



PLANNING COMMISSION MEETING MINUTES

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

DRAFT

Wednesday, February 25, 2015

CALL TO ORDER

The Planning Commission Meeting of January 28, 2015, was called to order at 7:00 p.m. by Chair Allen.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Piper.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Mike Tassano, City Traffic Engineer; Steve Otto, Senior Planner; Jean Eisberg, Consulting Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, David Nagler, Greg O'Connor, Herb Ritter, and Gina Piper

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. January 28, 2015

Commissioner Ritter noted that the vote on the approval of the December 10, 2014 meeting on page 1 stated that Commissioner Nagler was absent. He indicated that Commissioner Nagler did arrive late but was not absent, and requested that it be modified to reflect that.

Commissioner Balch referred to the fourth paragraph on page 15 and stated that he did not think Commissioner O'Connor's acceptance of Commissioner Balch's amendment to the motion included the phrase "not an eyesore" and requested that it be removed.

Mr. Dolan replied that the action was presented to the City Council without that phrase.

**Commissioner O'Connor moved to approve the Minutes of the January 28, 2015 Meeting, as amended.
Commissioner Piper seconded the motion.**

ROLL CALL VOTE:

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

The Minutes of the January 28, 2015 Meeting were approved as amended.

b. February 11, 2015

Commissioner Ritter noted that Ms. Seto, and not Ms. Harryman, was at the meeting and requested that the last paragraph on page 6 be modified to reflect that.

**Commissioner O'Connor moved to approve the Minutes of the February 11, 2015 Meeting, as amended.
Commissioner Nagler seconded the motion.**

ROLL CALL VOTE:

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

The Minutes of the February 11, 2015 Meeting were approved as amended.

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

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

4. **REVISIONS TO THE AGENDA**

Adam Weinstein advised that staff had received a comment letter on Item 5.a., P15-0008, Social Vocational Services.

Chair Allen stated that this item would be removed from the Consent Calendar and be considered as the first item under Public Hearing.

5. **CONSENT CALENDAR**

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

a. **P15-0008, Social Vocational Services**

Application for a Conditional Use Permit to operate a vocational training facility for adults with developmental disabilities at 6602 Owens Drive, Suite 100. Zoning for the property is Planned Unit Development – Industrial/Commercial and Office (PUD-I/C-O) District.

This item was considered as the first item under 6. Public Hearing.

6. **PUBLIC HEARING AND OTHER MATTERS**

Item 5.a. P15-0008, Social Vocational Services (SVS)

Application for a Conditional Use Permit to operate a vocational training facility for adults with developmental disabilities at 6602 Owens Drive, Suite 100. Zoning for the property is Planned Unit Development – Industrial/Commercial and Office (PUD-I/C-O) District.

Mr. Weinstein introduced Jean Eisberg, Consulting Planner, who will be presenting the staff report.

Ms. Eisberg presented the staff report and described the scope, layout, and key elements of the application.

Commission Ritter inquired if there are any other vocational facility in the vicinity of this application.

Ms. Eisberg replied that there was a Conditional Use Permit issued for one in Valley Business Park.

Chair Allen inquired how many other tenants in the area were notified.

Ms. Eisberg replied that she does have the exact number but that Exhibit C of the staff report is a notification map that shows the parameters of the 1,000-foot radius of the project site.

THE PUBLIC HEARING WAS OPENED.

Susan Copley-Leonhardt, Director of Business Administration for Social Vocational Services, stated that Ms. Eisberg did a good job of explaining what is being proposed for the space. She indicated that they have offices throughout California and 45 facilities similar to what is being proposed in Pleasanton. She explained that the purpose of this proposed facility is to relieve crowding at their Hayward facility, noting that they are also serving people who currently live in Pleasanton so it was natural to come out to Pleasanton. She added that they conducted a research on the location regarding whether or not it will be a good fit for their clients and staff and found that it was a good match. She added that Planning staff believed it was a good fit for their proposal as well.

Commissioner Piper asked Ms. Copley-Leonhardt if their other facilities share a common wall with another office or business, and if so, how many.

Ms. Copley-Leonhardt replied that approximately one-half of the total number of their facilities have a shared wall with another business.

Commissioner Piper further inquired if they typically get any complaints from noise. She expressed concern about the activities, specifically air hockey, karaoke, and similar activities on their proposal, Exhibit B of the staff report.

Ms. Copley-Leonhardt replied that she would not say that they never have, adding that it occurred very rarely and possibly because of the karaoke activity. She noted that in cases like this, they would move their activity to another part of the facility and keep it down. She indicated that they always respond to complaints like this from neighbor because they understand there are mixed uses in the building, and they do not want to disturb anybody just as they do not want others to disturb them.

Wayne Rudick, property and business owner at the same site, started by apologizing that he is very sorry to be even challenging this plan because he thinks the process of what the applicants are trying to accomplish is very honorable; what he is opposing is the location of the facility. He indicated that his wife and he are partial owners of the building, which has three owners. He added that they own Pleasanton Valley Insurance at Suite 200 and have been in Pleasanton for 22 years. He stated that they were approached by the broker of the new owner at Suite 100 approximately six months ago and indicated that there would be another facility, SVS. He noted that they very specifically questioned the broker then regarding the type of activities that would be taking place there, and they were told that it would be a professional office such as theirs, with no activities on site; that there would be vans, that would park in the back,

which would be picking up their clients throughout the community and then dropped off at various businesses and facilities for training.

Mr. Rudick stated that he then received the notice in the mail last week indicating that this business was completely opposite of what they were told, and when he saw the staff report on Friday of last week, he sent out the email to staff opposing the proposal. He reiterated that he was not opposing the operation but the location. He indicated that the units have fairly thin walls, and they had a noise issue with the prior tenant who had about 15 people, as opposed to the proposed 30 and up to 60 clients of this proposed facility.

Mr. Rudick stated that as a business owner, his number one concern is safety. He indicated that as insurance brokers, they have insured a lot of types of facilities like this one, and in the process, they get some background on the type of people they would be serving, such as if they have any violent behavior or criminal backgrounds that would signal concerns about the safety of the employees and the other tenants and their employees.

Mr. Rudick stated that the liability and insurance as a co-owner of the building is another major concern for him as well. He indicated that they have been in this building for ten years now and noted that the corner of Johnson and Owens Drives happens to be a spot where people use their parking lot in the morning to cut through, almost on a daily basis, to get to either Home Depot or some of the other operations there. He stated that they had approached the police several months ago inquiring if anything could be done about this, and they were told that there was absolutely nothing they could do because it was private property. He expressed concern about the proposed facility dropping-off clients at this location. He noted that the applicant had indicated that the tenants and clients would be dropped-off in the back of the facility, but the main handicap is located in the front entrance, and the staff report states that some people will be brought in and visiting through the front entrance. He pointed out that they, as co-owners of the building, would have conditional liabilities if there were any slip-and-fall problem, disruption, or any similar occurrences.

Mr. Rudick stated that parking is also an issue. He noted that eight to ten vehicles coming in on a daily basis might not be too bad, but other people could be dropping-off clients throughout the day, as stated in the staff report. He added that as mentioned earlier, noise is definitely another concern they have.

Mr. Rudick noted that no one from the City or SVS ever contacted them prior to the notice they received and added that it would have been nice as a tenant and also as an owner of the building to have been notified at that point. He stated that he is not presenting all these issues because of the type of facility, as he would say the same thing if it were a day care or other type of training center. He noted that he used to be located on Rheem Drive and the training center approved at that location was a real problem. He reiterated that he thinks SVS is doing a wonderful job, but as a business owner and owner of the building, he opposes its location in this building.

Gary Gibson stated that he is co-owner of the building at 6602 Owens Drive. He concurred with Mr. Rudick's comments, particularly those referring to the safety issues. He noted that the facility will have 13 employees and 8 vans, and inquired how the 13 people are going to get to work because they said they will have only 10 cars. He added that the people who get to work will have to park somewhere, and 13 employees looking after 30 clients, plus 8 vans is a lot more than what they were told. He echoed Mr. Rudick's statement that driving through their area is very dangerous and that there was an accident there recently with vehicles cutting through their parking lot. He added that both he and Mr. Rudick operate an insurance business, and they have a lot of in-and-out traffic in the area. He expressed concern about the safety of the handicapped people who would be going into the facility.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Balch stated that he assumed the parking issue that was raised concerned cut-through traffic because this is private property. He inquired if the owners of the private property would have to mitigate this themselves.

Mr. Weinstein said yes. He stated that the property owners have indicated this was an issue, and it probably is an issue with many corner properties in the City. He indicated that this was not something staff observed, and although staff did not doubt that this may have occurred sporadically or intermittently, staff has determined that this is certainly not something that this project is going to exacerbate or contribute to.

Commissioner Balch inquired if the proposed use is compatible, in terms of the parking ratios, with the "Office" use the building is zone for.

Mr. Weinstein replied that staff took into account the parking requirement for this project, along with those of the two existing insurance offices in the building and the empty space as if it were occupied by an office, and determined that there is still excess parking available on site.

Commissioner Balch noted that the speakers mentioned a discrepancy about parking with respect to 13 employee vehicles – possibly less if they carpool and possibly more at times – and the eight vans. He inquired if those were the numbers staff used for determining the adequacy of parking.

Ms. Eisberg said yes and indicated that staff added a few parking spaces for those coming to check out the facility or potentially caretakers who would be dropping off their family members, estimating about up to 25 parking spaces.

Noting that there are at least two owners in this building, Commissioner Balch inquired if there was a CC&R plan or a PUD on this building for a condominium split.

Mr. Weinstein replied that as far as staff knows, there is no division of parking spaces and all the spaces are shared. He noted that when staff went on a site visit, there was some indication that some of the parking spaces had been painted with the names of old tenants who are no longer there, but staff does not believe there is an agreement that covers a parking division.

Commissioner O'Connor asked staff, for the record, what the ramifications are regarding noise issues or other disturbances that are not quickly or properly handled by a tenant in a building and how the City would deal with it.

Mr. Weinstein explained that if a complaint came in, staff would first try and resolve it to the best of their abilities, and if they were not able to resolve it, they would bring it to the Planning Commission. He noted that this process is specified in the Conditions of Approval, which is attached to the staff report as Exhibit A.

Commissioner O'Connor verified that additional conditions could be put in place to bring the applicant into compliance, and if the issue is still not resolved, the use could be revoked.

Mr. Weinstein replied that was correct.

Commissioner O'Connor noted that other issue brought up was liability. He asked Ms. Harryman to explain what the liabilities are on a specific owner in a shared use building or owner building and any common area if the aggrieved party is not their tenant.

Ms. Harryman replied that she does not know how the property is broken up or if there is common space, but if the accident occurred on common space, it is more likely that all of the owners could be sued if, for example, someone were to trip on a parking curb. She noted that it is not uncommon for the plaintiff's attorney to sue the property owner. She added that theoretically therefore, the more persons that visit a property, the more likelihood of someone getting injured and suing.

Commissioner O'Connor inquired if it was fairly common in this type of building for the owner's liability insurance to cover this type of problem.

Ms. Harryman replied that it would be covered by the property owner's insurance or his business or general liability insurance.

Commissioner Ritter commented that this appears like a bad marriage from the beginning, starting with how it was presented to the owners by the applicant, and the owners not knowing what they are really getting. He stated that he thinks this vocational service is a great company but expressed concern that should the Commission approve the project, it would still come back to the Commission even if the applicant has complied with all the zones and codes.

Commissioner Piper requested confirmation that the business owners do not really have a say in who occupies the adjoining tenant space if that tenant complies with all the requirements.

Ms. Harryman replied that she does not know the structure of the building's ownership but that it sounds like there are three owners. She explained if the three owners own the building together, each one would have a say with respect to what type of tenants goes in. She noted, however, that as far as the City is concerned, staff just looks at the use, and in this case, staff determined that the applicant needed a Conditional Use Permit, and the vocational facility met all the requirements to be able to get that Permit.

Commissioner Balch commented that he did not think it was a common ownership, that there are three units in a building, and each unit is owned by a different owner. He added that based on what is being presenting, it appears like there are three condominiums pushed together with a common wall, with each of them owning their own 100 percent; and the entity at the end has chosen to select a tenant.

Chair Allen asked Mr. Weinstein his perspective on this.

Mr. Weinstein replied that Commissioner Balch was correct.

Commissioner O'Connor inquired if all those other owners were within the notification area and would have been noticed.

Mr. Weinstein replied that they were noticed on time following the City's standard protocol. He continued that there are two existing tenants in the building, and the third space, Suite 100, is unoccupied and is the one that is being proposed for this use. He confirmed that all of the owners were notified, and one responded via letter in response to notice that was sent out.

Commissioner Balch noted that the owner of record gets the notice, and the tenants might not get the notice if the owner does not pass it onto the tenant .

Mr. Weinstein replied that per the City's protocol, both the owners and the tenants get notices.

Commissioner Nagler stated that in light of this conversation, it is one thing to be technically in compliance with the procedures of the City and another thing to do the neighborly thing. He noted that what clearly did not happen here was that the owner of this space that is up for discussion did not take it upon himself to notify the other tenants in the building that this was a proposed use, and instead relied on the City's notification process. He indicated that while owners/ tenants should be sensitive to the wants of their fellow owners/tenants, the concern is more in the form of protection rather than prohibiting the use of the space when it is otherwise in compliance with the City's zoning or use requirements.

Commissioner Balch stated that what the Commission is evaluating is if it believes the use is compatible with the zoning. He noted that it is similar to other issues the Commission has heard in the past where owners do not talk as the Commission would prefer, but it still comes down to a use question.

Addressing the safety issue raised, Chair Allen inquired if there is a handicapped access in the back area where the vans will be accessing the building.

Ms. Eisberg replied that part of the proposed project is upgrading the ramps, and there will be handicapped accessible ramps and railings put in, both in the front and the back. Chair Allen inquired what need there would be for using the front if there was one in the back, and what the reason would be for someone to enter in the front.

Ms. Eisberg explained that the reception area is located in the front, and staff, visitors, or someone dropping off a family member or taking care of someone might use the front entrance. She added that the vans are the primary way the clients can get to the facility, and they would primarily enter through the back.

Commissioner O'Connor inquired if the front is also ADA compliant.

Ms. Eisberg replied that it would be upgraded to be ADA compliant.

Chair Allen asked staff if they felt that spending another two weeks working on this with all the parties involved might result in a design that was more workable, or whether the Conditions of Approval might be modified.

Mr. Weinstein replied that it is difficult to predict something like that. He pointed out that there clearly has not been effective communication between the property owners to date. He noted, however, that staff evaluated this project based on its merits and land use compatibility, and staff does not feel that there are any substantial changes that could be made to either the operational program or the interior design of the space to make it more workable. He reiterated that staff truly believes that there are no land use incompatibility issues here.

Mr. Dolan stated that the only thing he can think of that might be negotiated is some sort of sound-proofing between the units. He added that otherwise, the issues are what they are: staff has determined that there is going to be enough parking and is satisfied with the circulation and noise.

Commissioner O'Connor noted that if noise did become an issue, it could be mitigated.

Mr. Dolan replied that it could probably be bolstered with an additional condition. He noted that a lot of times, there are issues between tenants next to each other that need to be worked out, and there is no use permit involved. He added that the parties would hopefully be able to do that here.

Chair Allen asked Commissioner Ritter, based on his earlier comment, what would make for a better match, putting aside that communication could have been better up front.

Commissioner Ritter replied that the Commission's job is not to pick the business that goes in the space but to zone for it and to make sure the uses are conditional. He stated that he believes the applicant has met the zoning requirements, but as Mr. Dolan had expressed, it might be necessary to add some sound-proofing, just like what the Commission has done with some other projects in the past, then check back with the Commission in 60 days. He added that nevertheless, the owners still have to get along with one another.

Commissioner Balch noted that looking at the proposed floor plan, the rooms that share a common wall are offices; the media room is located in the interior, and the exercise room is at the front near the reception area, which shares a small wall with the neighbor. He stated that he believes the applicant has met the elements and could see this passing with possibly an additional condition to mitigate the noise situation. He indicated that he was not interested in a 60-day look back.

Commissioner O'Connor agreed. He stated that the project has adequate conditions so there should not be any problems; and should one arise, staff has the ability to work with the tenant, and if that cannot be worked out, staff can always bring it back to the Commission and add conditions or some improvements. He pointed out that staff has noted that noise could be an issue since there are common walls and that he would hate to load a lot of costs on the tenant in the anticipation there might be a problem. He added that he would rather wait and see if any problem that arises could be dealt with it expeditiously. He stated that he could support the project with its conditions as it is a compatible use that is within the zoning.

Chair Allen stated that she also feels the project is appropriate and consistent with other approvals the Commission has done with other facilities. She added that it meets the test and requirements and can be brought back to the Commission if there are any future issues.

Commissioner O'Connor moved to make the required Conditional Use findings as described in the staff report and to approve Case P15-0008, subject to the Conditions of Approval listed in Exhibit A of the staff report. Commissioner Balch seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, O'Connor, Piper, and Ritter
NOES: None
ABSTAIN: None
RECUSED: None

Resolution No. PC-2015-03 approving Case P15-0008 was entered and adopted as motioned.

Chair Allen called for a break at 7:45 p.m. and thereafter reconvened the regular meeting at 7:55 p.m.

- a. **PUD-25, Mike Meyer/Tim Quinn, Greenbriar Homes, Lund Ranch II Work Session to review and receive comments on the application for Planned Unit Development (PUD) Rezoning and Development Plan to construct 50 single-family, two-story homes and related improvements on the approximately 194.7-acre Lund Ranch II property located at 1500 Lund Ranch Road, at the end of Lund Ranch Road. Current zoning for the property is PUD-LDR/OS (Planned Unit Development – Low Density Residential/Open Space) District.**

Commissioner O'Connor recused himself due to a conflict of interest.

Brian Dolan stated that tonight's discussion is a Work Session; staff does not have a recommendation, and no decisions will be made by the Planning Commission. He explained that the purpose of the Work Session is to have one last conversation about the various issues before starting the formal public hearing process on this project that has gone on for many years. He indicated that this project has a fairly long history that has been summarized in the staff report.

Mr. Dolan noted that there are several Planning Commissioners who are relatively new on the Commission, and so staff wanted to make sure that they are provided the information they need to make an informed decision when the project comes before the Commission for the public hearing. He noted that some of the issues are complex, and some are simple but present very difficult choices, and this Work Session would give the Commissioners an opportunity to ask about them. He indicated that if staff cannot respond to the questions this evening, staff would certainly like to know where the gaps in the information are so that they can work on those and provide the Commission what it needs for the hearing.

Mr. Dolan stated that he would like to spend some time on what the primary project issues are and the way he looks at them:

- Road Access. There is a lot of discussion in the Environmental Impact Report (EIR) about various alternatives; eight alternatives are evaluated.
- Measure PP. This is the first project where this has really been an issue that will affect the outcome.
- Prior Council Commitments. These were made to various neighborhoods when prior Councils were reviewing surrounding development over time, and various approvals suggested that certain things were going to be done in the future related to the development of this property.
- Environmental Impacts of Alternatives. Many alternative access routes have been explored, and some present more environmental impacts than others. This

discussion will show to what extent these impacts are significant and how they would be mitigated.

Mr. Dolan stated that there are several properties surrounding the Lund Ranch II property: the Foley property and the Spotorno property are open space, and the Sycamore Heights, Ventana Hills, and Bonde developments are the ones that are really most affected by this development proposal. He then presented the site plan of what is proposed, which is described in great detail in the EIR. He indicated that the site is quite large, with a central valley bowl, and development has been proposed within the center or bottom of that bowl. He noted that it creeps up the hillside a little bit, and that is where the discussion lies. He then presented some of the specifics of the development:

- The proposal is for 50 lots: 48 production lots and two large estate lots that extend up the slopes a little bit higher above the rest of the site. The developed portion would be about 34 acres with 161 acres preserved as open space.
- The project, as proposed, just has one street connection to Lund Ranch Road. There are no proposed street connections to Middleton Place in Bonde Ranch, to Sunset Creek Lane in Sycamore Heights, or to the Foley property out the back end of the property.
- There are three building plans that have a variety of different styles to them. The homes, if approved, range from 4,100 to 4,500 square feet and are a mix of one and two stories.

Mr. Dolan then proceeded to discuss the primary project issues:

Road Access

Mr. Dolan stated that this has really been the primary issue, and based on feedback received from the public in previous discussions and responses to the EIR, the biggest issue is where the traffic from this road will go. He indicated that the project proposes that it only go one place – Lund Ranch Road – and that is why the EIR focused so much on alternatives and provided these various access scenarios. He stated that he would concentrate on three selected scenarios because these three crystalize the issues: (1) the proposed project; (2) the potential connection to both of the most obvious potential access points: Sunset Creek Lane and Lund Ranch Road, splitting the traffic between the two primary accesses; and (3) the potential connections to Middleton Place and Sunset Creek Lane. He then turned over the floor to Mike Tassano, City Traffic Engineer.

Mr. Tassano stated that he would go over the slides from a traffic perspective and try to give an overview of what the daily traffic volumes are. He indicated that all the numbers he will show are for daily traffic volumes, for 24 hours.

Scenario 1: This is the proposed project where the connection is just from Lund Ranch Road. The daily trips for the 50 homes would be 550 trips, the number used for the different alternatives in the EIR. The general rule of thumb is 10 trips per day per home, and that tends to go up a little bit more when the square footage becomes larger. The road is pretty straightforward and attaches to Lund Ranch Road. All traffic is assigned

out Lund Ranch Road, which uses Junipero Street and Independence Drive and just a little bit on Mission Drive. Given the directional distribution in place right now from some of the Lunch Ranch Road established homes as well as what the traffic model predicts, the directional distribution would be 180 head up towards Bernal Avenue using Independence Drive, and 370 head west towards Sunol Boulevard using Junipero Street and Mission Drive.

Scenario 3. This has two connections. The trip distribution would be based on whether vehicles are traveling down I-680 or I-580, if they want to go Downtown, and so forth: 70 using Independence Drive; 150 using Junipero Street/Mission Drive, and 130 and 200 coming out the Sunset Creek Lane side. There is some variation on the 330 on Sunset Creek Lane: whether it is 130 on Sunset Creek Lane and 200 on Hanifen Way, or if the 130 is really 150. A lot of it depends on how well one can see coming around corners, if one likes to make left turns or right turns, or the traffic circles.

Scenario 6. This scenario is based on the Bonde Agreement where Livingston Place would be closed and drivers on Middleton Place would have to then go down and around and use Sunset Creek Lane for its exit. This has 550 project trips. The 15 homes on Middleton Place would be assigned to also go down and use Sunset Creek Lane. These are added to the 550, which gives the directional distribution: 270 on Sunset Creek Lane and 420 on Sycamore Creek Way, for a total of 690 trips.

Commissioner Ritter inquired why Livingston Place was closed under Scenario 6.

Mr. Tassano replied that when Lund Ranch was developed back in the 1990s, there was some concern about the design of how Lund Ranch II would come in.

Mr. Dolan explained that when Bonde Ranch came in, Ventana Hills was very concerned about the traffic that would be coming through its neighborhood. He indicated that some compromises were made when Bonde Ranch was approved, and one of them was to hook up Middleton Place to Livingston Place but would be disconnected when Lund Ranch II comes forward, and the 15 homes on Middleton Place will then be re-directed through Lund Ranch II. He noted that the Middleton Place residents do not support this as they would be routed down a longer route through Lund Ranch II and out to Sunset Creek Lane. He noted that at one point, they filed a PUD amendment to the Bonde Ranch approval to eliminate that condition. He added that while the City ultimately has the ability to do that, staff's position is to consider this with the Lund Ranch II review.

Commissioner Piper asked Mr. Tassano to explain briefly the distribution if both Sunset Creek Lane and Lund Ranch Road were open, and how staff arrived at the number of trips going one way or the other way.

Mr. Tassano replied that every residential neighborhood has trips that go various places, e.g., to the grocery, to work in Livermore, or down I-680 to Fremont. He explained that staff then generates the percentages, using the City of Pleasanton's general percentages, and assigns those based on where this project is located: for example, 33 percent travel south

on I-680; 15 percent travel west on I-580, and 10 percent travels north on I-680. He added that some are localized trips and staff also uses a model for that: for example, 14 percent of all peak trips are to a grocery store; staff then locates those grocery stores, determines which route is most convenient, and assigns the trips in that direction. He indicated that he can provide the exact number for these trips if the Commission wishes.

Mr. Dolan clarified that these three scenarios are not the only possibilities but that staff highlighted these three because they really cover all the key issues and the one variation on the scenario that provides access to both Lund Ranch Road and Sunset Creek Lane. He indicated that this is not the most terrific City planning solution, but it is something that the City has used in the past when a similar issue has arisen, and it is basically trying to make a compromise between two neighborhoods that might be affected by additional traffic. He pointed out that the obvious question when a split is made is what that split would be, and that will be one of the more difficult questions for the Planning Commission and City Council if they opt for that alternative.

Mr. Dolan continued that one other thing he wanted to remind the Commission about is the kind of traffic being discussed here. He explained that for 550 project trips per day, ten percent occurs in the peak hour, which equates to adding one car per minute during the busiest hour. He added, however, that no neighborhood wants more traffic in front of their homes, and staff completely understands that.

Mr. Dolan stated that when an EIR is done, it talks about a lot more trips, the levels of service, and how the intersections operate. He indicated that it is not really an issue with these levels of traffic and the traffic control the City currently has, so there are no significant environmental impacts associated with the traffic identified. He clarified that this does not mean people are happy to have additional traffic in their neighborhood, and both neighborhoods have raised concerns about safety concerns on their street that they feel would be exacerbated.

Measure PP Interpretation

Mr. Dolan stated that the City Council has struggled with this over the last couple of years, and at one point it asked staff to provide a clarifying ordinance to fill in the gaps from the actual Measure PP language from the implementation perspective. He indicated that it included definitions and certain concepts that different, rational-thinking people could interpret in different ways. He noted that the Council took its best crack at it and actually introduced it in the first reading; however, soon thereafter and before the second reading, the Council received had so many letters threatening to sue, such that the Council actually put that the ordinance on hold and ultimately made a decision that there would not be a solution that can be codified without years of litigation, and that Measure PP would be interpreted on a project-by-project basis. He noted that Lund Ranch II is the first project, and quite possibly the only project, that will be affected by Measure PP.

Mr. Dolan then addressed the five major issues regarding the interpretation of Measure PP:

1. Measuring slope. This was primarily a question of whether one maps the slope and then mathematically figure out on a relatively fine area what the angle between the contour lines on a map are, how steep it is based on a certain measuring criteria. That was then compared to something that was a little more like using slope-averaging where one gets a little cruder in the measurement and some of the little bumps and holes that might crop up are eliminated because measuring those at a certain level of detail becomes kind of silly. Staff considered those and ultimately decided to map slope using two-foot contours. This is very conservative, and some of the little blips along the way do show up, but there seemed to be more support for being conservative in that regard.

The Lund Ranch II project started with an open-ended interpretation of Measure PP. When the applicants started the development process for the project, they asked how slope was going to be measured and where the ridge setback line was. Because they had to start with something, staff made certain assumptions, but the City Council made it clear that those assumptions are also subject to interpretation as the project proceeds, and so it is possible that some of the interpretations staff had made and related to the applicant will not turn out to be the same at the end.

2. Identifying ridges and their end-points. Measure PP makes reference to protecting the City's ridges, and the General Plan has a pretty broad definition of what a ridge is; but a hundred people could take a topography map and come up with different interpretations of what a ridge is. When staff tried to apply the definition to the real world, staff found out that that it also needed to define where the ridge ended because if a ridge just goes on forever until it goes down to level ground, and there is a 100-foot vertical setback, nothing can ever be developed anywhere based on Measure PP. This is not really a reasonable way to interpret Measure PP and probably not the way the voters thought it would work, so staff made their best estimates on where the ridges are, starting with a definition considered by the City Council in the first reading. Staff has done this for this project
3. Measuring ridgeline setback to building pad vs. top of structure. There has been a lot of dialogue at the Planning Commission and City Council levels regarding whether the 100-foot setback from the ridgeline down to development extends to the building pad or to the top of the structure. When this was last considered by the Planning Commission years back before any of the current Commissioners were on board, the majority of the Commissioners thought that it should go to the top of the building. That conversation moved on to the City Council, and the majority of the Councilmembers at that time picked the opposite and decided it really should be ridgeline to building pad. Ultimately, this is a choice.
4. Is a road a structure? This has been an on-going dialogue, and there has not been an agreement. When the then Planning Commission was forced to make a recommendation on this, there were definitely some Commissioners who felt a road was a structure. And the last time the Council took a vote on this, even though it was not followed through on the second reading, it determined that a road was not a structure.

5. Man-made slopes. There are some areas on this particular site that were obviously previously graded: one is very obvious, and the other appears to have been graded. Staff's conclusion is that they were graded. The cuts that were made for this grading are steeper than 25 percent, and these have been excluded from the areas that are too steep to build on. In their past discussions, both the Planning Commission and the City Council have generally supported that.

Mr. Dolan then displayed a graphic prepared a while back and included in the EIR showing where the ridges were mapped so that the applicant could respond to something and design a project. He pointed out the elevations of the ridges on the north side of the property which were a lot higher, and the end of the ridge identified by staff. He noted that there are land forms that are primarily above 600 feet and also some points that go up to a 718-foot elevation. He continued that down in the valley bowl, the proposed graded elevations are not that much different than what is there now, and the elevation right at the end of Lund Ranch Road is 415 feet, going up to 450 feet at the heart of the project. He pointed to the two big estate lots farther to the right, where the proposed elevations of the building pads are a bit above the rest of them and would definitely be more prominent than the homes in the heart of the project. He added that they probably would also be larger, based on the fact that they are on estate lots. He indicated that there are no houses proposed on these lots at this time, but the pad elevation on the lower lot is at 500 feet, and the pad elevation on the lot farthest to the right is at 530 feet. He pointed to the ridge on the southern end of the property across the creek and stated that the elevation goes higher at 618 feet to about 580 feet at its end.

With respect to the ridgeline setback, Mr. Dolan stated that the measurement would be either to the pad or to the top of the house. He explained that if the measurement is to the pad, the house would extend somewhat into that 100-foot vertical setback since an average house would probably be about 30 to 35 feet; and if the measurement is to the top of the house, some lots would be affected, and those are identified in the staff report.

Mr. Dolan stated that when staff was giving guidance to the applicant in the beginning, staff assumed the Council would be using the pad, and so the project was designed that way. Staff's preliminary evaluation is that if you use the top, when we were giving guidance to the applicant in the beginning we assumed the Council would be using the pad and so they designed that way. He continued that if that is changed to the top of the house, which is just as reasonable an interpretation, there would be 19 lots that would either have to be eliminated or put farther down by digging a hole or reducing the pad elevation, or use a single-story home.

Regarding whether a road is a structure, Mr. Dolan quoted from Measure PP: *"Ridgelines and hillsides shall be protected. Housing units and structures shall not be placed on slopes of 25 percent or greater, or within 100 vertical feet of a ridgeline. No grading to construct residential or commercial structures shall occur on hillside slopes 25 percent or greater, or within 100 vertical feet of a ridgeline."* He indicated that this issue has been debated more than any other issues in the Planning Division since he came to work in Pleasanton seven

years ago. He noted that there are different interpretations of that, and ultimately, the Planning Commission will be asked to make a recommendation to the City Council on that issue. He reiterated that when the Council at that time last convened regarding this issue, it concluded that a road was not a structure, and, therefore, a road was not prohibited by Measure PP to go on slopes greater than 25 percent.

Mr. Dolan then displayed some photographs of the man-made slopes of the Lund Ranch II site. He pointed out that the area right in the middle of where the ranch operations are located are clearly man-made: the owners wanted to get from one side of the farmland to the other, so they graded right through the middle of it and created a road. As regards the other area, Mr. Dolan stated that it appears that this is down where the barn is located and that it is adjacent to the creek off to the left, and staff suspects there the previous natural slope was graded to create a flat pad for the barn and some other out buildings.

Prior Council Commitments

Mr. Dolan stated that the approvals of Bonde Ranch, Bridle Creek, and Sycamore Creek all anticipated connections of the development of Lund Ranch II to connect to Sycamore Creek Way, Sunset Creek Lane, or to both. He noted that they were designed that way, signs were put up, and it was well-known that that was probably going to happen. He added that notifications or disclosures were given to buyers, but there has been some disputes about whether all phases of the development got those disclosures.

Mr. Dolan stated that there was also the North Sycamore Specific Plan which identified the possibility of something called the East/West connector, which became either Sunset Creek Lane or Sycamore Creek Way, that would provide access to the development on Lund Ranch II. He noted that the Plan only said that there would be access provided from these two streets; it did not say that would be the only access point, and some of these other approvals did not say that would be the other access point either.

Mr. Dolan stated that the approvals of Bonde Ranch, Bridle Creek, and Sycamore Creek all anticipate these connections; and going back even further, there is the approval of the Ventana Hills subdivision. He noted that the design shows Lund Ranch Road stubbed out in anticipation of an access at that point from Lund Ranch Road.

Mr. Dolan stated that the primary Council commitment involves a private agreement in 1991 between Shapell Industries, property owner of Bonde Ranch, and the Pleasanton Heights Homeowners Association and Ventana Hills Steering Committee, a collection of concerned residents in that neighborhood, which expressly prevented connection to Lund Ranch Road. He indicated that during the review of the Bonde Ranch development, there was this concern about the fact that Ventana Hills was going to have to take all this traffic, so the deal was struck related to Middleton Place and between the parties that when Lund Ranch II was developed, that traffic would not go through Ventana Hills on Lund Ranch Road. He pointed out that the City was not a party to that agreement; however, it did adopt and made reference to that agreement as a condition of approval of the Bonde Ranch

development. He added that the thinking then was that Shapell Industries was actually going to be the developer on Lund Ranch II and that it would come very shortly thereafter.

Mr. Dolan stated that the City's Legal Department has reviewed the document and concluded that there is no legal obligation on anybody's part to honor that agreement. He added, however, that that is not to say that the Council will not acknowledge there was a lot of dialogue about this issue and commitments from the Council at that time, and the intent then was to follow that agreement. He explained that this was a condition of approval related to the Bonde Ranch development, which was approved and done. He pointed out that Lund Ranch II is a whole different area and now with a different owner who never signed any agreement, and whoever owned the Lund Ranch II property at the time never put any restriction on Lund Ranch II that it had to do that. He indicated that the idea was there, but there was no legal mechanism to enforce it all this time later.

Mr. Dolan restated the City Attorney's conclusion that the private agreement does not legally bind the current property owner or the City, but noted that it highlights one of the very difficult questions before the Commission that raises the issue of the obligation to implement these previous commitments to the neighborhood made by previous City versus the other side of the argument from the other neighborhood that there are new circumstances that change things. He indicated that the two things the Commission probably should think about are what these new circumstances are and why they make any difference 20 years later.

Mr. Dolan explained that there are two things that come to mind immediately, and there may be more: first, Measure PP was not in the picture back then; and second, accessing Sunset Creek Way would mean going up the side of the hill that has some slope that is greater than 25 percent. He pointed out that these things start to work together and could affect the interpretation of Measure PP, that one cannot honor the Bonde agreement and still claim that the road cannot go up that 25-percent slope. He noted that they are all inter-connected and that the Commission will have to look at them holistically rather than ticking-off its answer to each separately.

Mr. Dolan stated that the other new circumstance is that back then, the developer was talking about a development of 150 units, but because of Measure PP, that number is a lot smaller and would not have as much of an impact on either neighborhood as was originally envisioned. He pointed out that this is a policy question and not a legal issue.

Environmental Impacts of Alternatives

Mr. Dolan stated that the EIR identified some environmental impacts associated with the project:

Biological Impacts. The access to Sunset Creek Lane will require crossing a creek and going up a hill. This crossing will result in the loss of habitat for the California Tiger Salamander and indirect disturbance of nesting and other birds and roosting special status bat species through loss of additional trees. Taking a roadway through the

riparian area would require cutting down a few more trees. Those impacts are actually going to exist through some of the other components of the project, but the area gets a little bit greater. It is not a huge area though; just the width of a road across a fairly narrow riparian area. Mitigation of something like is fairly routine and has probably already happened a hundred times in Pleasanton. Crossing the creek will also require certain permitting processes from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife. These permits are also going to be required for other little drainage seepages that are going to be affected by the project.

Geological and Soils Impacts. Constructing a road up a 25-percent slope will require some cutting and filling to create enough flat space to build the road, and will probably utilize some retaining walls. Building on a slope is a special concern because of its potential for erosion. The road could give way at some point and certain specialized engineering techniques and approaches will have to be utilized to make sure those things do not occur. Again, this is a little bit more of an impact, but it is addressed in a routine way and has been done thousands of times in development in this area.

Visual Impacts. The cuts-and-fills and the retaining wall resulting from cutting the road across that slope will be visible, and it will not look like a natural hillside anymore. The EIR did not identify any significant adverse visual impacts associated with any of these alternatives that require this connection. While it might be visible from some homes, it will not be visible from any public space other than from within the center of the project. Those visual impacts can be mitigated in a fairly routine manner. The grading should be done to make it look natural; there needs to be a high-quality retaining wall design with high-quality materials to lessen the visual impact; and landscaping can be used to disguise the look or lessen its appearance on the landscape.

Mr. Dolan noted that the environmental impacts of those alternatives are slightly greater, but the mitigations to address them are fairly routine.

Mr. Dolan then identified the following areas for the Commission to discuss which would be helpful in guiding the dialogue: (1) Prior Council commitments; (2) Access alternatives; (3) Measure PP Implementation, to include (a) measuring slope, (b) indentifying ridges, (c) measuring vertical setback to building pad or top of structure, (d) is a road a structure, and (e) man-made slopes. He reiterated that what staff is looking for is to make sure the Commission understands all the issues and to relay to staff what additional information it will need when the project comes back for a public hearing.

Commissioner Ritter inquired how the developer came up with 50 as the number of homes to be built, and if this is maximum that can be built and still be within Measures PP and QQ requirements.

Mr. Dolan replied that the General Plan designation would allow quite a bit more with a midpoint of 81 units. He indicated that if the developer could have a lot more homes if it had smaller lots, but there are Measure PP constraints relating to the slopes.

Commissioner Ritter inquired if the developer could build more homes, maybe 60, and still meet Measure PP requirements.

Mr. Dolan said yes, but the lots would be smaller. He indicated that the developer mapped out what area had 25-percent slopes and what did not, and then determined how to design a subdivision within that.

THE PUBLIC HEARING WAS OPENED.

Mike Meyer, Applicant, Greenbriar Homes Communities, stated that over the past 15 years, Greenbriar Homes has helped create six neighborhoods in Pleasanton. He indicated that they are proud to be a community partner and have given the City of Pleasanton over 300 acres of land for open space, parks, and recreational and community facilities, including the Bernal Community Park, and is funding the new interchange improvements at Bernal Avenue and I-680. He noted that the members of the Greenbriar family have been involved and have donated through various local organizations including the Pleasanton PTA Council's Reflections Program and the Pleasanton Partnership and Educational Foundation.

Mr. Meyer stated that they are pleased to finally be in front of the Commission this evening for the community they are creating at Lund Ranch II. He indicated that they worked hard to plan a community that reflected the many comments they have received through their outreach and community meetings, reserving open space, predetermined home sizes, and respect for the environment. He noted that they have designated high-quality homes in this area to fit with the existing homes in the neighborhood and consistent with the quality homes of Greenbriar Homes. He added that the vast majority of feedback they received from their outreach has been positive, specifically commending them for their communication and outreach efforts, small development footprint, large amount of open space and publicly accessible trails, and beautiful homes.

Mr. Meyer stated that the plan before the Commission tonight is now just 50 homes, a substantial reduction in the number of homes from 149. He indicated that it was the original concerns, the passage of Measure PP, direction from City staff, and feedback from their community meetings that led them to rework their site plan and street connections. He added that they aimed to create an environmentally sensitive plan which meant a small footprint, preserving most of the land for open space and publicly accessible trails, and building on the flattest part of the property accessed from Lund Ranch Road. He noted that their application was deemed complete in November 2011, and per City Council direction, City staff had designated ridgelines, setbacks, slope limitations, and interpretation on Measure PP on the property. He further noted that their plan complies with the City staff direction and is the same plan that the EIR has designated as the environmentally superior alternative.

Mr. Meyer then provides some feedback on the staff report and addressed some of the concerns raised:

1. Ridgeline setback. Mr. Meyer expressed concern that the City has now changed its interpretation of the vertical setback. The draft EIR in Figure 4 on page 10 of the staff report very clearly shows the direction from the City. Figure 4 shows the 100-foot ridgeline setback and demonstrates that none of the lots intrude or cross the line. Measure PP protects the ridgelines by prohibiting housing structures in the area between the ridgeline and the ground line that is located 100 vertical feet below a ridgeline. This plan view more clearly shows the vertical setback area on the project site. The question should be, "*Is the building pad inside or outside the setback line?*" Mr. Meyer proposed an Option 3 to the ridgeline setback options set out in the staff report, based on the previous City Council staff reports from prior years.
2. Is a road a structure?. Mr. Meyer stated that the street connection has not raised this question in its plan. As to man-made slopes, the Planning Commission and City Council have all weighed in previously after seeing the area in question, that artificial slopes should be excluded. The natural slope of the area in question is about 16 percent.
3. The Ventana Hills road connection. The Ventana Hills Steering Committee has argued that the Lund Ranch II project has an obligation not to connect to Lund Ranch Road, based on various agreements or approvals that did not involve Lund Ranch or Greenbriar. On page 14 and again on page 17 of the staff report, the City Attorney has stated that these agreements and approvals are not legally enforceable against Greenbriar. In any event, it should be noted that when the documents relied on by the Ventana Hills Steering Committee were authored, there was a much larger project under consideration on Lund Ranch II. Around the time of the 1991 agreement, Shea Homes had plans on the contiguous land, Lund Ranch II, for the development of 150 homes. It was a big project with two access points. Many things have changed since then. It should also be noted that Lund Ranch II is not governed by the North Sycamore Specific Plan because it is outside of the boundaries of that Plan. On page 20 of the staff report, Option 1 is the applicant's preferred connection, and as stated in the EIR, it is the environmentally superior connection. Greenbriar also supports the Middleton Place owners' request for PUD Minor Modification to allow Livingston Place to stay open for that.

Mr. Meyer noted that the design that Option 3 on page 22 of the staff report is different from the proposal in the EIR. He further noted that Scenario 3 in the EIR was for all 50 homes to use either of the two roads. He pointed out that the new Option 3 in the staff report would result in the loss of lots for the project. He urged support for Option 1 with the change in the ridgeline setback as previously discussed, which is the EIR's environmentally superior alternative.

In closing, Mr. Meyer introduced the members of his team to respond to any questions the Commission might have: Carol Meyer, Greenbriar Homes Communities, Inc.; Tim Quinn, In-House Engineer, Greenbriar Homes Communities, Inc.; Chris Kinzel of TJKM Transportation Consultants, Project Traffic Engineer; Mark Falgout of RJA

(Ruggeri Jensen Azar), Project Civil Engineer; Rick Hopkins of Live Oak Associates, Project Biologist; Angela Ramirez-Holmes, Project Outreach Consultant; and Christian Cebrian of Cox, Castle & Nicholson, Project Attorney.

Chair Allen then informed the audience of the procedure for the speakers. She then reminded the audience that this could be a contentious topic and requested that everybody be respectful, raising hands to support someone's position, no "boo's" or clapping and things such as that, to help move the hearing along and to make sure everyone's opinion is respected.

John Spotorno stated that his family, being the next-door neighbor, is obviously intimately involved with this project, noting that the ranch was originally owned by the Spotorno's way back to the beginning of the last century; the buildings referred to as from the Lund family were actually from Spotorno relatives way back when. He indicated that he hoped that through the planning process, the project could somehow retain the wonderful character and uniqueness of the area that exists there and that maybe some of the trees could be saved and integrated into the existing plan. He added that the line that was laid out on Figure 1 on page 4 of the staff report is inaccurate; it actually comes way across the creek onto the Spotorno property.

Mr. Spotorno stated that one of their big concerns that they hope to work on with the Lund Ranch II developers is that they share approximately 3,690 feet of fencing. He indicated that the fence was built in a very awkward location down a very steep side slope and is very difficult to maintain. He stated that his hope is that they can come to an agreement on the fence so they can continue peaceful enjoyment of ranching operations with this new neighborhood next to them. He noted that they have had minimal problems with their Callippe neighbors to the south, other than a few golf balls.

Allen Roberts stated that he has addressed issues on Measure PP many times in this Chamber and will talk about three things: slope, identifying ridges, and man-made slopes.

With respect to slope, Mr. Roberts stated that there had been some progress in the measurement technique for slopes, but he still has a problem with staff's recommendation requiring staff interpretation every time because even small deviations in the slope are subject to review to determine if they really constitute something that should be excluded or not. He noted that for the past several years, he has argued that a little bit coarser measurement technique should be used so staff does not have to make a determination each time. He indicated that the Lund Ranch project in particular is one that highlights that problem.

Regarding man-made slopes, Mr. Roberts stated that there is an area on this property at the upper end that is described as the bowl that has a road that has been cut through it. He indicated that the road goes for several hundred feet and is about 10 feet wide and maybe 30-40 feet wide at its widest point. He pointed out that someone somehow has made the determination to take several acres in this area and exclude it from Measure PP because of that one small structure and one small grade. He stated that these

determinations should not be made on a project-by-project basis but that there should be some agreed-upon method on how to measure slope such that exceptions do not have to be made along the line. He referred to the graphic shown by staff on the man-made slope where the building structure is located and where a line was drawn showing where the original slope was. He noted that it is a 30-percent slope, so there is no requirement to make an exception for this area; the road is going through there, and it does not affect the overall project. He pointed out, however, that the part that was taken out does affect the project, specifically Lots 34, 35, 36, 37, 38, 29, and 30.

Mr. Allen stated that as he has ran out of time, he will speak on the whole other issue of the ridgeline at the next project hearing.

Yongjian Su stated that he is opposed to the connection through Sunset Creek Lane because a necessary man-made bigger slope would have to be created that would cut through open space through which animals run. He noted that this man-made slope clearly violates the 25-percent requirement of Measure PP and basically creates a hazardous driving condition for all the people living there. He added that this would also create an unsafe condition because the loop connecting two big communities would provide two access routes, thus giving burglars an easy exit.

Chris Markle stated that he has spoken on this issue many, many times, but tonight he just has one simple thing to ask all the Planning Commission members. He indicated that he went to the top of Sycamore Creek Way, walked through the grass up to the top of the hill, and looked out over Lund Ranch II. He stated that two things jumped out at him: first, the hill that will potentially bring a road over is very significant; and second, the property is kind of this natural shape, a valley or a bowl, that reinforces Greenbriar's proposal. He urged the Commission to take that walk and see for themselves what topographical maps and diagrams cannot show.

Greg O'Connor read from a written statement addressed to the Commissioners as follows:

PUD-25, as proposed by the developer, is already the environmentally preferred plan per the Final EIR. I also think you have and will receive enough documentation and comments on the proposed project of Lund Ranch II itself, so tonight I will limit my comments to the access of the project and how that relates to Measure PP.

To conserve time, I have given each of you a set of past documents that you can review. They include:

- 1. Letters from myself to the Planning Commission in 2013 and 2014, including citation of dates when the Planning Commission, Council and Staff all agreed that roads were structures dating back to 2002.*
- 2. Letters from two separate attorneys in 2013 addressing the contemplated city ordinance to implement Measure PP, including a sworn affidavit from one of the two authors of PP that roads were indeed included as "structures" and are covered by Measure PP.*

3. *A copy of the full text of Measure PP.*
4. *Excerpt of minutes from 2005 Land Use Joint Workshop, stating that public streets are not allowed to be built in Pleasanton on slopes > 15%.*

The catalyst for Measure PP was twofold: (1) the inaction of the city to agendize discussions on hillside development standards, and (2) the Council approval of Oak Grove development, with its mile-long road atop our most prevalent ridgeline.

With the Oak Grove approval, including the ridgetop road, two former planning commissioners began writing Measure PP. No structures were to be placed, or grading to occur, on slopes of 25% or greater. They selected the term "structures" because the Pleasanton municipal code defined that term as "'Structures' means anything constructed or erected which requires a location on the ground..." (PMC 18.08.390). That definition absolutely includes roads.

With roads prohibited on slopes of 25% or greater, the connection from Lund Ranch to Sunset Creek Way cannot be built. Only scenarios 1 or 2, as defined in the draft EIR, can be approved with ingress/egress via Lund Ranch Road. Also remember, it is the opinion of the City Attorney that the documents compiled by the Ventana Hills neighborhood are not binding upon, or legally enforceable against, the Lund Ranch II property owners. But Measure PP is binding on any development.

Another compelling reason to reject any roadway connection to Sunset Creek Way is the visibility of that road from offsite locations; the homes have been sited to be out of view, so we would not want to place a roadway that would be so visible. And such a roadway is not part of the environmentally preferred plan.

When voting for an initiative to preserve our hillsides and ridges, our voters would believe they were preserving the hillsides in their natural state – no roads, no homes, no street lights, nothing. No one would be thinking that only roads would be traversing their hills, with cars travelling up and down. Measure PP was passed, overwhelmingly, by the voters of Pleasanton. The job of our commissions and Council is to represent the citizens and their wishes, whenever lawful. It is your job to uphold Measure PP for our voters. Please support the environmentally preferred plan, Scenario 1, in the Draft/Final EIR.

David Melaugh stated that he is very concerned about the potential impact that Lund Ranch will have for his neighborhood. He handed the Commission the signatures of over 120 other residents in his neighborhood, all of whom support Option 1. He stated that speaking on their behalf, he would like to share some brief thoughts. He indicated that there is ambiguity and good arguments with both Measure PP and the Ventana Hills letters and associated plans, and putting both aside, what is left is traffic and the environment. He noted that both of those point very heavily towards Option 1, not Options 2 or 3. He pointed out that there is a lot of great and detailed traffic study in the EIR, and the

bottom-line results are not surprising because Ventana Hills has three outputs at its disposal: Junipero Street, Independence Drive, and Mission Drive, while Sycamore Creek Way has just one. He then cited the EIR's traffic numbers on the various streets under the three options, stating that the fair way to allocate traffic is to try and spread it out as neutrally as possible across the neighborhoods, which is Option 1. He concluded by saying that he thinks Measure PP should carry the day, but if it does not, the Commission should look at the traffic data and try to even out the traffic among the neighbors as much as possible.

Jay Hertogs stated that he has lived in the area for the past 26 years, and he and his wife have raised their three children there. He handed the Commissioners some documents, including a map that showed the different neighborhoods in the area and when they were developed, and why Junipero Street has had so many years of fighting different traffic qualms. He indicated that in July of 1990, he and his neighbors noticed that the traffic volume of speeding cars was increasing, and they put together a petition signed by 36 of the neighbors asking the City to install a three-way stop sign at the corner of Junipero Street and San Antonio Street. He stated that Mayor Ken Mercer met with them, and soon after, the signs were installed. He continued that the next month in 1990, they heard about the draft North Sycamore Specific Plan, and a traffic study done on Junipero Street at that time showed that it had 1,450 average daily trips. He noted that they were able to again work with the City and have emergency vehicle access put up at the top of San Antonio Street.

Mr. Hertogs stated that by 2002, there was a huge increase of traffic on Junipero Street, and they went in front of the City Council to voice their concerns about the opening of Valley Avenue all the way to Junipero Street. He indicated that they worked with the Traffic Division to restripe the lanes at Bernal Avenue and Sunol Boulevard and change the traffic signals, and by June of that year, the count was cut down by about 50 percent.

Mr. Hertogs stated that in September 2011, they received a flyer in the Ventana Hills neighborhood about the Lund Ranch II development, and they were shocked to see that the plan wanted to send all of the additional traffic their way, so they submitted a petition to the City in April 2002, signed by 58 neighbors, voicing their concern about the traffic from the Lund Ranch II development.

In conclusion, Mr. Hertogs stated that he is especially concerned about the safety of the children who play at Mission Park at the top of Junipero Street, with the line of traffic at the narrowing street there and "S" turn. He also stated that his neighborhood believes that they have taken more of their fair share of traffic.

Shareef Mahdavi stated that he is a 20-year resident of Pleasanton and would like to go back in time to the early 1990s, when one could park at the airport, go in, and greet the arriving party at the gate; when an openly gay person could not serve in the U.S. military; and when \$4 for a cup of coffee was something no one really contemplated spending. He noted that times have changed, and when times change, needs and communities change, and what is best for the community also changes. He encouraged the Commission to think

about what is best for the entire community and not just for a certain subset of the community or special interest within the community. He noted that there are clearly two sides to this situation, and if he came down to one word to describe it, it would be fear: fear of change, fear that this EIR report was not done properly, fear that children are going to get hurt. He stated that he does not think any one neighborhood's children are more important than another neighborhood's children, and he believes this should be considered as the project goes forward and a decision is made about what to do with this proposal. He asked the Commission not to be afraid and to do what is best for the entire community based on what the community knows today, not 20 years ago.

Amy Lofland stated that she has been a member of the Ventana Hills Steering Committee since 1992 when it was first created. She indicated that the Ventana Hills Steering Committee submitted a letter to the Commission that outlines its concerns for this Work Session. She stated that the only thing she is going to do is ask for a showing of hands of people in the community that support that letter; that will save the Commission from a lot of people getting up and talking [*show of hands*].

With respect to these commitments and agreements, Ms. Lofland stated that basically to her, if the City is not built on what it has agreed to in the past, there is no reason for the Commission or the City Council to be sitting there. She agreed that there are changes in times, that the City needs to do what is best for the community, and that no one want to see another neighborhood hurt. She noted that the East/West collector, which is now Sycamore Creek Way, was built to handle the traffic from Lund Ranch II and her neighborhood just wants to see that commitment fulfilled. She added that she would love to see some more transparency in Option 3.

Mark Priscaro stated that he has been following this whole situation for several years and agreed with Mr. Meyer's comment that when Greenbriar Homes made its submission for this development in 2011, a lot of things had changed from their original proposal, most notably the reduction in the number of homes, which he applauded. He noted that another thing that has changed since 2011 is the requirement by the City to build a lot of high-density housing throughout the City, one of which is the approved development on Valley Avenue/Bernal Avenue and Stanley Boulevard/First Street. He pointed out that he had a conversation with Mr. Tassano about the daily trips and traffic models for this development, and none of that traffic has been taken into account in discussions about the Lund Ranch II project. He stated that it is fair and safe to assume that a lot of people who will be living in that new apartment complex development will be using Bernal Avenue, Independence Drive, and Junipero Street to get to Sunol Boulevard and I-680.

Mr. Priscaro referred to an earlier speaker who referred to all the daily trips and all the traffic scenarios and the increase in traffic he had to deal with for many years. He pointed out that traffic will not only continue, it will increase. He noted that Councilmember Karla Brown had stated it is unfortunate that the City has to accept the building of high-density apartment complexes throughout the City because it lost that battle, but "at the end of the day, we all have to share the pain."

Mr. Priscaro stated that with the first option that is being proposed in the EIR, the only people who will suffer are the people who are already suffering from cut-through traffic on Ventana Hills and Mission Park. He indicated that it is time for Bridle Creek to share some of that pain. He strongly recommend that the Commission seriously consider the other alternatives and adhere to commitments that have been made over the years.

Jim Merryman stated that a number of pro's and con's have been discussed for all the options, but they all pale in comparison to the City's responsibility to keep its commitments, and in this case, its commitments to Ventana Hills to not add any traffic. He indicated that good governance would suggest that the City needs to keep these promises to its citizens because otherwise, there would be no reason to take into account any promises made today or tomorrow by this or any other City agency. He asked the Commissioners to consider those commitments and their responsibility to the citizens.

Tim Chu stated that as one of the earlier speakers mentioned, this is a contentious matter, and in meetings that he has attended in the past, certainly an emotionally charged issue. He indicated that he has young children and, again as another speaker earlier mentioned, all parents love their children and everyone cares about safety, noise, pollution, and traffic. He indicated that he has friends in Ventana Hills and empathize with its residents. He asked the Commission to look at the data, the information, and the law when faced with difficult decisions like this; remain as objective as possible; and inject a healthy dose of common sense and equity into its decision-making. He then posed a series of questions for the Commission to consider: Does the EIR, which was created by an independent expert, matter? Do the recommendations of that report matter? If you disregard those recommendations, what kind of precedent does that set for the Commission and for the City and for the residents of Pleasanton? Does adhering to Measure PP, which was passed overwhelmingly by the residents of Pleasanton a couple of years ago under the banner of Save our Hills, matter? What are the longer term implications of not abiding by the restrictions and the terms of that law? He asked that, no matter what decision the Commission makes, it also consider speed and safety mitigation measures that perhaps would be funded by Greenbriar to minimize any impact to any neighborhood that would be affected by the ingress and egress to the Lund Ranch development.

James Frost commended Mr. Dolan on his very detailed and fair presentation. He indicated that his primary concern is with Measure PP, noting that it was an enormous effort and that he was part of it to get it passed. He added that everybody who was involved should have a round of applause because obviously it was very effective, taking nearly 150 units down to 50. He noted that the problem with this, as with anything that is proposed or passed, is that people start to nibble away at it and make changes, and it starts to get eroded so that eventually, its value or meaning goes away. He asked the Commission to hold on to the real intentions of Measure PP, which means that a road cannot be built up that hill.

Mr. Frost referred to a comment made that there were signs posted in the Bridle Creek/Sycamore Heights area regarding the road and noted that they were not installed until several years after Bridle Creek was sold out, so the Bridle Creek residents never saw those signs, and it was their interpretation that minimal things could happen beyond Sycamore Heights after the buildings were put in place. He then addressed the City Engineer with respect to Scenario 3, stating that while he did a very good job of talking about the ingress and egress from Lund Ranch II, he did not talk about the significant impact of the cross-over traffic between the different areas there, which may actually be Ventana Hills residents getting to I-680 through Sycamore Creek Way. He pointed out that there are concerns about the way the traffic plan was looked at, and in some cases it may under-estimate the impact or options.

Vicki LaBarje stated that she actually invited a group to come sit with her on her porch and watch moms racing down the street in the morning to take their children to school, and in the afternoons when people are racing home from work. She indicated that her neighborhood has made numerous calls to the Police Department to patrol their street because they have such a traffic problem now. She concurred with many of her neighbors that vehicles speed down the "S" curve along Mission Park, which is heavily occupied in the summer months. She encouraged the Commission to go with Option 2, which was the one that was committed to many, many years ago.

John Bauer inquired, for clarification purposes, if Lund owns the deed to the Lund Ranch property, and if Shapell Industries ever held the deed to that property or were ever in a position to make a commitment with the Ventana Hills community. He then referred to Mr. Meyer's statement that the North Sycamore Specific Plan reference does not apply to Lund Ranch II. He indicated that he has a lot of good information going back to 2003 and asked Katia Kamangar, then Director of Land Development for Greenbriar Homes to address these issues. He stated that Ms. Kamangar had indicated that the North Sycamore Plan prepared in 1992 contemplated the development of Lund Ranch, and Greenbriar was named as a funding developer; that the infrastructure through Bridle Creek to Sunol Boulevard was designed and constructed to accommodate the future Lund Ranch development; and that the City Council asked them to rework the plan to include a wider variety of housing types and not just the affordable component.

Mr. Bauer stated that at a Planning Commission meeting in 2003, there were many speakers from the Bridle Creek/Sycamore Heights community who thought that they were able to stop the Lund Ranch II development in 2003. He indicated that one common thing he noticed in all prior speakers tonight was that nobody has asked what the benefit of this project is to the community. He stated that he does not care where this street goes because regardless of whether the street goes into the neighborhood or not, there is no upside to this project, there is no benefit to the community, and he cannot support any development that has such a detrimental effect on a neighborhood community.

He inquired if keeping this as open space is an option. He questioned why it needed to be developed. He indicated that this is the end of the urban value right now, and if this development goes in, the Foley property behind it would follow, and there is nothing to stop a future development going all the way out to Highway 84. He reiterated that this development has no upside for the community.

Greg Wohlenberg stated that he is not an anti-growth person and is certainly pro-growth in the context of other traffic and environmental studies being completed and associated outcomes that meet the City's ordinances. He indicated that his position in this particular case is clearly that Lund Ranch II should be routed through the Junipero Street and Independence Drive because the City has already concluded that this is the preferred alternative to reduce environmental impacts. He noted that the Sunset Creek Lane connection is a so-called unbuildable road because it would exceed the 25-percent requirement of Measure PP.

Kay Ayala thanked the Commissioners for meeting with the Ventana Hills Steering Committee. She asked the Commissioners to share, for transparency and timely reasons and when they have the opportunity, what the Ventana Hills Committee asked of the development and what they would take for a cul-de-sac, so this is out in the open. She indicated that Ventana Hills is willing to take Middleton Place as this has been going for these 20 something years, and is willing to take a cul-de-sac of five houses at Lund Ranch Road, but it is not willing to split the traffic that for almost 25 years, is supposed to be going the other direction.

Ms. Ayala stated that she has a particular interest in the property because she sat on the City Council when the Sycamore area was being planned and because she worked with the Greenbriar developer. She noted that the Council then was adamant that it would stand by the agreements made since 1991 by Mayor Ken Mercer's Council that no further traffic will use Lund Ranch Road; and that was crystal clear through Greenbriar and Sycamore Heights development. She apologized that these new neighbors were misled by Greenbriar or by New Cities Development, but it is crystal clear for 25 years where this traffic was supposed to go.

Ms. Ayala stated that the Commission's first job tonight is to re-affirm the access road to Lund Ranch II, to ask Greenbriar to submit plans that access Lund Ranch II through North Sycamore, as planned for 25 years. She added that Greenbriar cannot use Measure PP as an excuse to come in Lund Ranch Road because it is cheaper and easier, if the Commission believes, as she does, that a road is not a structure. She indicated that the access to Lund Ranch II should be left as it is since 1991, with entrance at North Sycamore. She stated that if three of the Commissioners believe that a road is a structure, then the Commission should ask the voters to exempt this access through North Sycamore so that it complies with Measure PP. She then asked Mr. Tassano to clarify the different statements and traffic counts that were given.

Douglas Herz stated that he has about 40-plus years of experience working in industry, and they have a tool or technique in industry that they use to kind of cut-to-the-chase on a topic like this: a simple question that builds on some of the comments that were made: *"What problem are we solving by building a bunch of houses and wrecking our beautiful environment? Do you know? Can you explain it? Do you have an answer? Do you even have a question?"* He indicated that that is what he would like to know and why he is here.

Matthew Nelson, a 22-year veteran of Pleasanton, apologized in advance that he talks in mostly bullet points:

- The comments to the road over the hill. The road is visible from his backyard and for the most part is completed to the top of the ridge; it is only from the ridge going down that has not been completed. So it is not like a new road will be cut going up the hill, and the road in question is only one that is going down.
- Traffic counts. First, folks from other neighborhoods will come down Lund Ranch Road to go to Raley's and vice versa. The traffic count number is highly suspicious because if it is truly a loop, then everybody will come through Sycamore Road over to Raley's because it is just easier. Secondly, all the cut-through traffic that will come to Independence Drive and go around the big slide park will be further exacerbated by people who will find the path of least resistance, where there is no traffic congestion. That will be coming up through Sycamore Road, which means looping all the way through Lund Ranch Road.
- The comments on the EIR about mitigation through proper draining and so forth is much more than that. Any upsetting of the drainage canal will affect trees because they will have no water. The wetland area that is currently there is a breeding ground for the Tiger Salamander.

Mr. Nelson stated that his overall comment is that he understood the Ventana Hills issue is not a legal question, but he asked the Commission to look at the intent and honor the agreements of the past because they reflect what the guidance was.

Chair Allen thanked all the speakers for being respectful of one another. She then called for a break at 9:50 p.m. and thereafter reconvened the meeting at 9:56 p.m.

Mike Meyer clarified some of the points that were brought up:

- Shapell Industries never had an interest in Lund Ranch II, and Greenbriar did not have an interest in the property until 1998.
- As Mr. Dolan explained, the Ventana Hills agreement was an agreement between two other parties that did not involve the owner of Lund Ranch II. This is a situation where two people are agreeing what they will to do for a party without that party being at the table, and that is not fair. Additionally, the condition itself on the Bode approval that was adopted on Ventana Hills says that "Shapell use best efforts to acquire the property interest to have that connection." Shapell did not acquire that property just to have that connection; that was supposed to be an arm's length transaction.

Mark Falgout, RJA Civil Engineers, referred to Figure 6 on page 13 of the staff report and stated that they did some preliminary design on Sunset Creek Lane, and essentially, about 11,000 cubic yards of dirt would be moved, which would impact about 33 trees, 22 of which are Heritage-sized trees. He indicated that the total graded area is about 2.7 acres, of which 1.7 acres are within the 25-percent or greater slope.

Rick Hopkins, Live Oak Associates, Biological Consultant for Greenbriar II, reiterated what the EIR and the staff report stated, that the alternative to a Sunset Creek Lane connector road, with the amount of cut that is involved, will also increase the amount of impacts that occur to biological resources for the Tiger Salamander habitat. He noted that, as with all roads through open space area, it will also increase the opportunity for wildlife road mortality that can occur because these are areas where particular wildlife will cross through. He added that those are also concerns that they have and the reason why Option 1 was listed as the environmentally superior alternative.

Commissioner Ritter inquired if the count of houses would change from 50 to another number if the Sunset Creek Lane option is selected as the connection point because it would obviously require more cost to Greenbriar.

Mr. Meyer replied that they would lose houses if they have to build a road from Sunset Creek Lane to the bowl. He added that it gets to be another question if the road gets split as discussed in Option 3 of the staff report.

Chair Allen stated that some of the earlier applications did assume a road connection to Sunset Creek Lane, and she inquired what the change of thinking was in the most current application.

Mr. Meyer replied that they originally had 149 homes with multiple connections, but when they went to 50 homes, they had the limitations set out by Measure PP. He indicated that they followed what staff told them, and that led to the Lund Ranch Road ingress and egress.

THE PUBLIC HEARING WAS CLOSED.

Chair Allen then initiated the Commission Discussion points brought up earlier by Mr. Dolan.

Commissioner Balch proposed that the Commission start with 2. Access Alternatives with Mr. Tassano because that might lead into questions about 1. Prior Council Commitments.

2. Access Alternatives

Commissioner Balch asked Mr. Tassano to speak on comments brought up by several speakers regarding cut-through traffic from Bernal Avenue through to Junipero Street.

Mr. Tassano replied that regardless of this project, the cut-through traffic on Junipero Street/Independence Drive technically occurs especially in the A.M. peak hour and the P.M. school hour. He added that it also occurs to some degree on Mission Drive and then up to Puerto Vallarta.

Commissioner Balch inquired if it is primarily due to the I-680 interchange.

Mr. Tassano replied that was correct. He explained that that is a current condition that Junipero Street and Independence Drive experience, as does Independence as does that whole corner. He noted that, as was brought up by one of the speakers, if the loop road were connected there, there would be additional cut-through traffic, although the numbers in the increase in traffic may not be accurate. He added that this would be the case as well on connecting the loop with Lund Ranch Road to Sunset Creek Lane or to Sycamore Creek Way. He explained that there was supposed to be a golf course connector road that is not Sycamore Road; it was supposed to come through Sycamore Creek Way. He stated that a connection there would be a nice alternate route to avoid Sunol Boulevard to get down and go straight to the golf course; it would be Independence Drive through the new Lund Ranch, through Lund Ranch Road and down to the new road through Sunset Creek Lane. He noted that there is a lot of cut-through on Sunol Boulevard in general, particularly for people trying to get on Sunol Boulevard/I-680 southbound, by driving up over Riddell Street. He indicated that people will find the most convenient way, and if a way that connects is provided, people will take it, and some people drive ten minutes longer because they are moving.

Mr. Tassano stated that cut-through is a real issue, and he did not wish to project what that amount of cut-through is because the increase in traffic when connecting a loop road is kind of equivalent on both sides, and from a resident perspective, no one is going to be happy. He confirmed that Junipero Street would provide a shorter alternative in some cases.

Commissioner Balch stated that he recalls from the EIR that the first failure with respect to increased traffic is at I-680 and inquired if that was correct.

Mr. Tassano said yes, but clarified that it would not be as a result of this project.

Chair Allen inquired if he meant that it appears on the report that the on-ramps are the worst-case issue to which this project contributes, but that is not the case.

Mr. Tassano said yes. He explained that that is the lowest level-of-service location and probably in the greatest need of some sort of mitigation, a traffic signal that staff plans to design in the next couple of years for Sunol Boulevard regardless of this project. He noted that the contribution of 60 peak-hour trips at that location does not sway the numbers; two vehicles per traffic signal cycle is kind of a generalized fluctuation.

Commissioner Balch inquired if the two-cars-per-light metering is by Caltrans and not the City.

Mr. Tassano said yes. He explained that because the Sunol Boulevard southbound on ramp onto I-680 is only a single lane, the metering condition has to go two-cars-per-green in order to get enough vehicles through that location. He stated that it is not a completely efficient use because a lot of people do not use the two-cars-per-green, so not enough vehicles get through that location as desired. He indicated that the alternative is to build a second bridge structure to get two lanes to get on and then switch to one-car-per-green at that location. He reiterated that this is a future project that the City is going to start to design, but it is not really connected with this project.

Chair Allen stated that several speakers brought up safety concerns on Junipero Street and the park. She inquired if staff has any current data about traffic incidents or pedestrian incidents in those areas.

Mr. Tassano replied that one of his first traffic-calming projects back in 2002 was to work with the Junipero Street residents. With respect to the level of safety at that park, he stated that there is no accident data. He added that there is no difference as compared to any other parks that are next to residential streets. He noted that the City of Pleasanton does not have a pedestrian and bicycle accident pattern that shows clear patterns of bicycle and pedestrian accidents.

Mr. Tassano stated that every neighborhood park in the City has sports that occurs after hours, parking that occurs, children who run across the street, site distance issues when children run in between cars to get out to their car, parents that drop off in the road because there is nowhere to park, and cars that park in the red zone because they are there last. He noted that those things all occur in every neighborhood and he does not see anything unusual about that. He indicated that the road on Mission Park is a little bit wider; a request was made to stripe a center line, and staff will look at that although he is not sure what safety benefit that would provide. He noted that people tend to drive more slowly when there are cars coming opposite directions around a bend, and sometimes putting a center line in makes them feel safer so they go faster around that side; sometimes it pushes them closer to cars when there is no on-coming traffic and then doors open. He indicated that it is more of a traffic-calming issue than a safety benefit, which is more up to the residents.

With respect to comments made raising concerns around the loop and maybe some people in one neighborhood going through the other, Commissioner Piper inquired if the main purpose of looping the East/West connector and Lund Ranch Road is to split the burden of traffic.

Mr. Dolan said yes; it would split the traffic but in a way that did not divide the neighborhood.

Commissioner Balch inquired how Hanifen Way compares to Junipero Street from a traffic perspective.

Mr. Tassano replied that the one most significant difference between the two roadways is the width: Hanifen Way is 32 feet and Junipero Street is 40 feet. He explained that it is somewhat difficult to determine the difference between the two, but a way to visualize it is that residential streets can sometimes go as narrow as 10 foot per lane with a 7-foot parking lane, for a total of 17 feet in each direction and 34 feet for both. He pointed out that Hanifen Way is tighter at 32 feet, and vehicles will get closer to the parking lane and closer to the car coming the opposite direction. He noted that it is not a condition where the driver would necessarily stop and let the other car go through, but some people will still do that; whereas at 40 feet on Junipero Street, drivers can pass without having to slow down, and there is no concern that the on-coming vehicle is going to scrape the mirror. With respect to traffic volumes, he stated that because Hanifen Way is a newer road, it was built with more structural integrity than Junipero Street; however, once the sub-base and asphalt are placed, the volume of traffic, whether it is 3,000 or 1,000, does not really change the condition, with the exception that general wear and tear will go up with constantly driving 3,000 vehicles a day versus 1,000 vehicles a day, but not to the point where it becomes structurally unsound.

Chair Allen inquired if the width in Sycamore Creek Way anticipated the Lund Ranch II traffic.

Mr. Tassano replied that Sycamore Creek Way predates his time, but there was the vision that it was the proposed connection to the future development at the golf course before it was actually a golf course. He pointed out that it is wider, with a bicycle lane and parking only on one side, and it appears that road was meant to carry more of the traffic. He noted that he has also received calls from Sycamore Creek Way residents for traffic-calming, just as he has for Junipero Street.

Commissioner Ritter stated that he was looking through the cut-in's and noted that to get to Sunol Boulevard, through Middleton Place would pass two stop signs and four turn signals; through Lund Ranch Road would pass two stop signs and two turns without traffic signals; through Sunset Creek Lane would pass zero stop signs and two turn signals; and through Sycamore Creek Way would pass zero stop signs and zero turn signals. He pointed out that based on the number of turns and considering safety and intersections where the driver has to make a decision, Sycamore Creek Way seems like the best avenue to get out of Lund Ranch II; the next one would be Sunset Creek Way; then Lund Ranch Road, and finally Middleton Place. He then stated that in terms of access alternatives, he lives in a neighborhood of 200 homes with one exit, and he does not run into his neighbor coming out at the same time very often; and 50 homes is a lot less than 200 homes. He indicated that he honestly does not think traffic is going to be a huge issue on clogging the roads from the Lund Ranch development.

Mr. Dolan stated that there is one issue that was not discussed tonight and that no one asked him about, and that is the connection to Sycamore Creek Way that Commissioner Ritter referred to. He indicated that although it is evaluated in the EIR, he was not convinced that is a realistic possibility. He pointed out that it is definitely wider than Sunset Creek Lane, but it is also very hard to get up there because it is steeper and farther and

would require even more grading. He added that once there, the connection cannot be made without going on the Spotorno property, which would mean involving another property owner who is not connected with the project. He indicated that going around the back side of the water tank would require quite a bit of land, and while going across the front would require a smaller area, it would potentially interfere with the access to the water tank.

Referring back to the matter of having two access points and cutting-through within the development, Chair Allen suggested that it could be eliminated by creating a cul-de-sac, similar to what was done at the Ironwood development. He asked Mr. Tassano if that would resolve the issue of internal cutting-through.

Mr. Tassano replied that was correct.

Chair Allen noted that the Ironwood development faces the same issue, and the reason the cul-de-sac was created was because there were two neighborhoods that wanted a fair split. She noted that something like that would probably not be done otherwise because it does not seem reasonable. She asked Mr. Tassano if he has any feedback on how that is going, whether the residents are fine with it or if it is not working.

Mr. Tassano replied that the request was to limit the number of vehicles that had direct access to Mohr Avenue. He stated that he thought there would be more of an outcry from those living on the "wrong" side and just want to use Mohr Avenue, but he has not had any complaints or requests. He indicated that the only request that he ever gets for a removal of a closure or a walling-off or a cul-de-sac is the one on Kolln Drive off of Valley Avenue. He stated that it could be a little upsetting to be on the wrong side of the cul-de-sac when going to Raley's would mean driving all the way out to Sunol Boulevard rather than going directly there through Junipero Street.

Mr. Dolan stated that the issue of creating a cul-de-sac in that connection goes beyond just people driving. He acknowledged that there are positives to this because it does provide a solution for cut-through; it splits the pain and pre-determines what the percentage is; it does not matter where anybody works because everybody is forced to go out one way. He noted, however, that there are also negatives: it is not a very good City planning solution; it messes everything up in providing services such as mail, deliveries, and the garbage service; and it doubles the amount of vehicle miles traveled.

Chair Allen commented that it is more extreme in Lund Ranch II than it is in the Ironwood development.

Mr. Dolan agreed. He stated that one would have to go all the way down to get over to the other side, and if a planner were doing a site visit for a project and wanted to go to both sides, there would be a lot of driving all the way down and back up.

1. Prior Council Commitments

Commissioner Nagler questioned how much importance precedents holds, if current policy makers are beholden to it, or if life is always measured by what currently happened before. He inquired if there is a precedent on this question in the City of Pleasanton; if planning projects have occurred in the past where there were controversies that were between discussions or commitments that have been made previously and changed circumstances in the modern day; if the City has a history of deciding that issue in a particular way or if there is a pattern of not having a pattern; or if there is a sense of how the City of Pleasanton has previously done something like this.

Mr. Dolan replied that he does not believe the City has been confronted with anything like this in the last seven years. He stated that there were a series of decisions made that assumed the connection to the East/West connector was going to happen; it was anticipated in individual project approvals; and it was put in the North Sycamore Specific Plan. He noted that none of those things prohibited a different idea, but it did seem to be the collective thinking.

Commissioner Nagler inquired if the only thing that has changed in the intervening period is the number of homes planned for Lund Ranch II.

Mr. Dolan replied that there is also Measure PP.

Commissioner Nagler stated that the detail that has changed as a result of Measure PP is the number of homes being contemplated. He noted that Mr. Dolan had mentioned earlier that if the number of homes were still as originally envisioned, there would almost be no choice; it would be necessary to have several access points or roads into the development.

Mr. Dolan said that was correct.

Referring back to Commissioner Nagler's precedent question, Commissioner Balch stated that the thing that changed was a vote of the electorate that provided for Measure PP. He noted that it did reduce the number of homes, but it also put on conditions that, in hindsight, were not fully evaluated in light of this current project.

Mr. Dolan replied that one can look at it that way, but Measure PP could also be interpreted in such a way that it does not make that much difference on the access.

Commissioner Balch concurred, adding that it would come down to that, depending on the structure question.

Mr. Dolan replied that was correct.

Commissioner Piper noted that the collector road was in the North Sycamore Specific Plan, but a speaker stated that it was not in the Lund Ranch approval. She ask staff if that was correct.

Mr. Dolan explained that the North Sycamore Specific Plan identified an East/West collector in a sort of schematic way. He indicated that it was so general, it could be said that Sunset Creek Lane represents that connection due to its location, but it would more likely be Sycamore Creek Way because it is clearly the one designed to move more traffic. He added, as he had pointed out earlier, that it is also very difficult to get there.

Commissioner Ritter stated that he believes that some of those prior Council commitments should be honored. He added that he knows the developer does not need to, but the City, as a community, needs to accept Sunset Creek Lane and Sycamore Creek Way as connectors, as planned. He noted that the challenge is Measure PP, and if the road cannot go up through Sunset Creek Lane or Sycamore Creek Way, then it has to go through Lund Ranch Road. He indicated that, in his opinion, he would push towards supporting the citizens on the original intentions made a long time ago on the development of that area.

Commissioner Balch noted that the issue of Measure PP is the issue of the structure definition, which is a broad slippery slope. He added that Measure PP was a general voted item.

Commissioner Ritter said yes and added that he supported it.

Commissioner Balch noted that it was passed, regardless of who did or did not support it.

Commissioner Ritter agreed that it was passed by the vote of the people, and everyone should support it.

Commissioner Balch agreed. He added, for the sake of further clarification, that if Measure PP says a road is a structure and access is provided through Lund Ranch Road, then those commitments are not being honored. He questioned how that can be reconciled.

Commissioner Ritter replied that if Measure PP says that the road cannot go through Sycamore Creek Way, then it has to go through Lund Ranch Road, based on the interpretation of Measure PP.

Commissioner Balch noted that prior commitments then cannot be upheld.

Commissioner Ritter stated that the law was changed, not by the City but by the citizens of Pleasanton.

Chair Allen inquired if there is another option. She stated that she wanted to see how much one could argue this position that if one believes a road is a structure, it would preclude Sunset Creek Lane, and if one also believes that Pleasanton is a community of character, it is then important to honor the previous commitments that were made even though they are not legally binding, then one could say it is also a challenge to put it through Lund Ranch Road. She asked if that then leads to the question some folks in the

audience asked earlier regarding the minimum number of homes that could be built on the site, for instance, a project with ten homes..

Commissioner Balch stated that the project would then be exempt.

Chair Allen said yes, but there would still be a development here which is in the General Plan and allows for an average of 85 homes but is only putting in 50. She noted that there are certain considerations on that too. She asked staff if this is even a legally practical option to consider.

Mr. Dolan replied that he did not think putting in ten lots plus the expense of going up the hill to Sunset Creek Lane is a feasible project, and it sounds like it would get really hard. He added that it could be an issue because property rights would be taken away from the developer, subject to a lawsuit. He added that the other thing which Chair Allen touched on is that the community gets together and adopts a General Plan: the midpoint density for the site is 81 units; people then invest in property and propose a development based on what the City tells them is appropriate; and then the City changes it later. He pointed out that it makes that case pretty interesting.

Ms. Harryman stated that Brian is referring to an inverse condemnation action that could be brought by the property owner. She added that she does not know how that would fare but that it would certainly be the concern.

Commissioner Nagler noted that, just coming to learn about this conversation, he thinks Greenbriar and those who came before Greenbriar who tried to build this property have done a terrific job of trying to comply with what is appropriate and feasible and available at the time; and reducing the number of homes to 50 with Measure PP passing is obviously a substantial compromise. He stated that he objected to the idea that there is some measure of fairness that ought to be awarded to Greenbriar because of conditions or past discussions or something that occurred prior to Greenbriar acquiring the property and that somehow is now unfair to impose upon Greenbriar. He noted that that comes with the property, with the discussion and the history, and the discussions with neighbors; all the prior planning commitments and the private agreements between developers are part of the project. He added that he cannot imagine that when Greenbriar purchased the property and the rights to develop it, all these things were not taken into account as a risk benefit calculation on deciding whether or not to put out the money to potentially develop this land.

Commissioner Nagler stated that he is making this point, possibly primarily to give himself guidance if nothing else, that the decision is really about what is best for the affected neighborhoods because, in fact, there is going to be some traffic, and there will be one or two neighborhoods affected. He indicated that it appears to him that the Commission's job is to try and do that in a measured way, recognizing current traffic flows, current densities, construction of the streets, probable utilization, traffic patterns, and so forth, and what is allowed under Measure PP. He stated that that is really the question and not whether or not it is fair to the developer or being a slave to prior discussions.

3. Measure PP Interpretation

- Measuring Slope

Mr. Dolan stated that applying a slope averaging methodology, the limit of development changed very little and so there did not seem to be any benefit in this particular case to be less conservative. He added that staff can map a slope map but it will not change much.

Chair Allen inquired what the implication of the change is, if it means more homes, less homes or higher homes.

Mr. Dolan replied that this was quite early on in the process, shortly after Measure PP was passed. He indicated that staff asked the applicant actually to run it and it did not change that much; and staff did not go even cruder using a ten-foot contour line because the community would not accept it.

Commissioner Nagler asked if this is a two-foot contour and if it can be determined at any single point if the slope is greater than 25 percent.

Mr. Dolan said yes. He explained that it does not include every molehill, but it is a natural technique of smoothing that a topography map does not provide.

Chair Allen stated that she does not know anything about the slope numbers and inquired if there are precedents from other cities, such as Lafayette, that have a hillside ordinance indicating what is typically used.

Mr. Dolan stated that there are some cities that use the averaging technique, which is far cruder. He added that there are formulas some cities use where the average slope of a certain sized area, where there may be some flat and some very steep slopes, is taken and then have that entire area represented by that number. He indicated that this is fine for a big area, but staff is usually asked to be very precise in this community.

Commissioner Balch stated that measuring a slope every two feet over a significant distance is not what he had in mind initially. He indicated that he is not one to say whether it is correct or not, but he thinks it sounds like staff looked at other distances or measurement methods and they are comfortable with it, so he does not disagree with it.

Chair Allen stated that if it does not entail a lot of work, it might not hurt to have some benchmarks from other cities in the area that have hillside ordinances. She noted that the City use those as references or to provide perspective on why the method the City picked appears to be the best for Pleasanton.

Commissioner Balch suggested the City of Fremont which implemented an easement for hillsides a few years ago based on the toe of the hill. He added that Orinda and other cities in the Tri-Valley area might also be possibilities.

Mr. Dolan stated that staff will look at a few.

- Identifying Ridges

Commissioner Balch stated that the way staff did it appears reasonable and that he has no problem with it.

Commissioners Ritter and Nagler, as well as Chair Allen, stated that they agreed with staff's report as well.

Commissioner Piper stated that she had no comment.

- Measuring Vertical Setback to Building Pad or Top of Structure

Commissioner Balch referred to page 12 of the staff report and asked what the height of the homes was. He recalled Mr. Dolan mentioning earlier in the evening that it was 30-35 feet and asked if that was correct.

Mr. Dolan replied that was correct.

Commissioner Balch inquired if these are two-story homes and if three-story homes would be allowed.

Mr. Dolan replied that they are two-story homes and that no three-story homes are proposed. He indicated that staff does not see a lot of three-story homes on lots this big as people go to three stories only when they are lacking in lot size and want the square footage. He added that staff has not addressed the conditions of approval for these lots.

Commissioner Balch asked Mr. Dolan if there was a concern about setting a precedent for the future for additional Measure PP applications.

Mr. Dolan replied that this is the one of the few times the City will be applying Measure PP.

Commissioner Ritter stated that when he has seen surveyors do pad or lot size, they usually start at the pad whether it is on a hill or a flat surface. He indicated that he thinks the building pad is the measuring spot.

Commissioner Balch agreed but that when he thinks about the Ruby Hill development, which has a height requirement for its homes, the tops of the ridges are not visible from that particular area.

Commissioner Ritter replied that a restriction on the height could be established once the base pad has been set. He added that it seems like any vertical measurement should start from the pad, just like sea level is where measurement of a spot starts.

Commissioner Balch commented that that would be just the same as going with or by the chimney.

Chair Allen stated that from an engineering perspective, people probably start at the pad and move up, but the perspective of the people who voted on Measure PP probably was to protect as much of the views and ridges as possible. She indicated that for this reason, she thinks of the roofline as being the more conservative view that protects the hills and ridges, or a compromise position for those buildings on that photo where the roofline would cut into the 100-foot vertical setback would be to bring the house down to one story.

Commissioner Balch stated that if the measurement is set at the pad, then there will be an ongoing debate in the future on the height of the home; but if it is at the height of the highest point on the home, then the home does not become such an issue for protecting the ridgeline. He questioned if the Commission wants to argue the height of homes or to not argue the height of anything in the future.

Chair Allen stated that some people told her that they can see parts of this development from the Augustine Bernal Park. She asked if either story poles or an improved photo simulation would help. She indicated that she is trying to put herself in the mind of the voter who voted for Measure PP, and she needs to really understand what people who are at Augustine Bernal Park or at other areas of Pleasanton might really see on this whole development. She stated that she visited the site but did not actually walk to the top of where the road connection to Sunset Creek would be. She added that she would like to get a sense of if there is really a difference in what someone would see if the roofline or the pad is used as the measurement base.

Mr. Dolan stated that story poles would be useless because the viewpoint is so far away. He added that there is a visual simulation, but there is a limit to its usefulness as well. He indicated that the easiest way to figure out whether something is visual is to go to the spot where the house will be built and look back, and if the Augustine Bernal Park is visible, then the spot is also visible from the Park. He noted, however, that the distance is still going to be so great that it will be difficult to distinguish between the pad and the roof.

Commissioner Balch stated the EIR does have a picture of this on page 4.2-10, and Mr. Dolan's summation is very accurate. He indicated that the spot is a very minor blip on the photo and is not significant. He added that 99 percent of the people will not even notice it.

Chair Allen stated that she does want to walk up to the top where the road would be and look back.

Commissioner Balch stated that part of the question is whether there is a precedent or whether it will have an impact on future statutes.

Mr. Dolan stated that staff has looked at the Foley property which is not in the City limits and does not believe it can accommodate more than ten units on any part of that site because of Measure PP, so it would be exempt from Measure PP. He continued that another site is the Spotorno property, which has two areas that are designated for development: the flat land and the upland. He noted that there are significant stability issues with the hillside area, and it is most likely that development of that property will be restricted to the flat land, with the exception of five existing lots of record at the top that are not subject to Measure PP. He then stated that the Oak Grove project could come back, but that is a ten-lot situation. He indicated that the previous owners practically conceded that with their last application, and when staff required them to do an EIR on ten lots, they withdrew their application. Finally, he indicated that the only other piece of property is the Lester property, which is on the complete opposite end of town and not currently inside the City limits. He noted that there definitely has been some discussion, and it probably is the most likely to be affected by Measure PP.

- *Is a Road a Structure?*

Commissioner Piper stated that it is frustrating that all these definitions have to be done as that should have happened a long time ago. She indicated that this is a two-part question: (1) how other cities have defined a road; and (2) what the Councilmembers' intention was and how they have defined it.

Mr. Dolan replied that there are several definitions of structure within the Municipal Code, and all of them are different because they are addressing different issues. He noted that there is a past staff report that lists all the definitions and describes the competing considerations. He indicated, however, that he does not think it would be a super fruitful exercise because it all comes down to what the Commission reasonably thinks the voters were thinking at that time. He stated that to clarify the language of Measure PP, there has been a suggestion to pick from the Municipal Code, but there are several definitions there, so the question is which one it should be; and if the voters really referred to the Municipal Code when they voted on Measure PP.

Commissioner Ritter stated that he was trying to determine the definition of structure and went to Wikipedia: there were seven different kinds of structures: physical structure, biological structure, chemical structure, musical structure, social structure, data structure, and software structure. He then looked under "physical structure" and it said: "In engineering and architecture, a structure is a body or assemblage of bodies in space to form a system capable of supporting loads." He added that according to Wikipedia, building structures are composed of structural elements such as columns, beams, and trusses; and "road" is "a thoroughfare, route, or way on land between two places that has been paved or otherwise improved to allow travel by some conveyance, including a horse, cart, or motor vehicle." He then searched for "What is a road structure?" and the answer was: "The structure of a road is actually called the pavement." Based on this, he stated that in his opinion, a road is not a structure.

Chair Allen referred to Commissioner Piper's question regarding benchmarking and stated that it would be helpful to obtain information on what other cities have done in defining a road in their hillside ordinance in terms of whether or not it is a structure.

Mr. Dolan replied that there is no guarantee that other cities have a hillside ordinance that uses the term "structure," but staff will look into it.

Commissioner Balch stated that when he looks to the west and sees the road that goes up and over the hill to the house on the very tip top that is actually in Hayward, it looks like a pretty significant structure on the hillside. He asked if that would be a structure if it were at Lund Ranch.

Chair Allen asked if it is defined from an engineering perspective or by what the voters were thinking about when they voted; and if the answer to it from an engineering perspective matters or if what the voters see when they look at that property is more important.

Commissioner Balch stated that he agreed and respected that opinion, but in the end, it will come down to what the five Commissioners ultimately decide, while thinking there is a body that can overrule the Commission if it got it wrong. He noted that it is a political question to determine which way the access road will go.

Commissioner Ritter stated that he did not totally agree with that; it is what is best for everybody.

Chair Allen stated that everyone may approach the answer differently: from an engineering perspective or from a voter perspective, and how that is weighed. She agreed that it is not political and is just what the Commission thinks is right.

Commissioner Balch called attention to the amount of dirt that is being cut off on the Altamonte Pass to add in a road which is an additional lane on the freeway, and the grading being done above grade and below grade. He indicated that he walked to the top of Lund Ranch and noted that 25 percent does not look like all that much. He added that in his opinion, the Augustin Bernal Park is a much steeper road and seems to cover a much higher significant grade than 25 percent.

- Man-Made Slopes

Commissioner Balch stated that he is fine with it and does not care.

Chair Allen stated that she feels about the same way. She noted, however, that Allen Roberts pointed out that if the man-made slopes on the property were re-drawn to try to extrapolate what the original slope looked like, that original slope would have been over 30 percent, and that does not match what staff is saying that it is less than 25 percent.

Mr. Dolan replied that that was his understanding of the comment. He indicated that staff will review Mr. Roberts' letter, which staff did not receive until a day or so ago, and determine if staff agrees with his comment.

Chair Allen stated that if Mr. Roberts is correct, that would be an issue and staff would have to re-look at this matter.

- Other Matters

Commissioner Balch inquired if the Commission should be mentioning other areas that the Commission would like staff to possibly look into.

Mr. Dolan said yes.

Commissioner Balch indicated that he is looking at the trees on Lots 41, 42, 35, and 36 which contain a significant amount of trees that are slated to come out, and the EIR's mitigation plan is to plant new trees with a three-year plan. He noted that these are Heritage trees with a long life, and in that vein, he does not think that planting a sapling and watering it for three years is a good mitigation. He stated that he has difficulty with that but that he might have an answer.

Commissioner Balch stated that he also noticed that there is no park nearby, and so he is assuming that park demand would then flow to the Mission Hills Park. He indicated that he also knows from his time on the Parks and Recreation Commission that the City prefers to have one neighborhood park per one-half mile. He noted that the end of Lund Ranch II is more than a half-mile from Mission Hills Park in linear distance of travel on the road and encouraged Lots 41, 42, 35, and 35 be considered for a neighborhood park. He stated that he did not consider a walking trail, that is only able to be navigated during the cover of cloud due to the heat, a solution for providing an outdoor place for children to go and be with nature. He added that he knows these people will basically have a park in their backyard, but it is not the purpose of what is intended as a City.

Commissioner Balch stated that he is looking at this creek and at the EIR and there is a picture that shows the creek directly through the lots on one side. He noted that the consultant's mitigation plan appears to be to simply relocate the creek approximately 15 feet to the west and put up a retaining wall so that it can still flow through. He indicated that while he understands that that is a fine mitigation, there are other options available that would not necessarily have to change the riparian waterway too much.

Commissioner Balch stated that he got involved with government because he wanted to help make Pleasanton a better place. He indicated that he thinks the developer has done a good job towards that goal by reducing the number of homes, although their hand was forced with Measure PP. He stated that he hoped the City can find a balance that can still provide a great number of homes to benefit people in the community while working for what the City strives for and desires here.

Commissioner Ritter stated that his last comment for tonight is that he just appreciates all the citizens coming out and giving feedback because that is what the Commission wants to do for the community. He indicated that Greenbriar is an amazing organization that is trying to help the community and the City needs to make sure that the community is working with them and all the citizens.

Chair Allen agreed that Greenbriar has come a long way on this project and that the Commission hopes to continue to work with them to make it even better. She indicated that the citizens have been amazing with the respect everybody has shown for one other, as well as for providing a lot of input.

Commissioner Balch stated that because this is a workshop, people should remember that the Commission's opinions are evolving because the Commissioners have not had a chance to discuss it amongst themselves. He noted that while a particular position may be held by one Commissioner at this time, that opinion is evolving, and that is the point of doing this in the open.

Chair Allen acknowledged staff for putting together a very complete report for the Commission to consider.

Commissioner Piper stated that she is hoping to get more clarification at some point on Option 3.

No action was taken.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

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

a. Future Planning Calendar

Commissioner Ritter announced he would not be at the March 25, 2015 meeting.

Mr. Dolan stated that that will probably affect the calendar in bringing the Lund Ranch II item back to the Commission. He indicated that staff was tentatively scheduling to bring it back at the March 25, 2015 meeting, but he would like to have a full Commission as this is a big project. He noted, however, that staff did get some homework tonight and that might be another reasons to move the date. He noted that the applicant is obviously pressed to the finish line to get a decision from the Commission and the Council as soon as possible.

Mr. Weinstein advised that the March 11, 2015 Planning Commission meeting is canceled.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

d. Matters for Commission's Information

Mr. Dolan informed the Commission that the City Council will be discussing its Priorities and taking the recommendations of all of the Commissioners on March 10, 2015.

9. ADJOURNMENT

Chair Allen adjourned the Planning Commission meeting at 11:16 p.m.

Respectfully submitted,

Adam Weinstein
Secretary