the other clarifications that come. If you were to sell the home there's an added value to having something that could be rented and so there's a little bit of a distinction there as well in terms of generating income and the potential for that for future homeowners as well as for the existing homeowner to be covered.

Commissioner O'Connor: I don't understand. Why would I want to do something right now to have a deed restriction and these other items I have to comply with if I could rent my master bedroom with a microwave in it. There's the bathroom, there's the kitchen, there's the bedroom, it doesn't have an outside door...right?

Beaudin: There's a functional difference. If you give them an outside door, they're a tenant. They have an address. They come and go as they like. If they're in your master bedroom, then they've got to walk through your home.

Commissioner O'Connor: It sounded like the JADU or ADU, if it's interior, they could use a bathroom within the house, so they still have access to the home.

Beaudin: But they have their own cooking facility in the room and that is a difference. Most people don't want cooking facilities in the bedroom in their home. It becomes a safety issue as well.

Commissioner Allen: Could I follow up on that point because I was thinking about the same thing. Aside from the address benefit....

Beaudin: ....and the exterior entrance....

Commissioner Allen: Well, today if someone had a home, couldn't they remodel? If you add the exterior door you've got to do remodeling, right? So today, couldn't a homeowner come to us to have this intent and both add the kitchenette types of capabilities plus remodel to add the door that we're talking about here? So functionally, they would have exactly what they're doing and I believe that we would allow them if they chose to rent their unit, is that correct?

Beaudin: For a single family home you have one kitchen and a set of facilities like that per dwelling unit. So if you came to the counter and you showed us a set of plans that showed a shower and a kitchen in one portion of the house, we'd be calling that a second living unit and we'd be asking you to clarify that on the plan.

Commissioner Allen: But this doesn't have the voltage for a full stove, right?

Beaudin: Correct.

Commissioner Allen: Would we normally approve something if someone just wanted a kitchenette and a little microwave in a room?

Beaudin: It's a very common conversation at the counter. We don't like to call people out on those kinds of circumstances so we often see things that are configured to look very much like a second living unit but people don't go as far as calling it a second living unit on the plans. We approve that all the time because they're not doing anything illegal. They're improving their home. The difference here is the State has essentially made it clear that they want to encourage ADUs and we don't get the RHNA credit for that and we don't get the ability to use that in our RHNA calculations in future cycles when those kinds of opportunities pass us by, so we'd like to create the separate address, we'd like to create the separate facility and entrance and can get the credit for it because it does happen. It's not necessarily the safest situation when we don't evaluate it as a unit, but we know that's the intent behind the construction of the project.

Commissioner Allen: Just to follow up since you mentioned RHNA, I wasn't sure. It sounded like the State is giving us RHNA credit. I wasn't sure that was approved or not at this stage. So if they are, the only way to me that that helps us is if in fact we then flow that through our Growth Management Plan because our Growth Management Plan should be consistent with RHNA and I'm seeing here that it doesn't flow through the Growth Management Plan. So I can buy your argument Gerry of where you're going if in fact it flows through so that we really do get credit for it in the end and it helps the credit in terms of helping with our housing units if the State gives us credit.

Beaudin: So we're getting into it a long way really quickly and I'll try to be succinct and I think Natalie's going to cover more of this in the presentation. There are two separate streams to the conversation. There's growth management and there's the RHNA. Right now, we count second living units toward our RHNA efforts but at the time we weren't able to use second living units as a potential alternate source of unit allocation. When we were doing our rezone we used 30 units to the acre multi-family, and that's how we achieved our RHNA number that we had to plan for. In future cycles what HCD is saying

and what our understanding is of these State laws is that you'll still have to use the 30 units to the acre. Some communities could get theirs all on ADUs but I don't think that's going to be Pleasanton's circumstance, but we may have less land that we need to up-zone to multi-family with the use of the ADUs and we'll have to figure out what the right number is and what will be acceptable to HCD. So we'll have to show some unit production between now and then with these new ordinances. Otherwise, there's not going to be a confidence that we can actually achieve it, but I think that's possible with the flexibilities that come with the most recent round of State legislation.

The growth management piece flows directly out of the Housing Element and so we're kind of back-tracked on the discussion. Earlier, ADU ordinances make it very clear that ADUs do not count towards overall growth management and it's a policy position that comes out of the Housing Element and so it's existing housing policy, and that's why we didn't attempt to shift that policy or have that conversation with this round of State-mandated code changes.

Commissioner Allen: So is it possible? I'm just asking a possibility question and not "should we do it." Is it possible to tie part of our recommendation to an assumption about what happens with growth management?

Beaudin: It is, but it's a policy call by the City Council. It's related to the Housing Element and we are not proposing any changes to our Housing Element at this time so if that is a recommendation that the Planning Commission wants to add to their recommendation I think we can do that. I don't think it's consistent with existing Housing Element policies.

Commissioner Allen: Right, because in the past we didn't have the new flexibility and thinking from the State that we're now seeing.

Beaudin: It's actually not that different. To be honest, when I looked at our Housing Element policies and what the State has done, what we were encouraged and committed to doing in our Housing Element they basically did it for us. So these changes are very much consistent with our existing Housing Element policy.

Chair Balch: Can I just ask, and maybe we need to get back to Natalie's presentation, but it sounds like from what you were saying is to basically get the RHNA credits, we need to get it so we're actually showing the units, right? So the JADUs are a method it sounds like the city would like to do to have them count or be recognized.

Beaudin: JADUs are interesting because they fit all within existing structures. They're limited in size to 500 square feet and they also come with the caveat that we cannot require parking for a JADU. That is how the State has set up JADUs. So there's a pro and a con there. If we get enough JADU production to not have to rezone a property for a couple of hundred housing units the next time up, that's interesting, but there's a parking impact that comes with that as well.

Commissioner O'Connor: And would we count those that exist today even though they haven't been approved as a JADU? They built my house exactly like what we're talking about from the ground up and there's a lot in my neighborhood that did this. It's a

second master bedroom that has its closet, its bathroom, it has an outside door. All you need to do is put a microwave in the unit and obviously it says no 220 but all you have to do is put in a microwave or a hot plate. It's a big enough area and room, but it's not over 500 square feet. And it would even be easy to put a lock on the one door that comes interior and you'd have a full unit. I mean, if we could count those and say we have an extra unit there....I mean, I have an extra unit in my house and so do 40 other people in my neighborhood.

Beaudin: I can imagine the Housing Element policy in our next go around where we actually have legitimized existing opportunities for JADUs. It comes with some catches. There's the owner-occupied requirement that we have with our ADU so there's a deed restriction that would run with the property and they would have to be brought into a legal JADU category before we could count it. We wouldn't be able to just look at construction plans and say this would qualify.

Commissioner O'Connor: So I could rent this unit out but it still wouldn't be a JADU unless I did deed restrictions.

Chair Balch: Well, unless you applied for a building permit and triggered it.

Beaudin: Yeah, you may just have to come with us with an application and with the restriction.

Commissioner Allen: But you want an address, essentially that's what you want.

Commissioner O'Connor: Well, you don't need a separate address if it's built within the existing home.

Amos: You do need a separate address. Every ADU, whether JADU or ADU requires an address and what you're describing would have to have an address.

Commissioner O'Connor: I was hoping we could get credit for what's already existing.

Commissioner Allen: Well, that's the way it happens.

Beaudin: Why don't we let Natalie get through her presentation?

Commissioner Ritter: Just a quick question on the address; so would that have two property tax numbers or would it all be under one property tax number?

Amos: That's an excellent question that the City doesn't get involved in. It's all one parcel though so the address is more for life safety benefits when it comes to police and fire response in that respect. When the County is doing these deed restrictions for property tax purposes, the address is not really what they're looking at. They're looking more at the improvement of it versus the actual address.

Commissioner Ritter: You said they come in all the time and it looks like this but we don't look at it that way. Is the fee for the permit and the cost of converting it to that quite a bit higher?

Amos: A lot of times when people come in for their building permits to do this, in the past what permitted them from doing it is the connection fees. So when it starts looking like a second dwelling unit or in this case what they didn't know was a JADU if you will, it would have triggered additional fees, but now we can't require those. Usually what the stand-off part of it was for those units that are built within the home, but now the State is saying if it's in the home whether an ADU or a JADU, you can't count it with the exception that if it's an ADU, it's based off of residency. For JADUs you can't charge a different fee, you can't connect whereas in the past we could have.

Commissioner Ritter: Good, that's positive to know that it helps get us to that RHNA.

Chair Balch: And just also to clarify, the ADU versus JADU is the 500 feet in the house versus maybe on the lot but just not necessarily in the house or connected.

Amos: Right, so let's backtrack. Let's go back to where I left off and then maybe this might help clarify a few things. For the State for ADUs, we can regulate your height, your setbacks, your FAR. If you're having an ADU in your house, it cannot exceed 50% of the gross FAR of your house. You also have your cap of the FAR for your lot. You also cannot exceed 1,200 square feet. So for those, and that's an ADU in your house, you can make it a little larger beyond your bedroom if you wanted to. You still have those limitations whereas a JADU is limited to 500 square feet. You don't have to have a bathroom and can have separate facilities whereas if it's in your house, it's something where you're actually doing it. So they have these triggers to determine whether they are truly JADUs or if you're ADUs.

Chair Balch: So if you take up more room outside or more floor, you're already in the accessory wrap anyways, right?

Amos: Right, if you expand out, yes. So we can require minimum square footage. The maximum we can do is 1,200 square feet and nothing beyond that, but we can do minimum classifications for ADUs.

Commissioner Allen: And what is the minimum?

Amos: So the minimum has to be the definition of an efficiency unit. An efficiency unit has to be at least 150 square feet and no more than 2 people living in it.

Commissioner Allen: So the new code gives a city the flexibility on what they want to allow in terms of the amount of square feet?

Amos: Correct. It just can't be less than 150 and it cannot be more than 1,200 feet.

Beaudin: There's just a little bit more to it. There's the efficiency unit at the low end and there's 1,200 square feet at the high end, but there's also some additional language that says it has to be a viable project and so if for example you had a 10,000 square foot lot and you wanted to do 150 square feet that would be unreasonable. Some might argue that a 300 or 500 square foot on a new large lot would be unreasonable, so there's this test of reasonableness and financial viability. The investment has to be justifiable if you're going to call the contractor up and buy the materials, we just can't limit people to

a size that would make it less than efficient or effective for them which gets very subjective, but it is in the legislature that way.

Commissioner Nagler: And 1,200 feet is the maximum.

Amos: Correct. That hasn't changed and is consistent.

Commissioner Brown: The max for an ADU?

Amos: Yes.

Commissioner Allen: You know you guys have spent a lot more time on this than I have, but as I read this it was very clear to say the Cities have the right to limit this—I'm not saying we are or that I think we should, but I want to double check. It seemed very clear to me that we could limit it to an efficiency unit. I know somewhere else it said it needs to be reasonable, but it says we can limit it to an efficiency unit so it's up to the homeowner or developer to decide if a City were to have that limit, does it make sense for me or not?

Beaudin: The ordinance talks about the efficiency unit being the minimum size and I'm not sure that that would stand up to a legal challenge if someone came in with an ADU on a significant piece of property or even a 5,000 square foot lot and you told someone they had to limit their ADU. The other issue here for us when we were setting this number is the existing ADU code is set at 1,200 square feet. So we were looking at State legislation that essentially changed the parking factor for us. We have an ADU ordinance that says 1,200 square feet for detached and not less than one parking space. They kind of flipped the switch on us for parking, but the other control for the size of the unit is the FAR. So the size of your lot combined with the size of your existing home, so no more than 50% of your habitable square footage, essentially keeps the ADU proportional to the size of the home and the size of the lot. Those were the characteristics we were looking at. There's an existing 1,200 square foot maximum for a detached unit and everything moves with the parcel size and existing home size in terms of accessory. It always has to remain ancillary to the primary structure. That was the thinking. There's flexibility. I don't think we'd ever want to be at the efficiency unit size in Pleasanton based on parcel sizes we have and the value of the properties in the city. I think it's somewhere else on that scale and I think 1,200 was where we settled for the maximum, knowing that most people are going to be constrained by the size of their existing house. If you have a 2,500 square foot house, you still can't get to the 1,200 for your accessory unit.

Commissioner Allen: I understand that thinking. Thank you.

Chair Balch: Okay, let's let Natalie get through and we'll catch up.

Natalie Amos continued presenting the staff report.

Commissioner O'Connor: That's why I'm saying, if we exempt all that section of parking but we build all these extra units, it's already bad. I don't know how bad it can get.



Chair Balch: I'll just note that Nagler joined us at 7:05 p.m.

Commissioner Nagler: That was quite some time ago. Further on this parking because it's something we address all the time, the fourth criteria would require an exemption from additional parking if that it's located in an area that requires on-street parking permits but they're not offered. Sort of by definition, the reason we require on-street parking permits is that parking is limited and we want to manage parking by hours of the day or by residence in an area, and so if we are not allowed to require additional parking and these residents are not offered the permit that others are offered in that area, we are potentially creating a problem for parking that is then additionally compounded by the fact or by virtue of all these factors we can't require an additional parking space downtown. So it's potentially a parking issue.

Amos: Right, so we have four parking permit areas in Pleasanton—Walnut Drive, a few across from Amador High School, and a few other areas that participate in that program. How that works is that they are operated and adhered to through the police department, so you have to go to the police department to get your permit so you have a registered vehicle at that address and reside there to prove the residency and things like that.

The City would not deny someone if they are showing proof that they actually live there. So if they're located in an area where there are on-street parking permits but they're not offered one, or if for example the property owner is renting out the unit does not offer that resident a parking pass, there is no way the City would deny them if they go through the process. It would just be a matter if the actual owner provides that parking stipulation.

Commissioner Nagler: So in other words, using Walnut Drive as an example, if there was an additional unit in one of the homes on Walnut Drive and that occupant could apply for a permit, then we could in fact require additional parking, right?

Commissioner Brown: It says on page 3 of the staff report, "Parking for an ADU cannot be required if the ADU is located in an area requiring on-street parking permits but they are not offered to ADU occupants."

Commissioner Nagler: "may not require" so I'm asking the opposite. If the resident is allowed to seek a permit, then we can require additional parking, right?

Beaudin: Commissioner Nagler, I just want to make sure I understand the question. I'm in the code itself in Exhibit A on the second page. There are criteria pulled directly out of State law; "shall not be required", and these are not "and" statements. So in the downtown if you agree with the definition of "located within ½ mile of public transit" and you agree with how staff defines public transit, then the example on Walnut parking permit or no parking permit.....

Commissioner Nagler: I get that. That's actually right.

Beaudin: So the parking permit example—I don't know if any of our parking permit examples happen outside of these transit areas, but if you're a legal occupant of a

registered address in a second dwelling unit, the City of Pleasanton will process your application for a permit.

Commissioner O'Connor: Even if the owner of the property says I don't want them to have one?

Beaudin: They're going to have their own address.

Commissioner Nagler: I'm more concerned about whether parking is required and you've actually answered the question but it's for a whole different set of criteria. I get it.

Commissioner Allen: I just want to double check. So therefore, an additional parking space cannot be required by law.

Beaudin: Cannot be required by law, and that is the situation right now.

Commissioner Nagler: For all of downtown?

Beaudin: If you agree. Natalie's going to get there I promise, if you agree with our definition of transit—you can look at the map on page 6 of 8 in the staff report and you can imagine a ½ mile radius around every single one of those transit stops and you could see where the state could take us, and then you could look at the map we handed out which has ½ mile radius around the "regional transit" definition and you can see where we tried to take the discussion for Pleasanton ½ mile.

Commissioner Nagler: It's still substantially most of downtown.

Beaudin: Yeah, and the trick for us is that it's really hard not to call the Ace Train Station something other than public transit.

Commissioner Nagler: That's true.

Commissioner Allen: And the BART stresses that, like the Number 10?

Beaudin: Yes, these are buses that add more stability for our community.

Commissioner Nagler: It's quite a reference. How many second units like this do we have in the downtown area currently?

Amos: In the downtown area?

Commissioner Nagler: Let me ask more specifically. So if you use this transit map with these circumferences, do we have any idea of how many second units there are within those circles?

Amos: Existing?

Commissioner Nagler: Yes.

Amos: Staff did not have the time to do the research on that information, but I mean there are existing secondary dwelling units that are in the downtown that we have required parking in the past for.

Commissioner Allen: Because that's what our code requires today. So this changes the game.

Amos: Right.

Commissioner Nagler: Not by city desires but by State mandate.

Commissioner Allen: Right, but it changes the game in terms of the code we've had in the past and choices we've made about flexibility.

Beaudin: Just so you know, and I want to bring it back because I think this is really important, and Natalie is going to get there with the slide, but these things are all very specifically encouraged in our General Plan. So, although we haven't gotten around to it here in Pleasanton, it is consistent with adopted policy.

Natalie Amos continued presenting the staff report.

Chair Balch: If I may, let's just talk about the map of the public transit location so maybe we have conclusion on that. So staff laid out the Valley Transit bus stops versus the BART and rapid transit stop and Ace stop. Any discussion on which way someone would like us to go on that?

Commissioner Brown: Can I ask a question of Julie first? I presume the answer is "yes" but I'm going to ask the question just for the public record. From a City Attorney perspective is the less conservative option of the regional transportation stops excluding the Wheels fees? Is that defensible?

Harryman: I took a look at HCD for guidance because HCD will ultimately be overseeing some of these. We have to turn in our ordinance and they'll approve it so I took a look at a memorandum they put out in December and they talked about....their, I'll call it, "recommendation" was 15 minute headway stops. Staff is taking a very conservative approach by this map with two BART stations, the Ace Train and two bus stops, I'll call it. If staff were to apply HCD's 15 minute headway, then that could look very different. It would be all of Pleasanton. We didn't dig down that deep because we thought this would be defensible; this more conservative approach would still be defensible, but HCD did use a 15 minute headway.

Commissioner Nagler: What is a 15 minute headway?

Commissioner Allen: Yes, what do you mean by that?

Beaudin: It means that a bus stops at the stop every 15 minutes and we just don't have that many of our LAFTA service stop every 15 minutes which pushes us to the regional, and frankly the BART stations—I think they have 20 minute headways during the commute time, and so I think it would be less defensible if we left off BART. I think you

could argue that Ace Trains only go one way and they go during commute times. I think it would also be difficult for us to have it pass housing scrutiny muster with HCD and with others knowing that we have major regional transit investment in our community and we didn't provide these kinds of flexibilities. So, if you look at all the stops that come with LAFTA, then we certainly don't end up with 15 minute headways on those bus routes. It's probably more like once an hour and it felt like the map was a little too bare relative to all of this effort from the State to not include the regional transit option.

So when we had the distinction in the General Plan between regional and local, we thought that was a very clear policy decision made in the City of Pleasanton. These have more stability over time relative to LAFTA. LAFTA changes their routes from time to time based on budget constraints and issues. Particularly the rail options we have in Pleasanton are fixed. These are locations we think will be around for the medium and long term and so we felt this was an approach that wouldn't have us under the scrutiny of housing advocates as well as the State.

Commissioner Brown: Yeah, there wasn't mention of the 15 minute headway in the staff report, so that was an excellent clarification. One quick question on the rapid stops though—do those qualify or are those within 15 minutes of each other or not?

Beaudin: It's the same thing—they're frequent during commute times and they're not during the middle of the day. They do move a significant number of people in our community.

Commissioner Brown: Okay, all right.

Amos: For LAFTA, even with these two stations, there's nothing within 15 minute intervals. They have 30 minutes or less, so there's no information in Pleasanton today for LAFTA standards where you're going to find something that rides in 15 minute intervals.

Commissioner Brown: When I first made the conservative comment, what I was meaning was within ½ mile of a public transit, but with a 15 minute condition of frequency it's a much different picture. So, I re-tract the conservative comment and I hear Julie saying it is actually conservative comment that these don't go every hour but these are permanent public transport locations that are key for public transport, so I get the point. Thank you.

Commissioner Allen: Do we know how other cities that we respect are handling this and defining this?

Beaudin: Yeah, that's a great question. We have the Alameda County Planning Directors meetings that happens pretty much monthly and this has been an on-going conversation. The City of Fremont used their General Plan to define as well. Very few other folks—I believe Fremont and Newark are the only other two in Alameda County who have taken action on this currently, at least of what I'll call small to medium sized cities, and so we went into our General Plan much like Fremont did. They had a much more specific definition of transit but they ended up in a similar set of circumstances

where they used the more significant transit locations in their community and lofted off a lot of the kind of more “milk run” kinds of stops that happen in the community.

Chair Balch: Fremont being the 5<sup>th</sup> largest land area city in the State. I just wanted to point that out.

Commissioner Ritter: So I guess Commissioner O'Connor brought it up earlier. We don't have a number right now of the compliant units in Pleasanton that could count towards RHNA numbers in the next cycle that we could include?

Amos: We do a check every April on what we have for our RHNA application. In 2015, there were two new second dwelling units that counted towards those numbers. When we look at this exercise again in the next couple of months in April, we'll likely have more, but not much more. A handful will be counted towards it that would have come in the last year.

Commissioner Ritter: These are new but not existing that we'd go back....If my friend has a pool house and they're going to convert it. They're already doing it but they just haven't gotten the permits yet to count it towards the RHNA numbers. Does that...?

Beaudin: So they're going to count to what our existing—I'm going to call it our annual report. It's basically our HCD Annual Report, and we'll continue to use ADUs for our moderate income category, but it really depends on the size of the unit and we'll be able to benchmark that based on rental rates to see how it fits and we'll plug it into the appropriate category. That's how we're going to handle it from now until our next RHNA process. In the next RHNA process, we'll have a chance to be proactive with our ADUs. What I was saying earlier, when you have 3-5 a year, it's going to be hard to convince the folks who need to approve our Housing Element that we made a concerted run at this and that we can really knock a couple of hundred units off in this category. We really do have to create a program that is efficient for folks if we wanted to be able to allocate units and potentially spread them into existing neighborhoods in a way that is very low impact relative to a new mixed-use project. We'll have some time to do that between now and 2021/22.

Commissioner Ritter: That was my point before was that there was not incentive for them to do it. Now we're making it an incentive and it will help us in our Housing requirements.

Beaudin: It should. That is how our Housing Element looks at it and I think that the fees were a big deterrent and fees are a big part of these State mandates.

Commissioner O'Connor: Did I hear you correctly that we've already accounted for all the ones that are existing in the City? The ones that were built 10 years ago?

Beaudin: No, what I'm saying is there are people who have ADUs in our community and I don't know how many we have since we had an ADU ordinance. We'll have that number, but I would guess that it's less than 20 since we've had the ordinance on the books because these costs have been prohibitive. Your sewer and water connection

fees—when you get up to \$60,000 to put a relatively small unit in and you haven't built anything yet, you just paid to connect to the service.....

Commissioner O'Connor: ...when did we put the ADU ordinance in place?

Beaudin: The original was State law in 2003, I want to say 2005, but somewhere in the early 2000's is when State law first said we had to accommodate at the local level for flexibility.

Commissioner O'Connor: But what if we have existing ADUs that were built before that?

Beaudin: Those folks would need to come in and legalize their space or identify it in the fashion it is consistent with our code. What most folks don't have is the deed restriction and they may or may not meet the life safety code requirements that they need to meet. So there are a lot of people who may have a unit in their home but it doesn't necessarily meet the definition of a second dwelling unit.

Commissioner O'Connor: What if you had one that was built but you've never rented it, but it's there. Does it count?

Beaudin: No, you have to come in.

Commissioner O'Connor: I know there are people in my neighborhood who have a second unit. It came with the house that they bought. It has a separate address and they've never rented it.

Beaudin: If it has a separate address and you've got building permits showing that the City of Pleasanton approved it as two units....

Commissioner O'Connor: ...I'm going to assume that Greenbriar had building permits when they were building the houses.

Amos: Yes, in that instance, yes.

Commissioner O'Connor: But there are some people who have never rented them, but they would still count?

Beaudin: Yes, those would be units on the books and they've already been counted. If there's a building permit for Greenbriar's recent process, then those will be units that are on the books.

Commissioner Allen: I wanted to follow up with Commissioner Ritter's question on RHNA because if fundamentally these all really count in the next RHNA cycle to reduce the amount of homes that would be required for us elsewhere, which means growth management too then I have a different point of view that if all this does is help us put something on a report after the fact. So I'm hearing you say that these allow us to put something on a report but it doesn't help us reduce the numbers we would otherwise be required to provide and it doesn't help us with growth management because this doesn't

impact the number of growth management which is RHNA divided by the number of years.

Beaudin: So I'll come back to the State mandate. This is happening now. If we do this we have some additional controls, but the reality of our situation is, depending on how the State decides to define transit for us in our current condition, we may not be able to require parking if somebody came to the counter. What we're trying to do is to be a little more conservative and from our RHNA perspective, these are numbers in a spreadsheet that go to HCD annually on how we're being consistent with our Housing Element policies. But, for future cycles we certainly will have the opportunity to use ADUs as a proponent of how we meet our RHNA allocation. What I would say is the units we are putting in those tables in the meantime, they go to ABAG. There will be more residential units in the City of Pleasanton when we include the ADUs than if we don't.

So when they look at our jobs/housing balance, there's going to be a handful more units built in the City of Pleasanton during this planning period which means that our jobs/housing balance should be slightly better and we should benefit from that come time for the next allocation.

Commissioner Allen: You're hoping.

Beaudin: That's how the equation works. I mean, I can't tell you that one unit equals two less units or how it relates to our jobs/housing balance exactly, but that's the formula.

Commissioner Allen: So could I just ask one question and then I'll let go of this. Here's where I'm just getting stuck, and I'm going to use an example to make it real pragmatic. Let's pretend in our next housing cycle that we were given a RHNA number of 100. Let's just pretend it's 100 and that's our RHNA number. And let's pretend that we have some kind of forecast that 10 of those units will be ADUs based on some trends or some substantiation. That means that there's 90 other units that we need to rezone. Now, that number—100, as I understand it, is used for our growth management numbers, or RHNA....this is where I'm getting stuck, when you said growth management does not tie in. When growth management numbers are created in the next cycle, do they divide 90 or do they divide 100 by the number of years?

Beaudin: It's 100.

Commissioner Allen: Even though it's 90, it's 100.

Commissioner Nagler: The thing is Commissioner Allen is that if these units were included in the growth management calculation, in real terms or almost theoretical terms for RHNA, but in real terms, we'd be able to build less housing.

Commissioner Allen: right.

Commissioner Nagler: So if you were a growth management advocate, then you would want the units to be included. If you were in favor of more housing, varied housing units to respond to growth, then you'd want them excluded from the Growth Management

Plan, right? So, the reason this is so important is, RHNA obviously dictates an obligation we have for zoning. Growth management is more to do with how much housing actually gets built, and so if one wants us to have maximum flexibility on units that we're going to approve, I for one would want these units excluded from the growth management calculation.

Chair Balch: I want to just point out that the Housing Element does support additional affordable housing in the City of Pleasanton dictated by Council. So while we might have nuances of what we believe to happen or desire the nuances of the City Council dictating affordable housing and ADUs being supported is our 'M-O' right now.

The second thing is this is State coming down so you need to adjust some way or you're going to be dictated by kind of the 'default set' with the State. So while we have a principle conversation going on, I think we need to focus on moving the ball forward here a little bit and faster if I may encourage that.

Commissioner Nagler: Okay, so I'll make a motion. Is that okay?

Chair Balch: Sure.

Commissioner Allen: Can we hear the presentation?

Beaudin: We didn't get to the recommendation, but the recommendation is that you accept the staff recommendation. We do have transit and we want you to make it clear that we need to come down on a transit definition. It's not in the code that's attached.

Commissioner Ritter: That can be part of the motion—give it a shot.

Commissioner Nagler: Move that the Planning Commission adopt the resolution recommending to the Council that we approve P16-1900 as proposed in the amendments of Exhibit A and that we further define the applicable definition of transportation as including BART rapid stops and the BART stations in line with the guidance of HCD.

Chair Balch: We have a motion. Do we have a second? Hearing none, the motion does not carry. Okay.

Commissioner Nagler: So there's no discussion on the motion?

Chair Balch: There's no second.

Commissioner O'Connor: Do you want a friendly amendment to the motion so we can get.....

Commissioner Brown: Can we ask a few more questions first?

Chair Balch: Okay, so hold on....what I initially expected to do was to hear Commissioner Nagler's motion, expected a second and then I was going to have



additional discussion or clarity, but if we want to discuss the topic further, we definitely can. I didn't mean to push it forward. So I think we'll just go around a little bit further.

Commissioner Allen: Well, I don't want to 'end run' anything, but I do want to put this out here because anyone can ask for a motion and I don't think I'm able to do this. I'm not feeling comfortable based on the information that's been presented so far today to vote on this because I need some more information and I would like to request a continuance. Now, I'm also okay with us having further discussion today, and I might change my mind on that request, and since we're all here let's get as much information and identify what additional information we want. But, right now based on what I'm seeing I'm not comfortable voting. The kinds of things I would want to see of the forecast....I mean I think we have a three-legged stool here. I don't know where I'm going to land on this.

Commissioner Ritter: I don't think you have a choice though because the State mandated policy changes.

Commissioner Allen: I'm all for we need to follow the State mandate by default, until we have a policy of our own, we will be in compliance because we need to follow the State mandate as I understand it. We need to follow the State mandate, but we do have flexibility on questions like on parking. Do we define it by unit? Or, do we define it by number of bedrooms? We have the flexibility secondly on maximum size of a unit. The State has given us the flexibility and there's some grey area here to say we could go small as an efficiency unit, and to the degree we were concerned about parking or somewhere in between, one might say that smaller might be a more conservative approach because there's less bedrooms and less risk with parking issues if this did take off.

The third thing that I see is that the State very clearly in their statements and also in our General Plan, we want to do this based on the assumption that we're promoting more affordable, lower cost housing and that was front and center in the State requirements. However, when you look at the detail of the State proposal and also our proposal, there is nothing that guarantees that, and the smaller the units the more likely that they will be lower income and therefore help us meet some of the lower income needs over time. So to me, those are three areas that are very, very important and it's like this three-legged stool that trades off because the more units you have in downtown, the more parking you create, and the larger the units are that you can't add any parking on, the worse it becomes. So, that's where I don't know what the answer is but I also think we ought to consider what additional information might help us to really think through those trade-offs and the bottom line is that I believe we may be under-estimating how many additional units might be coming on board with some of the new changes and flexibility that homeowners and developers have.

Commissioner O'Connor: I think we could discuss square footage tonight and I think that's something we could tackle here without any additional information because we have that flexibility. Some of the other topics I don't know we'll be able to get to an answer. The one thing I did like though of Commissioner Nagler's recommendation or proposal here is not counting the Ace Station because I don't see that anywhere near a 15 minute headway because it's really centered around a couple of trips and it's all

around early morning and late evening coming back. I know it moves a lot of people, but it's not something that is continuous throughout the downtown.

Commissioner Nagler: And by excluding it, it gives us more flexibility.

Commissioner O'Connor: It does. I wanted to ask Julie if she thought that was defensible, but again, it's a limited number of trains in the morning and in the evening they really carry a lot of people, yes, but it certainly isn't in that 15 minute or 30 minute headway and it's one-way in the morning and one-way in the evening. I don't see that as really moving people around throughout the day, so I was hoping that maybe we could eliminate it.

Chair Balch: Before we put that to Julie, hearing as Commissioner Allen has right now has some comments or concerns, are there any other additional areas of concerns that we should make sure we're all on the same modus to identifying? Were there any additional ones or are they all encapsulated in Commissioner Nagler's....?

Commissioner Brown: Well, if I could make the suggestion to the Chair and let you break it down. It sounds like staff is looking for a recommendation around how to scope the transit piece. We could discuss all the concerns about parking, all of the concerns about RHNA and then I had one scoping question and I also had some comments on the actual red-line as well or suggestions.

Chair Balch: So, okay, I'll go ahead and take them as suggestions a la carte if we may. Let's start with the transit map if I may. Ms. Harryman, the question of defensibility of removing the Ace Train please.

Harryman: So I'm going to read to you directly from the HCD memo. So the question was, "Does public transit include within ½ mile without a stop at a train station?" Yes, "public transit may include a bus stop, train station and para-transit if appropriate for the applicant. Public transit includes areas where transit is available and could be considered regardless of entire headways, e.g. 15 minute intervals. Local governments could consider a broader definition of public transit such as distance to a bus route."

So there is no specific answer here. I'm not a BART rider. I don't have to commute, but I'm not sure if BART even comes to Pleasanton every 15 minutes and I think we'd be hard pressed to say that BART is a transit station. I can't answer your question on defensibility.

Commissioner O'Connor: 20 minutes of BART is closer than 15, but it's throughout the entire day. It's not like the Ace Train that's very limited in its operation. I guess that was the reason I thought that was....

Commissioner Ritter: Para-transit comes out of the Senior Center too, doesn't it? So couldn't that be where the circle comes around?

Harryman: Well, the fact that they included para-transit, and everything you read in the State statutes, they want it to be broader. They don't want it to be narrower. So my personal feeling is if we submit this to HCD, and again they don't approve it, but if we

send it to HCD and we did include our Ace Train Station that does take a lot of commuters, I think it would raise eyebrows.

Chair Balch: Can I just ask, the City of Fremont has an Ace Station. Do you know if they identified theirs? I think they have two BART stations now; Warm Springs is coming on line. Do you know if they identified their BART stations?

Beaudin: They did. They used the regional threshold as well. Their General Plan was a little more specific than ours is, and so there was a clear delineation, but Ace and BART were both included.

Commissioner Brown: I just had one question and I'm not an attorney and won't pretend to be, but the verbiage you read out said, "e.g., 15 minutes". It doesn't say 15 minutes is the standard. It's exempt so I think we do have the latitude. It doesn't preclude things that come every 30 minutes or every hour and so I think we have to kind of interpret the intent.

Beaudin: You could make the argument that the other graphic should have a ½ mile circle around it. There will be people who make that argument for Pleasanton with LAFTA routes.

Chair Balch: Can I also just suggest in terms of a practical nature of the Ace Station, if you look at the circumference or the actual area covered, I understand things can change but it doesn't include a major park which isn't going to be developed, the fairgrounds which foreseeable would not be developed, and then an area already primarily covered by the identified BART rapid transit stop. I understand there is some area that is not, but this is only because of Ace. I'll just tell you that I'm probably supportive of including the Ace Train from the principle of the conversation here. I'll just say it like that and the practical nature of where to converse.

Commissioner Nagler: I appreciate the conversation for sure but I just want to take us back to ground zero and why this is even an issue, and I know we've talked about it but I just wanted to remind us for the purposes of this conversation. This is relevant because, depending upon where these circles are, we either have flexibility or not, no mandates, but flexibility or not to require one additional parking space when approving one of these units, right?

Commissioner Allen: Or possibly more.

Commissioner Nagler: Right. By excluding the Ace Train, we're not mandating that staff require an extra parking stall or position, but we are saying that staff could require an additional parking space in the areas that are outside the circumference of defined transit locations, right?

So if our interest is to maintain maximum flexibility on this question that we already know is heavily impacted in town, particularly the downtown core, if our interest is to maintain as much flexibility as we can then it seems to me that we ought to be asking ourselves to be creative as possible in complying with the mandate of these changes in the State statute.

And, in line with that if HCD is laying out logic that we could possibly employ in that creativity to create as much flexibility as possible, I encourage us to take advantage of it. So this is not about whether or not we think transportation of one ilk or another is more or less used or more or less central to the well-being of the community. It is strictly a question of how much flexibility is reasonable for us to try and create around the question of parking when additional residents are going to be within certain areas of town. That's the entire question. And, as a result again, I would encourage us to be as creative as possible without going out of the bounds of being sort of the ridiculous.

Chair Balch: Oh, I think we're out of that. So I'll counterpoint to that which is, mind you the entire requirement and element is coming from a housing authority with a housing-focused impetus. It is not coming from a parking impetus so the basis of excluding Ace simply because you simply want a parking option I don't think is defensible by the nature of the logic it is presented on. I'll just say it like that, and when I look at the practical nature including the Ace or not, in light of the definition as I heard from Ms. Harryman there is maybe 10 houses not already covered.

Commissioner O'Connor: I was going to say I think you made a very good point about what's really in the circle. It's not in the First Street....

Chair Balch: There's a school district, two schools, there's Bernal Phase 1, 2 and 3, there's the fairgrounds. The only area possibly and I don't know it too well based on the map, but the only area is the Sunol Boulevard senior center kind of area that might not have been there initially.

Commissioner O'Connor: But nothing in that senior center is going to be putting in granny units. It's really back around the fairgrounds.

Chair Balch: You can see the Ponderosa project road already there. It's not in the circle. It's not there Commissioner Nagler. That street that Ponderosa is on, if you take the "a" in Bernal, it's straight up. It's the first street you hit. That is the area tucked in behind the fair if you will. And then Division Street coming down converging in, so I can see the point. There is some area there, but the wide swap in removing Ace is....

Commissioner O'Connor: ....very small.

Chair Balch: And I'm just arguing my point.

Commissioner Nagler: No, I appreciate that. It's a good clarification. I appreciate that.

Chair Balch: But I'll just point out though, the area closer to Valley at Sunol Boulevard, that is the area as you know is Richard's Lumber is on one side, but then the senior center, the Raley's and all of that is in. That is additional area in, so if you think about Case Road which is where Pleasanton Middle School is at and Sunol Boulevard, would be included by Ace. It's all built out and it's all high density already.

Commissioner O'Connor: So I think to be safe, we're better off to include Ace.

Commissioner Ritter: I agree.

Chair Balch: Commissioner Allen?

Commissioner Allen: So I agree where Commissioner Nagler was going and you're point is it may not buy us too much and you may be right, too, but I agree with where he was going in terms of saying we ought to maximize options just in terms of strategy. I believe we ought to maximize—this came from HCD and it's about housing, but it also said you need to do it in a way that makes sense for your City and parking is a major issue in our City and we know that. The General Plan has both of those as priorities so therefore, I support where Commissioner Nagler is going and I think it's relevant and I don't think that Ace makes sense to include here for a couple of reasons. One is it is not very regular, and two is, if the intent is not to have a need for a car, and I know that's not in the words, but if the idea is someone really doesn't need a car, having Ace isn't going to help someone for the most part get around to a lot of places.

Chair Balch: Unless they happen to work in Fremont or Santa Clara.

Commissioner Brown: To get in and out of the City it does cut down on cars.

Commissioner Allen: It doesn't help at all so I think there's an argument to support. We have just as good an argument. Also, to Commissioner O'Connor's point about let's be conservative or you know, put up something that's sound, I'm okay with pushing the envelope since there's not a benchmark here. And I'm okay with someone turning us down and saying you know what Pleasanton? Your plan isn't good enough. You need to get tighter or broader in your definition of transportation. I would rather be tight and come in with as few circles as possible and then be told no, sorry.

Commissioner O'Connor: Not that I would want to open that discussion and have circles around every one of these bus stops.

Chair Balch: That's exactly where I'm at. I'm of the position that if you include Ace, you increase the defensibility scale and the likelihood that you could refute the claim.

Commissioner O'Connor: There's really so little property outside of the blue circle inside the black circle separate, there's so little buildable area.

Commissioner Allen: There is little, but can we challenge the blue circles for a moment? I mean since we're on the topic, we have BART and BART's a no-brainer, right? Hopefully BART is a no-brainer because it's there. But, can we just look at the definition again Julie. First of all, the blue circles, these buses go how often right now and what hours?

Amos: 30 minutes to an hour all day and it's longer on the weekends.

Chair Balch: It's not all 24 hours. It adjusts when BART...

Amos: The service if you allow me to read from my phone has increased to every 15 minutes during the week and it has peak times. During the weekdays Monday through Friday it's running every 15 minutes. It goes every 60 minutes on the weekends.

Commissioner Allen: Is it 15 minutes all day?

Amos: It's the same as BART hours, it starts at 5:23 a.m. it goes until 11:48 p.m.

Commissioner O'Connor: So it's all day.

Commissioner Allen: So when I took that and I took a Number 10 bus when I took BART, it took me 45 minutes to an hour. I had to be at the bus stop 45 minutes to an hour before I would get on the BART train and then it took me 45 minutes to get into the City roughly because the buses can be late and early and you've got to be there at BART early, and all of that, and it takes 15 minutes to get there. So how does that fit with the headway?

Commissioner Nagler: It doesn't because you're just talking about the number of stops.

Commissioner Allen: This headway definition?

Commissioner O'Connor: That's the time between buses.

Commissioner Allen: That's all.

Amos: Yes, it's time between buses and not how convenient it is to get there.

Commissioner Allen: That doesn't matter, okay. And so we need to meet that.

Amos: And again, this is a memo and just what they're putting out as guidance and so cities are taking different approaches and Pleasanton wants to take the most conservative approach or narrowest approach in defining public transit and that's consistent with how we apply things, and that's fine. That's all it is, is guidance. I think staff went with that guidance in mind and then they have a General Plan in mind and we ended where they did. That doesn't mean the Commission couldn't make a different recommendation to the City Council.

Chair Balch: So I just would like to mention that I'm probably not supportive of moving the lower blue circle. Because that is the one that's identified on every map I've seen between the City bus system, both the Wheels or not, as the transit center. It's obviously at Lions Wayside Delucchi Park. It's right there. It's the point where if you're going downtown and if you are standing there walking to the farmer's market or not, while there may not be the BART bus there, there is a bus there typically, relatively all the time. You know, I have no familiarity with Santa Rita and Valley so I don't want to speak to that per se, but at least on the one that's unfortunately in the downtown area where the parking concern was raised....

Commissioner Nagler: ....well, it's the same bus.

Commissioner O'Connor:....how do you identify one stop and not the other?

Chair Balch: To that point, I'm just saying I know this one.

Commissioner Ritter: Are you okay with both of those?

Chair Balch: I am personally.

Commissioner Ritter: I'm okay with both on the use.

Commissioner Nagler: I think Commissioner Brown, you supported leaving Ace in, right?

Commissioner Brown: I support leaving Ace in just because I've taken Ace before and I recognize the amount of people it moves and moving them out of the City for the bulk of the day and moving them back in the City, but from a getting cars off the road public transport objective, I think it is a public transport mechanism. It's a regional transport and it's the second busiest station so to the point I think Jack was trying to make, when I do budgeting and I have \$150 million budget for my team, when budget cuts come around to you suggest all that you think you can reasonably assume because if you don't, they'll come back asking for more, and that's the same concern I have here in terms of, I think we need to be prudent and reasonable. If we go in with too little we end up with losing too much. I don't need to second-guess the process, but that's typically been my experience.

Commissioner Nagler: So the reason I asked is that's where I thought Commissioner Brown would land. So I just think in the interest of the Chair and to move the conversation forward, Commissioner Allen and I have a different perspective and others have a different perspective so you can move forward.

Chair Balch: We can't necessarily move on one item like that particularly, right? To go forward, can we?

Beaudin: It would be good if you could come to consensus around the definition of transit to help with the motion, but ultimately this is 'a package'. It all has to go together in one motion when you make it.

Commissioner O'Connor: Do you want to modify the original motion? I think the opportunity is here to ask for a friendly amendment to the original motion to include the Ace Train.

Chair Balch: Commissioner Nagler made the original motion.

Commissioner Allen: For procedure, the motion died, I proposed a continuance, so I said I'm fine with us discussing this, but does that trump someone else creating a motion?

Harryman: Anyone can ask for a continuance and that's it.

Commissioner Allen: So right now we're on a continuance with just a discussion, correct?

Chair Balch: No.

Commissioner Allen: I said I'm fine if I want to discuss this, but unless I changed my mind, I'm not looking at a vote tonight.

Chair Balch: But you can't hold us hostage. Do you want to continue it or not right now?

Commissioner Allen: Yes.

Chair Balch: Done. The item is continued. We can't discuss it further.

Commissioner Allen: Can we discuss what people would need? I mean that's what I thought we could do—discuss what information people would need to have to close on this.

Harryman: The Commissioner's Handbook doesn't discuss that. I think that you being the Commissioner that asked for a continuance certainly provides staff with what it is you want next time for them to be able to prepare. If the Commission is interested in having a discussion on what others might need, that's up to the majority to decide if you want to engage in that conversation in spite of the continuance.

Chair Balch: Okay, let's at least do that.

Commissioner O'Connor: So it's the nature of the topics we want covered.

Chair Balch: I did write them down but if you don't want me to paraphrase, why don't you go ahead and list the items you would like staff to bring to the next meeting.

Commissioner Allen: One is, how are other cities—and I mean beyond Fremont—Walnut Creek, I don't know if there are others....we're early.

Beaudin: We're late but we're trying to get on time.

Commissioner Allen: We're early compared to others. Fremont is the only one who's done it?

Beaudin: Fremont, Cotati and Newark are the ones that we know of.

Commissioner Allen: So I'd like to see for them how they define transportation relative to kind of thinking about our strategy because I don't know their transportation modes, but have they been more conservative or not? What assumptions are they making?

Two is volumes, and I'm making an assumption that we keep the transit as is which means that people really don't have to park or have extra parking. About how many parcels are there in the downtown area that might be large enough such that they would be eligible to add development? Is there a way to do some kind of forecast with this new flexibility? Some of them have to create parking. They have to do tandem parking....?

Beaudin: It's an undoable ask. Any single family home or multi-family zoning district with a single family home is eligible for an ADU and they can do a JADU within an



existing structure, they can bump up their home, they can completely remodel it and essentially, any single family home in the district or in the area in the community is eligible for this.

Commissioner Allen: For an ADU don't they have to have a certain FAR?

Chair Balch: Can I just ask a quick question procedurally? When a continuance is exercised by a Commissioner, it must come back at the next meeting, correct?

Harryman: I will double check while you guys are talking, but I believe that is the case.

Chair Balch: Commissioner Allen, you will not be at the next meeting so you will not be receiving these answers.

Commissioner Allen: So people will vote without me which really doesn't accomplish much.

Harryman: So here's what it says, "Any Commissioner may continue an item not subject to legally or City opposed item to the next Commission meeting or to another date agreeable to the majority of the Commission." So if the Commission wants Commissioner Allen to participate, the majority could pick perhaps a meeting. Otherwise, it will take place at the next meeting.

Commissioner O'Connor: You're going to miss the next meeting?

Chair Balch: Yes.

Commissioner Nagler: I support putting it on the next meeting agenda when Commissioner Allen will be in attendance. Well, you too, but I mean she's bringing it up.

Commissioner O'Connor: And I agree.

Chair Balch: I apologize for interrupting you in the middle of your ask, but...so please go ahead, I'm sorry. You were talking about ADUs, parking in the downtown, the number of units; it was a volume question—parcels in the downtown area that qualify for the tandem requirement.

Commissioner Allen: So Gerry just to double check on the volume of the parcels, I thought it had to meet the zoning and FAR and that's why a house that is comprising a certain percent of the lot isn't necessarily eligible to add an ADU if it's already a maximum.

Beaudin: You don't have to add to create an ADU. They could convert interior space.

Commissioner Allen: I'm really talking about ones that are outdoor to the homes.

Beaudin: It's not a request we could answer. We would have to look at every single parcel in the circles.

Commissioner O'Connor: Every one of the 5 circles versus how many units. I don't know if they can do that.

Amos: It's well over 500, and we'd have to look at every lot size and every house size to determine every zoning district so it's going to be very site-specific on setbacks and everything else included with it. Undertaking this is beyond February's Planning Commission meeting.

Commissioner Allen: And then the other question was about whether we count the bedrooms for those places for the units that can park. Do we count it at the bedroom level or do we count it at the unit level, and I don't know. To the degree we had applications come forward in the past, maybe how large are the ADUs then would be the question. How large have the ADUs have been that have come forward to us in the last year or two?

Commissioner Ritter: Could I just ask a question of staff. When a Commissioner asks for more reports from staff, isn't it generally that we go back and get a flavor from the rest of the Commission if we all think that should happen or should that be done before the Commission meeting and come prepared with the questions that have been asked to be answered? What protocol would you suggest so we don't always get hostage on one Commissioner's questions.

Commissioner Allen: That's a great question because we all should be getting our questions answered.

Commissioner Ritter: If we all agree that should be a question, I would just hate to use up staff's time for questions maybe that one Commissioner could ask before the meeting.

Beaudin: Commissioner Allen did send us a list of questions late yesterday and we just didn't have a chance to connect before the meeting. I think there are just a couple of things I want to put out there. We currently do not have a definition for "transit" so if somebody comes to the counter—we've seen a lot of interest because the fees have been waived and that's what's been in the news. If you've been watching the media, folks that talk a lot about how ADUs are now....there's a lower bar or a lower price of entry to have something that could be a revenue generator for their property, so we have seen a lot of interest. Starting in January we've entered into this 'no-man's land' where we have State regulations that can take the place of our current code. When people come to the counter right now, we do not have a definition for "transit" and we are erring on the side of not being challenged because State law just said "public transit" and so we're processing things. We don't have a parking requirement right now for ADUs in the City of Pleasanton. That is a factor and I'm hoping we can move it along at a pace that brings us out of this sooner than later.

The other question on the number of bedrooms versus units, I just want to reiterate that the size of the unit is proportional to the size of the home and the size of the lot. Those two factors dictate up to the 1,200 square feet, but we're often capping people smaller because their homes just aren't that large on small properties. So that's really been the reason for that unit attribution rather than number of bedrooms. We play a lot of games

on the administrative side with bedrooms—is it a closet, is it not a closet, does it have a bathroom, does it not have a bathroom, does it have its own door, does it not have a door. There's that constant jockeying that happens in the plan check phase for these applications and a unit is a unit is a unit. That's a very clear administrative process for us. The number of bedrooms just becomes, as soon as we leave, there's another wall kind of a scenario for us. And we'd rather people do things up front, legitimate, legal, and safe.

So I'll put that out there from an administrative perspective on the units versus bedrooms. I understand the parking threshold but the idea here is that the size of the unit is proportional to the context of the home and the lot.

Commissioner O'Connor: Does the City have any historical data on second units? Even by square footage? I mean I see a lot that are 500 square feet. Most of those aren't even bedrooms. Most of them are—I don't know what you call them, but....

Beaudin: Studios.

Commissioner O'Connor: Studios where the bedroom and the kitchen and everything is in one room except for a bathroom. If we knew that they were all 600 square feet and smaller, maybe we wouldn't have parking with this. But if we know there are a lot of them that are 1,200 square feet, then we know it's not a one-bedroom, but I don't know.

Beaudin: We can get that information; the size of units.

Amos: What I can offer you that might help put some things in perspective is that for 2012 to 2016 we had nine second dwelling units which were finalized through the Building and Safety Division. So from 2012 to 2016, we've issued permits for nine of them. Of those nine, two of them were in the downtown.

Beaudin: It skews people. When you have to spend \$60,000 for connection fees, it skews you towards doing more. You're going to invest in the substantial space so it's kind of an apples and oranges scenario, but I understand the request and I understand the parking concern. We're in the realm here where the State failed on by right and this was the backup position to try and add housing supply, and so one way or another, we're going to be in a position where we have to be as flexible as we can be. I'll say it one more time tonight. Everything they did is consistent with language that we have in our Housing Element from a policy perspective and so while it may expedite our action, it is consistent.

Commissioner O'Connor: What does our policy say today about parking though. Don't we go by bedroom count?

Amos: No, we go by unit.

Beaudin: And we actually have a Housing Element policy---I think we included it in the staff report—that talks about evaluating our parking requirements for ADUs because even when we've added one per unit, we made that our minimum, we were still being encouraged to do more.

Chair Balch: And we know it because the project over here on the corner that we looked at recently, right? They had those micro-units.

Commissioner Allen: The Carey project?

Chair Balch: Yeah, he had the micro-units and we talked about parking and we talked about the tree and on-site and off-site.

Commissioner Allen: They were only 300 or 400 square feet and it was like one car per unit.

Chair Balch: And how many did he have and how we count it?

Commissioner O'Connor: Isn't it what we've experienced though that when people want to throw a unit in the backyard, where do I put another spot?

Amos: Correct.

Commissioner O'Connor: I can't get another spot because the only thing I have open is my driveway.

Beaudin: And we wouldn't allow that either.

Commissioner O'Connor: We wouldn't allow a tandem in the driveway and now we have to, but is it practical? You know if I need to get my car out of the garage, I can't have my tenant parking behind me. He's going to be on the street anyway, right? So maybe the best we can do is that.

Beaudin: It's a fair question. I think that is a fundamental question for how we both regulate and administer second living units. You know, even if we did it by bedroom units, the ones that are within the circle and are qualified for those other parking waivers, if you had a five bedroom, 1,200 square foot ADU, you're still not going to have a parking space in those areas whatever they end up being.

Commissioner Allen: So I think the question is still a fair question. It applies to those that are going to be outside the transit-exempted area which is still a lot of the neighborhoods.

Commissioner Nagler: I sort of lost track. What are you asking for?

Commissioner Allen: I'm asking for the same thing Greg was asking for, is getting some data about how many applications have come forward, not just approved and built because that's a year or two year lag, but how many applications have come forward and how big are they so we get a sense of that.

Beaudin: They're the same at this point. The answer has been given. There are nine units. I don't know how big they are, but I'm opining that they likely turned toward the larger end because there's thousands of dollars of fees that went with them during that period of time.

Commissioner Allen: And I think the other question I had written you about was around historic homes. What is the process if an attachment is added?

Beaudin: The same design review criteria to the historic home. You have to match materials and be sensitive to the historic home. If you're proposing something out of scale, we have the same design review authority to say that's not appropriate for this structure.

Commissioner Allen: Okay, that answers that question.

Chair Balch: So, you asked some questions of staff. Can we just revisit those in light of staff's summation back to us recently? So I think you asked how are other cities handling it, which I believe their answer was that there's only Fremont, Newark and Cotati, and based upon my experience, Fremont is most akin because it has BART stations and Ace. Cotati and Newark I don't believe would be relevant comparisons given their transit, as I know that area well. I apologize I'm not necessarily supportive of that request beyond that. I think with staff's familiarity with Fremont's process is, I think they can answer questions about.

Then volumes; parcels in the downtown, and it sounds like whether we would like that answer or not, it's impossible to accomplish. And I think your third question is the size, and I think that's the question of size of dwelling units that were built, which I think staff's answer was likely 1,200 square feet frankly because of the connection fees. So I don't mean to ask you to revisit your continuance request, but I also don't know what additional information may be forthcoming.

Commissioner Allen: I was thinking about the same question you asked.

Chair Balch: I will mention some things you brought up earlier that I kind of would like to revisit. Some things brought up in the conversation earlier were again, parking versus a unit's room. I'll say that from my perspective as Chair, I don't believe this is the place that conversation should occur in light of a vacuum of regulations currently in place. I'll just put it out like that. I think the conversation's worthy.

In light of no regulation, we default to State level right now. January is now the time we're following the State's statutory requirement because we have nothing as a City in place ordinance-wise. So the 'flood gates are wide open' in light of no regulation from us. But I think the conversation about bedroom versus per unit parking requirement – I think that should be visited, but it might not be for this item. It might be a future agenda item.

Commissioner O'Connor: I think I'd like to cover it in here, but in reflection on it, I think the biggest problem around parking is where things are already tight—small homes and small lots. I don't know how big of a second unit you can get in a small lot or small house area—maybe per unit and one is okay. If you're building a 1,200 square foot, three-bedroom second unit in Ruby Hill and it's on a half-acre or acre lot, it doesn't really matter. They have plenty of space and they're in a private area. How many big lots are there where we're going to build 1,200 square foot second units. The number kind of has to be based on the size of the house. Who's going to build a 1,200 square

foot unit, where they are, and the neighborhood is probably not as constrained as the really tight areas that have smaller homes.

Commissioner Allen: It would be interesting to see where the nine are.

Chair Balch: We know that seven are outside of the downtown and two are in. My guess is that the two that are in are likely on Second Street, Third Street or somewhere close to that or on the other side and more by Pleasanton Avenue or....

Commissioner O'Connor: ...or a 500 square foot unit because it's such a small lot.

Chair Balch: I have no evidence. I'm just telling you what I believe.

Commissioner Allen: Staff would know.

Commissioner O'Connor: The Downtown is exempt here anyway.

Commissioner Nagler: Sorry to interrupt you, but what are we doing? Are we having a conversation about this, or....I'm not trying to challenge it. I'm just trying to see where the conversation is.

Chair Balch: Basically, in light of the questions she has asked and the responses from staff, whether or not we should still continue in light of maybe not as much evidence or information coming back that she requested initially. We're working on it.

The last thing that you brought up and I just did not want to minimize it, is that you actually talk about promoting the affordability of housing and I think that's a worthy cause and that theoretically, smaller units will be more affordable by design than larger units. I apologize if I missed writing that down, but that was one of the things you brought up earlier. I thought about this a lot because it was raised to me earlier. I don't think every one of these additional dwelling units will meet the requirements of affordability, but I got comfortable with it because it seemed like not all of them will but some of them will. Some will have to by the size of the lot.

Commissioner O'Connor: The 1,200 square foot one in Ruby Hill is not going to make it.

Chair Balch: Right, it's not going to make it, but the ones that are constrained more will. So I was able to be comfortable with it. I don't know if you are but I did want to mention that.

Commissioner Allen: So where do I come out? I'm still uncomfortable. I'd still like to see the 9 units and I'd like to see where they are. I don't know. I don't want to go overboard on staff work, but even a diagram of what the lot looks like now. It's more about density, where they are on a map....

Chair Balch: Okay, I'm going to do it like this and I'm sorry. First of all, does anyone support the request from Commissioner Allen?

Commissioner O'Connor: It doesn't matter.

Chair Balch: I just want to ask. They don't have to get it unless the majority of the dais wants to do it.

Commissioner Nagler: No, the continuance is automatic. It's when to schedule it.

Chair Balch: I apologize. There's a couple of things I'm going to do here. The first, she has every right to her continuance. I'm not challenging that or anything, but what I'm saying is that if the body does not support the request for information of staff, she will get nothing further.

Commissioner O'Connor: I think we were talking about, do we want to discuss it tonight if we had a majority willing to discuss. If she asked for a continuance because she wants certain information....

Commissioner Allen: I think what Jack is saying is if you guys change your mind, you can say it comes to the next meeting, right? Is that where you're going?

Chair Balch: I'll just be very forthright. So I understand you're uncomfortable with this. I really do and I want to respect that and you're welcome to continue it so I'll be very frank with that. But, I will just point out that I don't know if the information you're going to obtain, if any, will alter a dissenting vote from you versus a minority or majority vote. I'm just saying if it will change the outcome a meeting from now.

Commissioner Allen: So I will tell you that I could support, from what I'm seeing, I could support this potentially if we had a little more data and a little more discussion about the unit versus the room, also about the size of the units because it is clear to me that we're not going to get much parking downtown. If we're going to go with these circles, bottom line is that these units will go in and we won't really get much additional parking and I'm worried about that. And it pauses me to say, therefore, I'm thinking we should start to revisit the code we had before and may want to consider at a minimum, minimizing the maximum size from 1,200 to maybe 500 as we start out this process. We can always change it later, but I'd rather start out more conservatively just in case the flood gates are opening because we're not going to get much parking.

Commissioner O'Connor: I'd have to ask Julie though, isn't the State saying people can build up to 1,200 square feet and we can't limit that?

Amos: It's the maximum, so they cannot build more than 1,200 square feet.

Commissioner O'Connor: So isn't it in our purview that we could limit it to be smaller than that?

Amos: Yes.

Harryman: And there's language about that. Do you want it now or...? There is language about that. I actually looked and the City Attorneys have a List-serve. There is a lot of debate about this question and it was split, but I would say the majority came down too.....some said, no City's, you can't have it less than 1,200. Some read the statute that way and said you cannot say 900, 800 or pick a number. Others said, yes

City's, you can say that it's less than 1,200 but then there is a test. There's a lot of language in the HCD memo about this and it talks about the fact that it is not burdensome to the creation of the ADUs, would it preclude most property owners from building ADUs....here we go, here's the actual...."ADU law requires government approval be various requirements including unit size requirements, specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and attached ADUs shall not exceed 1,200 square feet. The local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs."

It was at a webinar that HCD gave. I took notes on all of this. At that webinar, they said, would it preclude most property owners from building an ADU based on the maximum size. So relating to what Gerry has been talking about, if you're going to build it, is it worth it if it can only be 300 square feet. Is it worth going through the process, and this is subjective. Is it worth it for people to build 300 square feet?

But, to answer your question we can drop it below 1,200 square feet and lastly, while they didn't name the cities, one attorney who I know represents a lot of cities and is a go-to person for these types of questions, she said that cities were considering 800 square feet for those that wanted to have a lower amount.

Commissioner O'Connor: So if you made it 800 square feet max, if someone on a 2-acre lot wants to have a unit ....

Harryman: ....if the lot is less than, pick a number—6,000 square feet, you're going to make it 800. If the lot is bigger than 6,000 square feet, it could go to 1,200 so long as it meets the setbacks and all other requirements we built into our code.

Commissioner O'Connor: Could you give a variance if you had a maximum number for someone just so outside the norm? For a couple of acre lot, they're in a 10,000-square-foot house and they wanted to have a 2,500-square-foot second unit, could you give a variance to someone if you state a maximum?

Beaudin: Not a variance, but you have to have unique circumstances, and we have 120 days to process this, so we would just want to lock it up in the code. We'd have to be real clear about what those break points are and how we're going to appropriately size ADUs. 120 days is not a lot of time to process.

Commissioner Nagler: This is completely a procedural comment. Some time ago the Commission was informed that we have the authority to ask for a continuance, and I will note for the record that Commissioner Allen has never exercised that other than this issue this evening so I think no other evidence is required that Commissioner Allen feels strongly about this and she wants an opportunity to think about it and to talk about it. And I just think that's sufficient to put it over and come back to it. I continue to support agendaizing it on an evening that Commissioner Allen and at a minimum, hopefully the Chair, is here and that that's the end of the conversation.

Chair Balch: I agree, and on that note, I want to apologize for trying to run it rough shot a bit. I'm trying to point out that I didn't know if additional information is forthcoming.



Commissioner Allen: I consider that fair but I just want to make clear that this is important for me. I did ask these questions but they just got them late yesterday.

Chair Balch: As Commissioner Nagler points out, if you want time for self-reflection, it should be respected. So with that, could we have a motion for it to come back on February 22<sup>nd</sup> which I believe Commissioner Allen and I will both be in attendance on.

**Commissioner Nagler moved to continue Item 6.a., P16-1900, to the February 22, 2017 Planning Commission meeting.**

**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**

Item 6.a., P16-1900, was continued to the February 22, 2017 Planning Commission meeting.

#### **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.)**

Chair Balch: There was the first Downtown Specific Plan Update Task Force Meeting.

Commissioner Ritter: I brought the binders so you can look through it. Commissioner Brown and I showed up and it was a good meeting. They approved the roles and responsibilities and reviewed the website. It is [www.ptowndtown.org](http://www.ptowndtown.org) as a beautiful explanation of what it is, meeting dates. This time they have a survey that is going to be very useful that we can send electronically to people if they have questions and give feedback which is really good. That's going to be really useful. It was a crowded room.

Commissioner Brown: What impressed me is those that I've seen active in the community as well as active in the downtown were present. There were a number of business owners, and the gentleman who spoke, his family owns a bank, I know him by sight. The lady who owns the chocolate store was there and the pet store owner. I recognized a lot of people in the audience and people very vested in the downtown and some folks wanting some action than others, but it was well attended.

Essentially, we got through procedural things mostly in terms of what are the roles we're going to operate under. We had a good presentation by the consultant and they went through some pictures and made some good points around walkability, parking

structures and so on. One thing I thought was particularly interesting—I didn't bring it up in the meeting but—they showed Walnut Creek with a parking structure with retail in front on the ground level and I've seen this in San Francisco and other places but it's never tweaked on me before, and I spoke with them afterwards and said that we've talked about a parking structure in the downtown and one way to blend it into the downtown, and she said you have to have a minimum 50 feet of retail, so you don't even have to extend retail through the bottom floor of the parking garage, but it's a way to blend in. I was thinking about the proposed location behind the new Peet's Coffee as an example if you were to put retail down there. So I thought that was interesting.

The PowerPoint is available on the website; [www.ptowndtown.org](http://www.ptowndtown.org) and so, take a look at that. Some pictures were interesting. The February meeting is not happening. The next meeting will be in March and we got a homework assignment which was a list of cities with the option of adding additional ones and a number of questions to ask yourself in terms of observing what uses are on the ground floor versus other floors, what parking is like, what is bicycle availability like, and a lot of discussion around what makes a downtown unique.

Commissioner Ritter: ...On the website is a self-guided downtown tour with questions, building form and architecture, streetscape, transportation, uses and miscellaneous, and they're asking for feedback. That's with pictures and they're going to incorporate all of the feedback from the public also.

Commissioner Brown: I went to Sonoma for the first time last weekend and I thought it was pretty cool with City Hall in the middle and a big square around the outside and I had never seen anything like that before, and that started my wheels turning. And so I thought the structure they were offering were a good set of questions. So members of the public were invited to contact Shweta and list their observations as well and members of the public may look on the website for that list of questions and may add to those sitting on the committee's observations. Thank you.

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

Bonn: So next time we'll have a couple of items; the Vesting Tentative Map for Lund Ranch and then a Design Review for the restaurant at 30 West Angela and then what is looking likely is the Valley Trails project by Ponderosa.

Chair Balch: And on that note, obviously, I'm not speaking for Commissioner Allen, but for me, I won't be in attendance at the next meeting.

Commissioner Allen: Nor will I.

Commissioner Brown: And I would prefer to recuse from Lund Ranch, so you might want to check for a quorum on the next meeting agenda.

Commissioner Nagler: The question Shweta is that if we do it at a subsequent meeting, is that a problem in the evolution of the project in any way?

Bonn: No, I appreciate it, thank you.

Commissioner Nagler: Okay, so that's the answer.

Commissioner Nagler: May I ask a question? So has escrow closed on Chabad?

Beaudin: We do not know.

Chair Balch: It has not.

Commissioner Nagler: Okay, And the other question is, could you give us an update if there is one on Irby Ranch please?

Beaudin: We are drafting a staff report. The Planning Commission's comments have been addressed. Sunflower Hill is back at the table and we expect it to be at the City Council on February 7<sup>th</sup>.

Commissioner Nagler: And is it possible to tell us or not if the amount of land allocated to Sunflower Hill has been altered?

Beaudin: Sure. It's a 1.64 acre Sunflower Hill site up from the 1.3 acres the Planning Commission saw.

Commissioner Nagler: And as a result, has any of the rest of the elements in the design changed in order to balance out the economics?

Beaudin: Yeah, I'm going to try and go off of my head here per the Planning Commission's direction. I'll be as brief as possible, but I think you had 5 specific concerns. It was density. When the Sunflower Hill project site, or I'll call the affordable housing Sunflower Hill site got larger, the number of units came down. It's currently an 87 unit project. I believe you saw a 93 unit project at the time. The number of three-story homes has been decreased, and I don't know the number off the top of my head but it is less. The amount of open space and parkland has been increased so the tree park now connects to the central park. And the historic home has been relocated. It's prominent. It's not right on Stanley and First Street but it will be something you see through the Nevada Street extension.

Commissioner Nagler: Great.

Commissioner O'Connor: And parking?

Beaudin: And the parking on street has been maintained and I think they actually increased the number of parking spaces in the development not on Nevada Street but going to the t-street—I forget what letter they gave it for planning purposes, but it's the street that kind of goes up the secondary entrance. At this point it's a letter street. They have them as a, b, c, d, e, f in the project. It's the central street and they did maintain parking and I believe they tagged the number of parking spaces relative to what the Planning Commission saw. They addressed all five areas that the Planning Commission gave direction on and we're in the process of finalizing reports and agreements.

Chair Balch: Good job, really good job. Thank you very much.

Commissioner Brown: Is Sunflower Hill still the target partner? I know it's not the formal part of the approval we've asked to improve but....

Beaudin: They're still part of the discussion. There's an exclusive negotiating rights agreement that will go the same night. It's not going to be with the project but is associated clearly with the development and it will become effective if the project is approved. So that is between the City and Sunflower Hill for that parcel of land which will ultimately become the City's.

Commissioner Brown: And one final question—what will be the proposed before and after number of units for Sunflower Hill?

Beaudin: I believe the agreements are being drafted up to 30 units on that property for special needs housing.

Commissioner Brown: What was the starting number?

Commissioner O'Connor: 17.

Beaudin: It's close to double.

Commissioner O'Connor: Gerry, were they in substantial compliance with what the Planning Commission asked? Will this be going directly to the Council or will it coming back here?

Beaudin: Straight to the Council. They've addressed your concerns, but we'll let the Council decide that and you all will probably weigh in with me as well when you see the project, but I believe they've met the additional conditions to the project.

Commissioner Brown: What's the approximate timeframe for that City Council meeting? I'd like to sit in as a member of the public.

Beaudin: February 7<sup>th</sup>.

Commissioner Allen: Gerry, if I could ask, was there any consideration on the timing or phasing of the single family homes relative to Sunflower Hill's?

Beaudin: They're not tied together in that way. There is a growth management allocation and we have the ability to take the land as soon as Sunflower Hill needs it. So because of the way affordable housing projects are funded, we want to be able to go when Sunflower Hill's ready to go, but we couldn't find a way to pragmatically and practically tie the number of units to that event because Sunflower Hill needs to find money for their project. But we'll have a 3-party agreement that goes with the application that shows that Sunflower Hill is committed, the City is committed, and Concentric Builders is committed to that effort, and the financial contributions are also outlined in the various agreements. So we're going to make sure it has every opportunity to succeed for Sunflower Hill.

Commissioner Allen: Thank you.

Commissioner O'Connor: If Sunflower Hill had found a partner....are they still with the same partner?

Beaudin: I'm not sure if it's the same partner but it's SAHA (Satellite Affordable Housing Associates) is their affordable housing partner and they have done projects in the area and have been very successful.

Commissioner Nagler: Okay, thank you very much.

**c. Actions of the City Council**

Chair Balch: I'll just point out that they passed Shweta's zoning code update without my required or requested component but I do appreciate staff's presentation of my request for a non-concurrent application processing. They also complemented the Planning Commission for their work well done, but I just wanted to say Shweta that they complemented you very directly about the zoning code update and I wanted to pass that on. I've talked with people after the fact and they are very excited, so a lot of work.

Commissioner Allen: Ditto, thank you.

**d. Actions of the Zoning Administrator**

No discussion was held or action taken.

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

No discussion was held or action taken.

**9. ADJOURNMENT**

Chair Balch adjourned the meeting at 9:17 p.m.

Respectfully submitted,

Kendall Granucci  
Recording Secretary