



## PLANNING COMMISSION MINUTES

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

**APPROVED**

**Wednesday, July 12, 2006**

### **CALL TO ORDER**

The Planning Commission meeting of July 12, 2006, was called to order at 7:05 p.m. by Chairperson Arkin.

#### **1. ROLL CALL**

Staff Members Present: Donna Decker, Principal Planner; Janice Stern, Principal Planner; Julie Harryman, Assistant City Attorney; Wes Jost, Development Services Manager; Marion Pavan, Associate Planner; Steve Otto, Associate Planner; Michael Tassano, Acting City Traffic Engineer; and Cory Emberson, Recording Secretary.

Commissioners Present: Commissioners Brian Arkin, Phil Blank, Anne Fox, and Greg O'Connor.

Commissioners Absent: Commissioners Arne Olson and Jennifer Pearce.

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

a. June 14, 2006.

The minutes were approved as presented.

b. June 28, 2006.

Ms. Decker noted that a handout had been distributed to the Commission, containing a redlined copy of pages 11 and 24 and indicating suggested clarifications to the motion for PUD-05-01M/PDR-541, Frank and Barbara Berlogar, and PUD-50, Ponderosa Homes. The intent of the motion was not changed, and the added language was intended to make the language of the motion clearer. Staff recommended that they be incorporated into the minutes of June 28, 2006.

With respect to the motion on page 9, Chairperson Arkin inquired what the makeup of the mediation attendees would be. Commissioner Fox believed that Mr. Bennett and the appellant would be included in the mediation.

Chairperson Arkin requested that staff check the meeting tape for that information.

Ms. Decker advised that staff would present that information to the Commission at the next meeting.

The consideration of the minutes was continued to July 26, 2006.

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 none.

4. **REVISIONS AND OMISSIONS TO THE AGENDA**

Ms. Decker advised that Item 6.c., PUD-32, Daniel and Belinda Sarich, would be continued to August 23, 2006.

5. **CONSENT CALENDAR**

There were no Consent Calendar items.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

a. **PDR-458/PV-152, Norman Cornett/Peak Property Main Street, LLC**

Application for: (1) design review approval to construct an approximately 3,896-square-foot, two-story addition to the existing Kolln Hardware building and to relocate and restore the two easterly one-story structures; and (2) a variance from the Municipal Code to reduce the number of required parking spaces for this project by four spaces. The property is located at 600 Main Street and is zoned C-C (Central-Commercial) Downtown Revitalization, Core Area Overlay Districts.

Also consider the Negative Declaration prepared for this project.

Mr. Otto presented the staff report and summarized the scope and layout of this project. The applicant requested a parking variance to reduce the number of parking spaces by four because the retention and relocation of the historic one-story buildings required that the existing four-space parking lot be removed. If that variance were approved, the project would be required to provide ten parking spaces. The applicant requested an in-lieu parking agreement for the ten parking spaces, totaling \$140,000. The applicant has received Zoning Administrator approval to repair and restore the existing Kolln Hardware building, including weatherproofing and seismic

and structural repairs. The repair and restoration were approved at staff level as there were no exterior changes to the building. The applicant intended to start the work within a few weeks.

Staff indicated that new construction must be sensitive to the character of the historic Downtown district and that a project should adhere to the design policies and guidelines contained in the Downtown Specific Plan and Downtown Design Guidelines. Staff believes this project conforms to those regulations and noted that the City had previously designated all three buildings as being of primary historic and design criteria. The building's historic significance was recently confirmed by Architectural Resources Group (ARG), historic preservation consultant. Staff believed it was important to preserve and retain all three of the existing buildings, as proposed by the applicant.

Staff finds the proposed site and building design to be carried out with sensitivity and supported the proposed design review application. The Code required that the applicant provide parking for the new building in addition to the four parking spaces being removed. A new public parking space would be created on Division Street by removing the existing driveway; however, the applicant would not receive credit for this parking space. The applicant would be allowed to receive parking credit for the 844 square feet of floor area from the demolished shed and corridor additions, provided that the Planning Commission determined that the Kolln Hardware addition would be an architectural improvement compared to the demolished structures. Staff believed that would be the case and could make the findings to support the parking variance.

Staff has not received any public opposition to the proposed project from a design standpoint but has received comments from two Downtown business owners voicing their opposition to the proposed parking variance. Staff received a letter earlier in the day from Robert Byrd, a Downtown property owner, opposing the parking variance. Staff received comments from a Downtown property owner and a Downtown business owner supporting the proposed project, and the Pleasanton Downtown Association (PDA) also submitted a letter in support of this project and the parking variance.

Staff believes the applicant agrees with the conditions as listed in the staff report. Staff believes the proposed applications are supportable and recommends that the Planning Commission take the following actions:

1. Find that the proposed project would not have a significant impact on the environment, with a finding of *de minimus* impact on the site's wildlife;
2. Adopt a resolution approving the draft Negative Declaration for the project;
3. Make the six variance findings as listed in the staff report; and
4. Approve Cases PDR-458 and PV-152, including granting a Certificate of Appropriateness for the building modifications, subject to the conditions listed in Exhibit B of the staff report.

In response to an inquiry by Commissioner Fox regarding whether any comments had been received from the Tri-Valley History Council or the Livermore-Amador Valley Historical Society, Mr. Otto replied that no comment had been received.

In response to an inquiry by Chairperson Arkin regarding the use for the in-lieu parking fees, Mr. Otto confirmed that the monies would be used to construct new parking lots Downtown. He noted that the City has been pursuing acquisition of the Alameda County Transportation Corridor and anticipated the construction of a parking lot in the near future.

In response to an inquiry by Chairperson Arkin regarding the options for the doors which are not to code, Ms. Decker replied that under the Phase I approval for maintenance and weatherproofing, it was anticipated that the existing double doors could remain. However, closer scrutiny has determined that there are certain Americans with Disabilities Act (ADA) requirements and landing requirements that must be met. The applicant returned with an idea to replace those double doors with a single 30 door which would be compliant and a side light in the front and side of the existing structure. A further conversation has indicated that there might be an opportunity to recess existing doors in the existing structures and retain the two 2040 doors. At that time, the existing Code would be met. She noted that the existing structure and addition would be subject to both the California State Historic Building Code and California Building Code.

In response to an inquiry by Commissioner O'Connor regarding whether historic buildings must comply with ADA requirements, Ms. Decker confirmed that at least one door must be handicapped accessible.

Commissioner Blank believed that the parking in-lieu fee should be a one-time fee and a recurring payment to compensate for the impact of inflation and for not having the parking space over the years. He noted that the recurring fee could be discontinued when the City builds the parking garage.

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

Wayne Rasmussen, Rasmussen Planning, 2010 Crow Canyon Place, #100, San Ramon, representing the applicant, noted that he would serve as the City liaison on this project. He added that the applicant planned to restore the buildings to the fullest extent possible and that the walls on the one-story building had been replaced several times. The historic fronts of the buildings had remained substantially intact from their original construction. He noted that the applicant took into careful consideration the ARG report from the historic preservationists and chose Option #2, where the two existing buildings would be saved and relocated. That would allow the addition to go in. He added that the recommendation in the ARG report indicated that from the standpoint of historic preservation and resource, it provided justification for some kind of parking variance or in-lieu situation. He noted that the variance was essential to keeping the cost of this restoration to a reasonable level. The applicant agreed with staff's recommendations and appreciated the PDA's input. He believed a consensus agreement regarding the parking arrangement could be reached. He urged the Commission's approval of this project.

In response to an inquiry by Chairperson Arkin regarding the timeline for completion, Mr. Rasmussen estimated that, if everything went smoothly, it should be completed by next summer.

In response to an inquiry by Commissioner Blank regarding whether the building would be required to have fire sprinklers, Mr. Rasmussen confirmed that sprinklers would be required because it is over 8,000 square feet. The buildings in the back would be sprinklered as well, and that they would be classified as one building. He described the major renovations that would be performed.

Michael O'Callahan, Pleasanton Downtown Association Design Review Committee, 125 W. Neal Street, spoke in support of this item. He noted that the applicant had worked diligently on this project, and the PDA would like to see the project move forward. He requested some flexibility in the inspection process due to the older materials used in the historic building. He noted that the materials could be replicated if not reused and complimented the architecture, which he believed would be compatible with the Downtown district.

Peter MacDonald, 400 Main Street, Suite 210, noted that he was speaking as a private citizen and supported staff's recommendation in its entirety. He believed the project would be an asset to Pleasanton's Downtown and noted that years of study and compromise had been invested in this project. He believed the building had been out of commission and at risk for too long.

Christine Salidivar, Executive Director, Pleasanton Downtown Association, 830 Main Street, spoke in support of this item. She noted that she had been saddened by seeing the Kolln building sitting in disrepair for two years, which was a detriment to the Downtown area. She noted that the applicant had worked closely with City staff to meet the architecture and historical needs, as well as with the PDA and its committees. She noted that the PDA strongly supported this application.

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

In response to an inquiry by Commissioner Blank regarding whether the building contained any asbestos, Mr. Rasmussen confirmed that it did not.

In response to an inquiry by Commissioner Fox regarding whether the original awning could be put back on the building, Mr. Rasmussen replied that the original awning was a retractable canvas awning, which was removed in the 1950's and then saved. The applicant proposed that the metal awning be replaced with the retractable canvas awning.

**Commissioner Blank moved to find that the proposed project would not have a significant impact on the environment with a finding of "de minimus" impact on the site's wildlife, to make the variance findings as listed in the staff report, and to approved the Negative Declaration for the project, and approve Cases PDR-458/PV-152, subject to the conditions of approval listed in Exhibit B of the staff report, as recommended by staff. Chairperson Arkin seconded the motion.**

**ROLL CALL VOTE:**

AYES: Commissioners Arkin, Blank, Fox, and O’Connor.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: Commissioners Olson and Pearce.

Resolutions Nos. PC-2006-36, approving the Negative Declaration, and PC-2006-37, approving the design review and variance, were entered and adopted as motioned.

- b. PUD-33, Jennifer Lin, Frederic Lin, and Kevin Lin**  
Review of the Draft Environmental Impact Report for the Oak Grove Planned Unit Development for a 98-lot custom home development and to consider a 51-developable-lot environmentally preferred alternative on a 562-acre property located near the present terminus of Hearst Drive on the southerly sides of the Vintage Heights I and the Grey Eagle Estates developments. Zoning for the property is PUD-RDR/OS (Planned Unit Development – Rural Density Residential/Open Space) District.

Commissioner Blank stepped down from the dais due to a conflict of interest.

Ms. Decker introduced Mr. Marion Pavan, Associate Planner and project planner, who will provide an overview of the Environmental Impact Report (EIR) process and the project; Mr. Mike Tassano, Acting City Traffic Engineer, who will answer any questions related to traffic, and Mr. Wes Jost, Development Services Manager, Department of Public Works, who will address infrastructure and Public Works issues. She then introduced Ms. Roberta Mundie and Ms. Suzanne Lampert from Mundie & Associates, the City’s EIR consultant, who will answer any questions related to the Draft EIR, and Mr. Marty Inderbitzen, who represents the applicant.

Ms. Decker stated that the purpose of the meeting is to look at the Draft EIR and provide an opportunity for public comment. Staff’s presentation will be followed by a discussion, and Mundie and Associates will then present the sections within the EIR/DEIR for consideration by the Commission.

Mr. Pavan indicated that Chief Bill Cody of the Fire Department was also present to speak on fire-related issues pertaining to this project and to the Draft EIR.

Mr. Pavan then proceeded to present the staff report, describing the Oak Grove site as a 562-acre parcel surrounded by Vintage Hills II and Grey Eagle Estates along the north side, the Kottinger Ranch neighborhood to the west, the Vineyard Avenue Corridor Specific Plan area to the north, and unincorporated land to the east and to the southeast. He then noted the neighboring properties on the overhead slides, specifically pointing out the Foley property, the Lund Ranch II property to the southwest; the City’s golf course; the City water tank site to the north, where there are a series of emergency vehicle access (EVA) roads; and the Gray Fox/Grey Eagle developments which adjoin the project.

Mr. Pavan explained that the primary point of access is through Hearst Drive. He added that the rationale of locating the development in the area is because it poses the least impacts with respect to geology, trees, grading, etc. He noted that the Draft EIR identified several significant impacts which require mitigation, which led to the development of Alternative 4, an environmentally preferred 51-unit alternative, which would eliminate several aspects of the projects that caused the greatest concern from the environmental standpoint. One of these concerns is the fill of a stormwater swale area of approximate 2,000 feet, which was eliminated by pulling lots away from those areas.

Mr. Pavan indicated that concerns were expressed by neighbors along the Arbor Drive area with respect to the development along that portion of the site as well as some visual impacts. He stated that the density of the project has been reduced and that almost all the lots have increased in size as a result of this new plan. The water tank is still located in the same area of the property.

Mr. Pavan indicated that the Draft EIR went into great detail under the environmentally preferred alternative, which is discussed in Chapter 6 of the Draft EIR. He noted that this environmentally superior alternative is the item that will be evaluated in the Planning Commission staff report, and the conditions of approval for the development which shall be recommended to the Commission will pertain to this plan.

Mr. Pavan continued that there are still ongoing discussions with the applicant and, as stated in the staff report, the Draft EIR aspects of the project are still being perfected. Comments from the Commission and the public will be addressed in the Response to Comments section of the Final Environmental Impact Report. He noted that the Draft EIR was published on June 30<sup>th</sup>, thereby beginning the 45-day review period as fixed by California Environmental Quality Act (CEQA); hence, members of the public still have the opportunity to comment on this Draft EIR. He advised that staff will accept written comments that are postmarked, emailed, or hand-delivered up until midnight of Monday, August 14<sup>th</sup>, which is when the review period ends, and these will be factored into the comments section of the Final EIR.

Chairperson Arkin noted that he has seen other public agencies extend the comment period, such as the City of Livermore for the airport. He inquired what the criteria are for extending the comment period.

Mr. Pavan replies that based on his experience, the City of Pleasanton has always adhered to a 45-day review period and deferred the question to Ms. Harryman.

Ms. Harryman indicated that she did not have an immediate answer and would look into the matter.

Commissioner Fox inquired what the process might be should the Planning Commission wish to have staff go back and look at a different alternative rather than the four that were outlined in the Draft EIR. She further inquired if this might be a mechanism to extend the 45-day review period. She noted that back in June of 2004 when the Commission first started hearing about the

Draft EIR and the Council had agreed to the developer's request that the Council be involved in the scoping session, then Commissioner Sullivan, now Councilmember Sullivan commented that this was not the proper process and sets a bad precedent of taking away from the Planning Commission's function in that process. Mr. Sullivan expressed concern that this precedent expressed a lack of trust in the Commission's ability to complete the EIR process or suggested that the Council had a preconceived notion of what the EIR should look like. Commissioner Fox continued that since February 8, 2005, the Commission has not really had an opportunity to discuss this project with staff to come up with what the Commission might think would be a preferred alternative. She stated that the Alternative 4 the staff is recommending as the preferred alternative is something that the Commission is seeing for the first time.

Mr. Pavan stated that based on his understanding of CEQA, the Commission can direct staff to look at another alternative and define what that alternative should be. He added that he did not see that process as being one of the criteria for extending the 45-day review period but that staff would look into the matter.

Ms. Decker clarified that the answer to that is actually two-sided. She explained that through the CEQA process and the environmental review process, the Planning Commission and staff and the applicant are provided with a document that has evaluated what the environmental impacts of the proposal is, and then look at preferred alternatives. Following that process, Alternative 4 is now the preferred alternative, which has not yet come before the Planning Commission as the project. She noted that at this evening's meeting, discussion is about the draft environmental document and how it arrived at finding that the fourth alternative was preferred in mitigating many of the impacts and concerns that the project had within the area.

Ms. Decker continued that as has been previously noted, there is always an opportunity for the Planning Commission to review and assess projects and determine what it likes and does not like, what it would like to condition or not. She proposed that the Planning Commission evaluate the Draft EIR this evening and added that the Alternative 4 plan can be brought back to the Planning Commission as a study session prior to its being presented as a project with the Final EIR for action and recommendation to the City Council. That meeting would provide a forum to have a detailed discussion on the project itself, which alternative would be preferred, and what changes, if any, the Planning Commission would like to discuss.

Commissioner Fox noted that the pictures in the document were so tiny that she could barely make out things such as trees. She inquired if staff will be providing larger pictures of the photomontages as has been provided for other projects, possibly 11 inches by 14 inches.

Mr. Pavan said that could be done.

In response to Commissioner O'Connor's inquiry if the 700,000 cubic yards of fill that will be moved is in the 98-home proposal or the Alternative 4 proposal, Mr. Pavan replied that it would be in the Alternative 4 proposal.

Chairperson Arkin questioned if the prospect of putting the road in is not soil neutral but that the top of a ridge would be taken off and flattened when the road and homes are put in.



Mr. Pavan deferred the matter to the project engineer.

Chairperson Arkin inquired what the next step to taking public comments would be.

Mr. Pavan replied that the next step in the process would be to complete the 45-day review period and come back with the Final EIR. He added that, hypothetically, the Commission could also comments and continue the item to another hearing for more comments.

Ms. Decker explained that the first step in the process is to review the Draft EIR in a public forum and receive comments from both the public and the Planning Commission. It will then move to the City Council as a final environment document and will include the project after a recommendation is provided by the Planning Commission. Should the Planning Commission wish to have this item return to the Commission for additional review or to have staff to report back on questions or concerns it may have, it can leave this public review and comment period open and schedule it to come back. She noted that no action is intended at this time for this item.

Ms. Decker continued that some of the Commission's questions might be answered after the EIR consultant, Ms. Roberta Mundie, addresses the Planning Commission in terms of the CEQA and EIR processes and how the alternatives were determined. This can then be followed by a project-specific discussion.

Ms. Mundie introduced herself and Ms. Suzanne Lampert of her staff. She stated that she would review the main components of the Draft EIR, including the structure and the content of the EIR; review the main findings relating to impacts under the variety of CEQA topics that are required to be looked at; discuss the EIR's consideration of alternatives as described Ms. Decker; and then summarize the conclusions of the Draft EIR and explain what the next steps would be.

Ms. Mundie stated that all EIRs have a similar look because what goes into them is largely dictated by State law. She then explained that this Draft EIR has a two-volume format – Volume 1 is the EIR proper, and Volume 2 presents appendices to the EIR, including the applicant's written narrative that accompanied the original PUD application of November 2003 and a slightly amended written narrative that is associated with Alternative 4. It also has technical background information on a variety of other topics, mostly methodological, and about the visual simulations that describe how they are done. The last item is a long section of excerpts from the Pleasanton General Plan, containing plans and policies that have some relevance to this topic.

Ms. Mundie then proceeded to describe the contents of the Volume 1, highlighting the main features of each Chapter:

Chapter 1 provides a summary that is required for all EIR's.

Chapter 2 describes the proposed project under the original application submitted. This is not the project that would be going forward for Planning Commission consideration, but the project that the Draft EIR started with, and, therefore, that to which most of the impact

analysis initially conducted pertains. It includes three graphics that present the general location of the project, the site plan, and the development plan. Figure 3 shows not only where all the parcel lines are but some of the details of project development that are of importance, including the new water tank and the existing Kottinger water tank, the drainage features associated with the different segments of the project, a 6.5-acre park, and “Street A,” which is the main street of the project and a continuation of Hearst Drive. The five courts are public roads up to the end of the court, which are continued along private drives if they go farther.

Chapter 3 describes the process of preparing and considering an EIR under California law. This is often called the CEQA process under the State law on which it is based. At the end of the Chapter are a couple of pages describing the organization of the EIR as a whole, and in particular, the organization of Chapter 4.

Chapter 4 is the main chapter in the Draft EIR and includes the setting, impacts, and mitigation measures. The topics covered are those that are included in the California CEQA and run from A to P – “A” is “Aesthetics and Visual,” and it goes down to “P” which is “Utilities and Services.”

Ms. Mundie noted that Chapter 4 contains detail for each topic and includes a framework for analysis as well as a description of the scoping comments made on this topic that were provided to them; a discussion of this setting as it relates to that individual topic, with the focus on the site.

Ms. Mundie continued that the third category in this chapter is the key project characteristics, the impacts, and the mitigation measure. The focus here is on the project – what the project will do to the site – and is discussed under several different categories: (1) significance criteria, which mostly come from the California CEQA guidelines and provide a kind of bellwether indicator of whether a project has environmental impacts or not. This is the standard for determining whether impacts would exist and a way of making those determinations so that we are not reinventing significance criteria or going astray from what the State law intended. (2) impacts, which all have a topic letter and then an impact number; for example, “A” is the “Aesthetics” section, and “A1” would be the first impact under “Aesthetics.” At the end of each topical section is a Summary Table that lists both the impacts and the mitigation measures for that topic.

Ms. Mundie noted that “Aesthetics” has a map showing the views of the site under the existing conditions. Each one of the little dots there has an arrow associated with it. The dot is the point from which the photograph was taken, and the arrow shows the direction in which the photograph was taken. The maps show both close-in views the views that were taken from more distant locations.

Ms. Mundie explained the process of doing visual simulations which involves a number of different steps. First of all, the selection was made of the viewpoint locations themselves by undertaking a general viewshed analysis. A viewshed analysis is a computer-based topography of all the lands between the viewpoint and the project and beyond, so what the

computer is registering is all the geometry of all of those spaces that can be seen from any of the viewpoints. The viewpoints that were selected for both the photographs and the visual simulations are viewpoints that are accessible to the public. Five locations were chosen: three nearby locations, one representative distant location, and then one on-site location that, while not particularly relevant to views from off the site, was helpful in looking at the effect of possible loss of trees.

Chairperson Arkin inquired if the selection of the view sites were reviewed with City staff to make sure those would be the appropriate locations. Ms. Mundie said yes.

In response to Commissioner Fox's inquiring regarding whether Ms. Mundie reviewed what was requested at the February scoping session, Ms. Mundie replied that she was present at the scoping session and had a list of all the points of view that people raised at that scoping session. She stated that she went out with staff and looked at the site from all of those points of view and also studied them all, using the terrain model. Some of them could not be seen from distant locations because of intervening topography, which is actually fairly common, especially at a higher elevation to begin with, because there will be other hills and ridges between you and this site. She indicated that it was fairly difficult to find distant locations from which substantial parts of the site are readily visible or on which individual landscape or built elements could be very easily distinguished from this setting in which they were. The sites that seemed most useful were then reviewed both by themselves and by staff and by the applicants' representatives, and it was a consultative process to determine which ones seemed to be the most useful for the environmental analysis. The sites chosen were those from which the most could be seen.

Commissioner Fox inquired if the Bernal Property was one of the Downtown sites. Ms. Mundie said yes.

Ms. Mundie continued that this process gives a computer map based upon all the geometrical points determined by topography. The computer map is then registered to the photographs of the site, and then the landscaping and things that are associated with the project are placed on it. Because the project is a custom home project and does not have any buildings designed yet, the project's design guidelines which were developed by the applicant are put to use. However, only the mandatory sections of the design guidelines in determining the shape, the size, and the footprint of the buildings that would actually be placed into the model for the purposes of the visual analysis are used so as not to misstate or unrealistically put any buildings on a site in a way in which they were unlikely to be actually placed when the real project comes forward.

Ms. Mundie noted that staff had emphasized the importance of considering the fact that landscaping is very hard to see in the very first years of the project because it either has not been placed yet or it has not grown into anything yet. So, in addition to looking at the existing view of the site, we were to look at the project in Year 0, which means it has just been constructed, and there is basically no landscaping there and looks pretty raw; five years after construction, in which case you can normally see some landscaping, but it is not very substantial yet; and then, 15 years out, when a substantial amount of the landscaping, including the mitigation trees that the applicant will be planting, will have reached enough

maturity to get a better impression of what the finished project will actually look like after a number of years have passed.

Ms. Mundie then showed overhead slides of the southern edge of Pleasanton Ridge taken from Grey Eagle Court. She first described the existing view; followed by one right after construction with landscaping at zero years and a few houses; then one after five years where there has been some screening as the vegetation is in place and is beginning to grow; and finally one after 15 years where there is a substantial amount of vegetation and most of the houses are screened. She noted that a house is visible where the vegetation ends, and this might be a place where maybe more mitigation trees might be needed.

Ms. Mundie pointed out that these visual simulations are of assistance in a number of different ways, the most important of which are to give decision-makers an idea of what the completed project will look like, and then to give the EIR team one measure of determining whether there are significant aesthetic impacts associated with the project. She added that, in fact, Chapter 4, Part A did find significant impacts associated with the aesthetics and visual resources: In Impact A-1, public uses and facilities, including new roads, need to be integrated into the surrounding landscape, primarily by landscape and plantings. It is recommended that the mandatory design guidelines be revised to put more lots into the category of "high visibility," which would have the effect of placing more restrictive setbacks and landscape requirements on all the lots that would be added to this group.

Ms. Mundie then noted that no adverse impacts were found in the case of agriculture. She added that in the case of air quality, the methodology, the information, and the analysis are determined by regional agencies and that the regional criteria established by the Bay Area Air Management Quality Agency were observed. Because the project was too small for the other impacts, only one impact was found related to those criteria to reach those thresholds: that on dust generation primarily during construction. An impact mitigation program was recommended to deal with that.

Ms. Mundie continued that Section D, the second large section of Chapter 4, is biology. It includes a series of graphics showing biological resources associated with the site, among them ponds, wetlands, plant communities, and substantial wooded areas on the site. There are approximately 12,000 trees on this site at the present time, and about 950 trees would be removed of which about 90 would be trees that meet Pleasanton's heritage tree standards. She noted that the ponds are potential breeding habitats for the California Red-Legged Frog, which, together with the California Tiger Salamander, has been found on the site in association with these ponds. In addition, a certain plant called the Johnny Jump-up, or the *viola cornuta*, grows in the area. This plant serves as the host plant for the Callippe Silverspot butterfly in its larval stage, so these plant areas are a very important part of the life cycle of that endangered species and an important biological resource of the site.

Ms. Mundie noted that the biological section found ten biological resources and proposed extensive mitigations for all of them, which are reported in the Draft EIR.

Chairperson Arkin inquired how the biological assessment was done and if the consultants did the assessment themselves or hired someone to do it.

Ms. Mundie replied that they worked closely with specialists with several of the technical areas. She added that they used the services of a firm called Environmental Vision in Berkeley in the aesthetic area. The firm prepared the visual simulations, and higher quality reproductions of these visual simulations are available at a larger size, which will be provided to the Commission. Ms. Mundie continued that in the biology area, they worked with the firm WRA Incorporated in San Rafael. WRA's technique was, first of all, to use the information bases that are available to let biologists know where on a site of any kind they would be likely to find resources if they existed, and this is a combination of databases that show where animals and plants have been observed before, a knowledge of the soils and the climate that are associated with the site, and area photographs of the site that give further insight into what is on the site. That is followed up by field surveys in which they actually walk the site and look for the resources that they anticipate might reasonably be found there.

Ms. Mundie noted that the Diablo Sage Scrub, an area that is as far away from development on the site as you can get, is a type of habitat in the Alameda Whipsnake can sometimes be found. Just as there is a close relationship between the Johnny Jump-Up and the butterfly, there is also a close relationship between this kind of habitat and the possibility of the Alameda Whipsnake being located there. So what the biologist knows is what to find in tandem with what, and therefore, what to look for.

Chairperson Arkin inquired how many field surveys were done and when they were done. Ms. Mundie replied that the dates are cited in the Draft EIR and that she could provide the Commission with table listing of all of the surveys and their dates. She indicated that surveys for special status plants or animals have to be done within the window of opportunity that has been determined by the regulatory agency, usually the U.S. Fish and Wildlife Service, because outside of those times, it is much more difficult to find the animal or plant if it is present. There are protocols for how to do these surveys, and those protocols are rigorously observed because the survey is a tremendous investment of time and money, and the survey results need to be accepted by the agencies. There are very careful rules, and they are very carefully observed.

In response to Chairperson Arkin's inquiry if there were one or 20 or 50 surveys done, Ms. Mundie replied that it is not the number of surveys that matters, but whether they have observed the protocols or not. For example, in some cases, the protocol requires that two surveys are done in successive years because one survey is not sufficient to rule out the possible presence of the animal or plant.

Chairperson Arkin asked if the firm that actually did the survey was subcontracted to them or if the City picked the firm, and if they or the City paid them. Ms. Mundie replied that they subcontracted to them and were paid by them. She added that in all cases but one, the firm has wildlife and plant specialists on its staff to cover all of the resources that are on this property. In one case, the firm hired a specialist, an etymologist, a butterfly expert, who did the butterfly surveys.

Commissioner Fox inquired how many hours it took to do a survey of a 562-acre site and if they went out and sampled or covered the whole 562-acre site. Ms. Mundie replied that different

parts of the site support different habitat and vegetation sites; hence, one would not have to look at all parts of the site for a particular plant or animal. Furthermore, for example, if Red-Legged Frogs are found in a pond, then one can stop looking because that is already a “yes,” which puts the area under the jurisdiction of U.S. Fish and Wildlife for handling that endangered or threatened species, whatever it is. Therefore, it is not necessary to look at all 562 acres once the species in question is found. In addition, for any species, one would only have to look at that portion of the site where there is reasonable certainty that the species would be likely to be found.

With respect to the question of the time of year of the surveys, Ms. Mundie stated that it is much easier to find the California Red-Legged Frog in its breeding habitat when it is breeding, because it is not going to go anywhere else. Once it has bred, they spread out all over upland areas, and they are much more difficult to find. Hence, the protocol calls for looking for them in the place where they are most likely to be when they are most likely to be there, to maximize the chance of finding them when they are there. She noted that the strategy involved with biology is different from an archaeological survey. Archaeological resources can be found in lots of places on the site, and the surveyors would usually walk 10-, 20-, 50-foot transects and divide the property in stripes and absolutely cover it.

In response to Chairperson Arkin’s observation that not every square foot of the site was visually inspected, Ms. Mundie replied that while that is the case, they also had other resources, such as the California databases and reports of previous sightings, the aerial views, etc.

Ms. Mundie then continued that for cultural resources, significant impacts were found not because cultural resources were found but because there is always a possibility they may be found during the course of site grading and site preparation, and mitigation measures have to be in place if one of those circumstances arises.

With respect to soils, geology, and seismicity, Ms. Mundie indicated that they were assisted by a firm in Emeryville and Petaluma called Baseline Environmental Consulting, again under contract to them. The firm looked at the three topics of soils, geology, and seismicity; hazards and hazardous materials; and hydrology and water quality. She stated that in the case of soils, geology, and seismicity, the four different topics that come up under the CEQA guidelines are seismic risk; soil stability, which has to do with landslides, for example; expansive or corrosive soils, which would be an issue if they were under a building or a piece of infrastructure, or corrosive soils; if you had a sewer pipeline; and potential for differential settlement. What would be done with any one of these is research the portion of the site that is proposed for development as closely as possible, and then develop mitigation measures to make sure that the site condition has been taken into account when the site design and construction are done.

Ms. Mundie noted that Pleasanton has a further safeguard in that the General Plan requires that there be a technical review and analysis and geotechnical studies by a qualified consulting engineer under contract to the City. That person’s recommendations are to be incorporated by engineers into the project design. The firm of Cotton Shires is the City’s

geotechnical consultant on this project, and it has been regularly consulted as the engineering of this project has gone forward.

In response to Chairperson Arkin inquiry regarding whether there have been any landslides on the site, and if so, how deep the landslides are. Ms. Mundie said yes. She added that the Draft EIR mentions three areas of landslides that are described in the report and methods for repairing them. She added that they do mapping and engineering borings to figure out what the layers are, and they determine whether it is something that can be repaired or not. She stated that the project engineer could answer the questions in detail and that she would refer this question to their geotechnical consultant in order that she may provide a more detailed answer on it later.

Chairperson Arkin indicated that he was interested in the process that was done and exactly what they found. Commissioner O'Connor inquired if the analysis took into account the 700,000 yards of soils that were going to be moved.

Ms. Mundie replied that the analysis looks at the site where a building or infrastructure would be constructed. She noted that some of the grading that takes place for a project of this kind is intentional grading in order to ensure that the building site will be completely stable and risk-free. She added that the 700,000 cubic yards of graded soils represent a lot of soil being moved around the site to create building pads and install infrastructure that will be stable when the project is completed.

In response to Chairperson Arkin's inquiry regarding whether this would be 100 percent risk-free, Ms. Mundie replied that because nothing is absolutely risk-free, it would be more accurate to say that the risk would be minimized.

Chairperson Arkin noted that there are a lot of places where homes have slid down hills. He inquired if any of the three current landslides are in the areas that houses will be constructed.

Ms. Mundie apologized that she could not give an exact answer to that question. She noted, however, that one of the three landslides is at the back of this area, because Alternative 4 decided precisely not to build there to free it from concerns about the landslide.

Commissioner Fox noted that on page S12, one of the alternatives refers to the proposed tank road that turns northward along the property boundary across the adjacent Berlogar property to the north as Berlogar Ridge Road. She further noted that on page 133 of the geology, soils, and seismology section, the group that actually performed the planning development level geologic and geotechnical investigation for the Lins in 2003 is Berlogar Geotechnical Consultants. She inquired if this is the same Berlogar and noted that it was unusual to have a report prepared by an adjacent property owner. She noted that whenever there is a project in an adjacent or nearby property owner for consideration by the Planning Commission or City Council, the Commissioners or Councilmembers have to recuse themselves due to conflict of interest. She inquired what the process is in terms of who chooses what firm does particular studies for developers and whether the City has any regulations if they are, in fact, adjacent property owners.

Ms. Mundie clarified that Berlogar was not their consultant for the Draft EIR. She stated that that is an old report that was cited only for reference purposes. She noted that the text that Commissioner Fox was referring to has to do with Alternative 3, which is the road to the north over the Berlogar property. She added that that property was not given the same level of geological review as this site itself. She stated that because the purpose of Alternative 3 was mostly transportation mitigation and that when they found that it did not work very well as a transportation mitigation and would not be helpful, they did not do the detailed level of geological analysis that would have been done if it was found to be a good alternative to help transportation.

Commissioner Fox commented that it talks about the placement on portions of the project site of artificial fill deposits and sediment that have been relocated. Ms. Mundie explained that that means their geotechnical consultant took a look at that among other resources that they considered in doing their work.

Mr. Pavan explained that the footnote refers to a geotechnical report that was done for this property owner at a prior time. He added that the private sector does not have the kinds of conflict of interest issues that the public sector has in hiring people, unless they are counterproductive. There is no reason, therefore, to think that the Lins and the Berlogars would have different goals with respect to the development of their properties; hence, there is really no conflict of interest problem. In evaluating all the available resources for consideration of this 98-unit project, the geotechnical consultant simply looked at the historic work that had been done for this site.

Commissioner Fox inquired who the geotechnical consultant for the project is. Ms. Mundie replied that it is Baseline Environmental Consulting.

Chairperson Arkin inquired how would anyone know how much the consultant relied upon the Berlogar report versus what they did on their own. Ms. Mundie replied that she would have to ask them that and get back to the Commission.

Chairperson Arkin inquired if there would be some hillside development or if the homes would be on cut or some on fill. Ms. Mundie replied that there will be a considerable amount of cut along the spine of Road A. Some of the lots which have hillside conditions in the back will have some fill in the back.

Chairperson Arkin inquired if it would be possible to provide at a future meeting a map showing where the cut and where the fill would be. Ms. Mundie replied that that could be prepared. She added that Figure 3 includes the grading map, although it does not distinguish between cuts and fills.

Chairperson Arkin asked Ms. Mundie if, to her knowledge, some of the home structures would be on fills. Ms. Mundie replied that they would be on engineered fills that are placed, planned, and drained in a manner that is considered to be stable.



Chairperson Arkin further inquired if there are any retaining walls on the project and, if so, if they are retaining walls that are necessary for the stability of the homes or just architectural retaining walls for landscaping. Ms. Mundie replied that there will be some retaining walls and that where there are supposed to be retaining walls, the length and height of the retaining walls are limited under the design guidelines. She added that the retaining walls that are planned are primarily for stability purposes.

In response to Chairperson Arkin's inquiry regarding the height of the retaining walls, Ms. Mundie replied that she believes the design guidelines provide for five-foot tall retaining walls.

Chairperson Arkin noted that if the walls were for stability, they should be part of the infrastructure of the project rather than the design guidelines. Ms. Mundie replied that they were but that it is important that the design guidelines weigh in on how large the walls are because otherwise, it would be possible to build a project that had a lot of very large retaining walls, and that would be an unattractive feature of a project.

Chairperson Arkin stated that given that concept, he believed the number of retaining walls should be determined before the project was approved and not determined as a design guideline that will come house by house, and that there ought to be a map that shows where all the retaining walls are going to be on the project.

Ms. Mundie stated that the strategy behind the site plan was to try to put the buildings on the most stable portions of the site. The idea was always to minimize the amount of cut-and-fill that would be needed and the amount of stabilization effort that would be involved. Therefore, if retaining walls are needed in certain situations, their dimensions would be limited. And if a retaining wall exceeded those dimensions, that would mean that was a site that could not be built on. It becomes a constraint on development.

Commissioner O'Connor inquired how many of the 51 lot in the preferred plan would have had a grade of more than 25 percent before the cut for the pad of the house. Ms. Mundie replied that she did not have the answer at this time but that it is something that could be researched.. Those sites on the 51-lot alternative are on larger lots, and, therefore, the building will be a smaller proportion of the total lot size. Some of those lots could possible have rather steeper slopes because it would be easier to avoid those slopes on a larger lot.

Commissioner O'Connor indicated that he was more interested in the pad that the house would sit on rather than if the lot had steeper slopes. He inquired if grading had to occur to take away the 25 percent slope in order to place a house on the building pad. Ms. Mundie replied that she would inquire into that.

Commissioner Fox noted that at the top of page 140, it indicates that the consultants relied upon the Berlogar report to determine stability and that the Verona Fault was one mile away. She inquired is the consultants relied on the Berlogar report or if there was another consultant that they also used. Ms. Mundie replied that she would ask Baseline Environmental Consulting to respond in part to that question. She pointed out that while Mr. Berlogar is a property owner in

Pleasanton, he is also the head of a geotechnical consulting firm. She informed the Commission that the City of Pleasanton has its own City-paid consultant, Cotton Shires Associates, to review the geotechnical reports; therefore, in effect, the consultant and everything he has to work with is not the only resource Pleasanton has to try to assure maximum safety of new building sites.

Chairperson Arkin inquired if the City used the peer review in the generation of this Draft EIR and if their input was used in this draft EIR. Ms. Mundie replied that their input was referred to by the Draft EIR consultant and that they were in contact with each other and discussed it.

Chairperson Arkin asked if the site and design guidelines permitted second units, a poolhouse, or similar structures, and if so, if that been taken into account in the Draft EIR. Ms. Mundie replied that the design guidelines address accessory structures. She added that it was her understanding that Pleasanton allows second units as part of its housing, but those would normally be part of the primary structure.

Chairperson Arkin inquired if there were any issues with respect to having a pool on a fill site, next to the edge of a hill. Ms. Mundie replied that it is not a building for human habitation, but it is a building for human use; hence, there are some standards that would apply to it.

In response to Chairperson Arkin's further inquiry regarding whether pools can be installed in cut backyards but not on fill, Ms. Mundie replied that it could depend upon the profile of the lot.

Ms. Mundie then continued her presentation and stated that hazardous materials are a very regulated area, and it is the City's responsibility to make sure that all those regulations are met and that some of those regulations that have to do with this site would have to do with making sure that use of hazardous materials is minimized and that escape of any hazardous materials into the environment, to the maximum degree possible, never happens.

She noted that the major hazard of the site is wildfire because this site is located at the urban-rural interface. The project design guidelines here also provide guidelines both for developed lots and for open space that are required to be met in order to minimize fire hazards. She added that the City requires an urban rural wildlands fire interface plan, which would be a required element of project implementation, again to ensure that wild land fire dangers are minimized – both the danger of a fire spreading to this property, once it got started, or the danger of fire starting on this property and spreading elsewhere.

In response to Chairperson Arkin's inquiry if the homes would have sprinkler systems in them, Ms. Mundie replied that they would be required to have sprinkler systems.

Chairperson Arkin noted that in Southern California, sprinkler systems were actually installed on a hill at the edge of a city, and they were made with probably three- or four-inch diameter pipes. He stated that the Fire Department could just turn them on, and they went probably three or four hundred yards back from the homes. He inquired if that is something that could be done at this project. Ms. Mundie replied that she was not aware if this has ever been done in Pleasanton. She stated that it is not proposed for this project, but it is a concept that they could check into and get back to the Commission.

In response to Commissioner O'Connor's inquiry if there are other alternative EVA roads if the one going into Grey Eagle Court does not work out, Ms. Mundie replied that the project, as proposed, has two EVAs – one would go out to the west toward Benedict Court, past the existing water tank, as shown on Figures 2 and 3; and the other one goes out to the north. She continued that for the alternatives which do not have cluster of houses, only one EVA is planned – the one that goes out to the north. One of the concerns is that EVAs need to be located where a reasonable number of people will think that is the best and quickest way to get out. The EVAs would probably not be the logical source of exit unless there is some blockage on the main road.

Commissioner O'Connor inquired if one of the EVAs would never be built under Alternative 4 and if there were a third proposal if there are issues with the other EVA in terms of access and ownership. Ms. Mundie said yes. She added that no other proposal has been studied by the Draft EIR team at this time, although other alternatives may come forward.

Chairperson Arkin inquired at what point can the Commission get more clarity on this issue. Mr. Pavan replied that staff can come back to the Commission with answers on that. He added that Fire Chief Cody is present to answer those questions.

The Commission took a five-minute break at this point.

Chairperson Arkin stated that after consultation with staff and given the volume of material to go through, the presentation should be continued and public comment from the people in the audience taken.

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

Allen Roberts, 16 Grey Eagle Court and owner of the property at 29 Grey Eagle Court, currently a vacant lot which is referenced in the Draft EIR and one of the last lots to be developed in the Grey Eagle subdivision. He noted that an EVA was planned through his property and that he has no agreement with the developer to allow siting an EVA through his property. He continued that it looked like the plan was to use an existing easement that he had with the City of Pleasanton, which he feels does not allow for an EVA. He stated that the Draft EIR calls for a maximum grade of 12 percent for an EVA or fire truck access to keep things from falling off the back of the truck if it goes up too steep of a hill. He noted that the hill has a grade of 18 percent, which, is too steep for a fire truck. He wanted to make sure that the issue of an EVA through his property was flagged as part of the Draft EIR.

Lee Fulton, 3407 Brandy Court, stated that one of the many wonderful things about living in Pleasanton is its horizon and that one can look up from just about anywhere in town and see unspoiled ridgelines on the horizon, whether it is the north Livermore hills, Mount Diablo, southern eastern hills, or the Ridglands. He noted that he was told by staff over a year-and-a-half ago that ridgeline development was discouraged by the General Plan; hence, this plan, as proposed, probably would not be approved. He added that many cities in the area, including Danville, prohibit ridgeline building and protect them very diligently.

Mr. Fulton stated that the plan as presented to staff grossly misrepresents the visual impact of the project by originally using only six locations, all of which were in Kottinger Ranch. He noted that four other sites have been added in Grey Eagle Court, Red Feather Court, and a few others. He stated that one of the reasons why the pictures are problematic is because 28-millimeter wide-angle lenses were used for all the pictures except that from Bernal Avenue, which utilized a 55-millimeter wide-angle lens. He stated that a 28-millimeter lens produce pictures that do not truly represent what the eye actually sees and makes everything look much more insignificant.

Mr. Fulton stated putting the road on top of the ridge and then dropping the houses down on either side would produce a visual impact of rooflines rather than a natural ridgeline. He noted there were no views of the horizon of Mataro Court, Grey Eagle, Vintage Hills, Vintage Hills II, the views from the Busch property, and that instead of seeing hillsides, one would be looking at houses. He added that the developers claim that the reason for the ridgeline placement was for environmental reasons, but he believed it was because it would be less expensive to do since not as much dirt would have to be moved, and each lot could be sold for twice as much because of the view from the house. However, from the rest of the town, the view of the ridgelines would be replaced by looking up at the houses. He indicated that the citizens of Pleasanton fought long and hard to save the ridge and that care should be taken with the only other ridgelines left in the southeast hills.

Mr. Fulton stated that in the biological study, the area just west of Court 1 and north of Hearst Drive that were initially proposed for a park is daily haunted by hawk, kites, owls, vultures and fox at night. He added that the same area right below Court 1 has had several landslides over the years and is so steep such that kids who used to go up there with their four-wheel drives needed to be pulled out.

Mr. Fulton concluded that there is the opportunity now to determine whether the future horizons will be ridgelines or rooflines and that he personally voted for ridgelines.

Russell Schmidt, 18 Grey Eagle Court, on the north boundary, two existing houses down from the proposed exit to the EVA. He requested that noise during construction be addressed, particularly the backup beepers on heavy construction equipment, especially since the buildout period is estimated to six to eight years. He inquired if anything could be done to abate the sound such as turning the volume down or changing its frequency. He also noted that construction hours were proposed to be from 8:00 a.m. to 5:00 p.m. but does not specify if that included weekends. He requested that if construction work is allowed on weekends, no backup beepers be allowed on Saturday and Sunday.

Mr. Schmidt then addressed the issue of dust and wind. He stated that typically during the summer, the area gets prevailing winds from south-southwest between 10 and 20 miles an hour, which have blown away lawn equipment and umbrellas off their stands. He added that moving 700,000 cubic yards of soil is going to result in a lot of dust in the air and requested that attention be paid to that. He stated that there would also be an impact on nighttime views and glare.

Mr. Schmidt continued that on page 74 of the Draft EIR, there are four bullet items on proposed mandatory design guidelines in relation to directing lighting down onto the lot and not having

floodlights shining out, which will have a huge impact. He indicated that he would prefer these guidelines to be mandatory rather than proposed mandatory. He noted that there was no clear indication of whether this would be enforced by the City through the Planning Commission or by the developers themselves.

Mr. Schmidt then noted that the Draft EIR mentioned discouraging bikers and pedestrian hikers from using the EVA. He stated that Grey Eagle Estates experiences this persistent trespassing problem, both with the private road and the EVA associated with it as it is a natural route for people who want to come up to a high point and look out. He stated that he had posted additional signage on his part of the EVA regarding not trespassing, and it had been ripped down. He expressed concern that the same problem would occur here if the EVA allows bicycles and hikers to continue up the hill and connect to the new trail systems. He indicated that he supported the trail system with the trail head but that he did not want the public to use the EVA to get to the trail.

Mr. Schmidt then indicated that he did not agree there would be no real traffic impact since most of the intersections that would be impacted are already very bad; he stated that traffic impacts need to be examined.

Finally, he noted that he knows there is wildlife in the area, such as horned owls there and foxes, that did not show up in the survey and inquired what these were omitted.

Mary Roberts, 1666 Frog Hill Lane, stated the Alternative 4 was an environmentally better solution but not superior to all. She echoed Mr. Fulton's comment about ridgeline development, noting that this development would all be on the ridges and that nothing in the EIR discusses ridgelines or why Alternative 4 is a superior or a better environmental solution in this regard. She added that if the houses were put down lower and cut into the hill so there is a backdrop, the ridgeline would be the sky behind all the houses. She added that there may be a good environmental reason for doing it but that it is not discussed in the EIR. She noted that she liked the tree replacement discussion which is superior to our ordinance, which is one per six. She stated that the new trees need to be protected or the deer will eat them or rub their antlers on them and kill them.

Ms. Roberts continued that the public hearing process is ignored for the design guidelines and stated that when groups do their own design approval, these groups sometimes get "clique-y." She stated that there should be some possibility of public hearing as was done with the Callippe Golf Course homes and the Reznik property. She suggested that Floor Area Ratios (FAR) be disregarded as some of these lots are two acres, which would mean 20,000-square-foot houses on the ridge, resulting in a lot of visual impacts and hardscape on the property.

Ms. Roberts noted that no mention is made about allowing any irrigation on the slopes, which is a very good idea. She added that big lots tend to be fully landscaped and use a lot of water, as was the case in the Vineyard Avenue Corridor, where the water tank had to be bigger because of the amount of water Ruby Hill used.

Ms. Roberts commented that the road going through the Berlogar property mentioned in Alternative 3 was proposed in 1991 or 1992. She added that since then, Berlogar has had new structures built, some of which were approved by the Planning Commission. She stated that the Vineyard Corridor Specific Plan needs to be changed to include a road on the ridge. She further noted that noise in the canyons that bounces off the hills is not addressed in the Draft EIR.

Finally, Ms. Roberts noted an inconsistency, pointing out that on page 300, it is stated the road going down to Vineyard Avenue is impossible; but page 336 has this sentence: “In short, Alternative 3’s effectiveness in shifting traffic is not very substantial, and the payoff in terms of reduced LOS is minor and limited.”

Mike Regan, 1363 Hearst Drive, expressed concern about traffic in terms of the potential over the years to break through to properties even beyond the Oak Grove proposal. He indicated that he would like to have a formal mitigation which would include easements and legal restrictions that would basically say that this project would be the end of any kind of development beyond Hearst Drive. With respect to the environment issues, he noted that the mitigation typically is a measure-and-monitor type of response and that what is really necessary is to determine what open space is and how to keep it as open space. He stated that he does not see the sight lines on some of the views in Alternative 4 and that this needs to be followed up in terms of aesthetics and impact. Finally, he indicated that the impact of the EVA road needs to be determined prior to moving the project forward.

Phil Blank, 1339 Hearst Drive in Kottinger Ranch, noted that the traffic impact is an issue of not just volume but speed as well. He noted that traffic on upper Hearst Drive is out of control, sometimes up to 45 and 50 miles an hour. He commented that he believed the vehicles not familiar with the area and are looking for a cut-through as the vehicles typically go all the way to the end of Hearst Drive and then make a U-turn and speed back down the other way. He encouraged the Commissioners to and walk the site. Mr. Blank added that better visual simulations are needed, preferably digitally and electronically, that would accurately render what is actually seen.

Mr. Blank stated that he did not believe 45 days is sufficient time to gain public comment and visit the site and encouraged the Commission to consider extending the comment period. He added that discussions going on between the developer and the neighborhood, and sufficient time is necessary for written agreements to be put into place.

Mr. Blank noted that vibration is one item not mentioned in the Draft EIR. He stated that there have been foundation problems in the fill and on the ridgeline in Kottinger Ranch and requested that the EIR include an assessment of the impact of construction trucks going up and down Hearst Drive for a lengthy period of time, which could be mitigated by reducing the size of the construction trucks. He noted that the vibration is a concern in terms of its impact on the existing foundations due to slippage and foundation problems that have already occurred in the area.

Finally, Mr. Blank commented that one section of the EIR talks about outside impacts on the project, and it did not discuss the Livermore airport. He stated that from the noise perspective,

this project will be a lot closer to the Livermore Airport than Kottinger Ranch. He noted that the traffic pattern at Livermore Airport was recently approved with a substantial number of new hangars, a runway extension, and a significant airport expansion. He indicated that he would like to see the impact on the site of the mixture of business jet and small aircraft operations 24 hours a day, 365 days a year.

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

Chairperson Arkin noted that there was more material in this EIR than can be covered in one meeting and that there may have to be multiple meetings to cover everything. He suggested that the Commission stop in the middle and take public testimony and then reschedule for a future meeting.

Ms. Decker recommended that the Commission consider continuing some or all of the rest of the presentation, from the hazardous section, to the July 26, 2006 meeting. She noted that some of the Commissioners would be on vacation, but a number of Commissioners will be in town, and it could be determined then where the Commission is with respect to the Draft EIR review and comment period; the next hearing would be on August 9, 2007.

Commissioner Fox inquired if the Commission could also talk about some other alternatives that the Commission might want staff to go out and investigate other than Alternative 4.

Ms. Decker replied that it may be premature to do that at this time as not all the information of the Draft EIR discussion topics have been covered. She added that the Commission could also have a study session about the preferred project and go more in-depth into the alternatives sometime in August 2006. She recommended that discussion as far as a revision or additional alternatives be considered at that point.

Commissioner Fox stated that she had a lot of questions because that was done with Greenbriar and the Bernal PUD development on the west side of I-680. She noted that the inclusionary zoning ordinance was put in place, and the project ended up having to build multiple duets I think there were ten in a section of million-dollar homes. She stated that she did not see any alternative that involves, for example, 51 units with ten duets in compliance with the inclusionary zoning ordinance, but only references to a 20-unit off-site development with no details. She noted that it goes counter to what the Commission tries to do of spreading those units around town.

Commissioner Fox continued that in terms of the ridgeline development and some of the comments on the grading presented tonight, it appears unclear which part is fill and which is not. She added that Commissioner Arkin has asked for a chart showing in green and red what is fill and what is not and that she would like to see a map that shows the ridgelines of the property and what pieces of property are being proposed to be graded that are within 200 feet of the existing top of the ridge, similar to what the Commission talked about with the General Plan and the San Juan Capistrano Ridgeline Preservation Ordinance, with conservation and open space, and potentially having a ridgeline preservation ordinance where grading would not be allowed within 200 feet of a ridgeline. She noted that based on the topographical map, she cannot get a sense as

to whether 100 percent of the proposed 51 units is within that 200-foot top of the ridge thing or whether there is a small portion. She concluded that she could not assess what the aesthetics are without that kind of information.

Ms. Decker clarified that the goal is to bring back this specific information that the Commission is directing the consultant as well as staff to look into and bring back to the Commission as a part of the review process for the Draft EIR. She reiterated that this is not the only opportunity to have these discussions. She noted that this is a look at the preferred alternatives from a lotting standpoint and how it impacts this particular site. She indicated that staff would bring back the information that the Commission is asking for as far as the cut-and-fill diagrams and with a smaller scale that would show Courts , 2 and 3. She stated that the Commission would then essentially move through that preferred Alternative 4 and then go through the formal PUD review process.

Commissioner Fox stated that the review period could also be extended to 120 days for people on vacation who want to comment rather than having everything due by mid-August or in the summertime.

Chairperson Arkin noted that Ms. Decker would look into the process to extend the review period since some other people have asked that. He stated that he was still a bit confused on the whole process because the actual scoping and the selection of different alternatives was not done by the Planning Commission. He noted that this is the first time the Commission has seen the materials and inquired at is what point in the process the Commission would provide feedback regarding what it really wants to see, for example, something different of between Alternatives 3 and 4.

Ms. Decker explained that that part of the process would be evaluating the project; this portion that is before the Commission is the applicant's proposed project to the City, which is a 98-lot alternative. She stated that the course of the analysis for the Draft EIR presented several impacts; each alternative has something that improves the proposal in one regard or another, and to date, the preferred alternative is Alternative 4. She noted, however, that that does not mean the Planning Commission does not have the opportunity to review and comment on the Draft EIR prior to the end of the review period.

She continued that tonight is just the first part of the Draft EIR process, and through the study session and with the additional information that the Commission had asked for, the Commission would have a better idea of how the concerns are mitigated from the 98- to the 51-unit alternative or what other things the Commission may be interested in.

She stated that after the Commission has heard all of the presentation from the EIR consultant, the Commission would direct the consultant and staff to bring back additional information to answer the questions, which would be a part of the Final EIR; the study session would then investigate more definitely how Alternative 4 has met many of the mitigation measures from the original project, and then move through the application process.



Chairperson Arkin commented that the issue of doing some higher density within the project was not contemplated in any of the alternatives. He inquired if there would be a place in the process in which the Commission can say that it wants another alternative that has these particular characteristics.

Ms. Decker replied that as with any other project, that would take place at a study or work session, where the Commission would have the opportunity to analyze, evaluate, and comment on the project overall, essentially after the Commission has been informed of the environmental impacts. In relation to the inclusionary housing ordinance, she clarified that the ordinance does not specifically state that they need to be built on-site.

Chairperson Arkin inquired if there is a requirement that all this has happen within the 45 days.

Ms. Decker replied that the 45-day review period is just the first review and comment period for the Draft EIR, and after that period, those comments are built into another document that becomes the Final EIR, which is then distributed and rides with the project. She clarified that what she was suggesting is that between those two periods and after knowing all of the environmental impacts of this site for development, the Commission look at Alternative 4 and have a discussion about the proposal.

Chairperson Arkin requested clarification that the 45 days does not prohibit the Planning Commission from directing that other alternatives be looked at and inquired at what point the Commission loses its ability to make that request.

Commissioner O'Connor notes that it was his understanding is that the 45 days is just to comment on the EIR, not the development itself.

Commissioner Fox noted that at the scoping session in February 2005, there were some comments from the public and from some of the City Council members to have a small project, like 10 to 15 homes. She noted that she was surprised that was not part of the alternatives, a project that would not need to conform to the inclusionary zoning ordinance but would be smaller scale. She indicated that she would like to see an approach where it is not done at the ridgetop level but somewhere in the middle between the valley areas and the ridgetop level. She commented that in some of the diagrams in the grading, she could see houses built on steep slopes and looked as if there are almost three stories.

Chairperson Arkin inquired if staff could put together a memo explaining exactly what the Commission's options are and how this project would work. Ms. Decker replied that she would be happy to provide an outline as far as the process is concerned and recommended recommend that the Planning Commission continue the discussion of the Draft EIR to July 26<sup>th</sup>. She added that staff can also bring back additional information with regard to the process.

Commissioner O'Connor noted that the Commission needs to see if there are other options for the EVA access if the one that is proposed is not going to work. He added that he would like to see on the grading how many of the lot pads have to be graded in order to fit a house onto a lot

that may have a 25 percent or greater slope, and which houses are going to be built on fill versus cut.

Commissioner Fox stated that she would like to see what houses are being proposed to be built within 200 feet of a ridgeline, as well as better visual simulations that are not involving a 28-millimeter wide-angle lens and blown up to approximately 11 inches by 17 inches versus the small ones in the EIR. She added that she would also like to see some more information on what Commissioner Blank brought up regarding the vibration of construction trucks and understand more about the issues of the visual simulation from the Busch property and the Vintage Hills locations. Finally, she stated that she would like to find out more details about the 20-unit off-site development proposed by the developer to meet inclusionary zoning ordinance requirements.

Chairperson Arkin noted that he had not walked up the site before and would like to see some process that staff puts in place that would basically take the Commissioners in groups of two to the site. He stated that he would also like the site to be color-staked and marked before the site visit to indicate where the cuts and fills are going to be. He added that a red stake could be used to show what is actually lower than what the final elevation is going to be and a green stake to mean that the final elevation will be lower. He also wanted to have an analysis of all the streets there so the Commission can walk and see exactly what it is going to look like. He indicated that he would also be interested in having some peer reviews done on the visuals and on the biological work.

Ms. Decker advised that she will report back to the Commissioners with respect to the site visit as requested by Chairperson Arkin.

Chairperson Arkin then continued the item to July 26<sup>th</sup> and thanked everyone for their patience.

Commissioner Blank rejoined the Commissioners at the dais.

**c. PUD-32, Daniel and Belinda Sarich**

Work Session to review and receive comment on an application for Planned Unit Development (PUD) development plan to construct an approximately 13,015-square-foot single-family residence and an approximately 130-square-foot poolhouse on the approximately 20-acre site located at 5 Tuscany Place (formerly 1630 Vineyard Avenue), in the Vineyard Avenue Corridor Specific Plan Area. Zoning for the property is PUD-LDR/HR/OS (Planned Unit Development – Low Density Residential/Hillside Residential/Open Space) District.

This item has been continued to August 23, 2006.

A recess was called at 9:10 p.m.

Chairperson Arkin reconvened the meeting at 9:30 p.m.

**d. General Plan Circulation Network**

Consider refinements to the “working draft” General Plan circulation (roadway) network and provide comment prior to consideration of the draft General Plan circulation network by the City Council.

Ms. Stern summarized the staff report, and described the history and scope of this document. She noted that on August 20, 2005, the City Council selected the “working draft” circulation network described in Alternative B of the staff report. Alternative B consists of the circulation system assumed at the buildout of the 1996 General Plan, without the West Las Positas Boulevard interchange and the Stoneridge Drive extension to El Charro Road. Staff recommended the following refinements:

1. Staff’s understanding of the desired community character where the network change would provide only minimal traffic flow improvement;
2. Comments and decisions made by the City Council regarding specific roadway extensions and widenings; and
3. Updated information regarding regional plans and recognition of the improvements listed that are not within the City’s jurisdiction.

Staff requested that the Commission focus its feedback primarily on roadway extensions and widenings; traffic signal locations and changes to intersection geometrics may be important locally.

Staff recommended the following changes in Attachment 1:

1. Changes related to a revision of CalTrans plans for I-680 and I-580, consisting mainly of a change in the location of a High Occupancy Vehicle (HOV) lane on I-580 and the addition of an HOV lane northbound on I-680;
2. The deletion of planned traffic signals on Valley Avenue; while they improve the traffic flow, they also change the character of that residential area;
3. The deletion of a change to one-way traffic on Spring Street. This had been considered as a way to increase parking capacity in the Downtown area, but other strategies are currently being considered.

In response to an inquiry by Commissioner Fox regarding the difference between Alternatives A and B, Ms. Stern replied that there were three sets of improvements in Attachment 1. The first set of improvements was Alternative A: Pleasanton intersection capacity enhancements – Existing and approved Pleasanton Land Development, plus regional 2025 development with buildout of the Livermore and Dublin General Plans). Alternative B added the buildout of the Livermore and Dublin General Plans and addressed what would be needed to efficiently deal with that land use. Alternative B consisted of all the improvements on the sheets (Alternatives A and B). She detailed the various deletions and changes contained in Alternative B.

Staff requested that the Planning Commission review and consider the recommended refinements to the working draft circulation network and to provide input prior to City Council review. Staff would model the preferred land use plan on this network, and the results should be available in October; staff will return to the Planning Commission with those results.

Commissioner Blank noted that it was extremely difficult to make a left turn at the Nevada Street/Bernal Avenue intersection by the synagogue.

Ms. Stern received several emails expressing some concern regarding traffic on the Valley Avenue/Stanley Boulevard corridor.

**THE PUBLIC HEARING WAS OPENED.**

Henry Jones, 4017 Schween Court, noted that since the Stoneridge Drive extension was taken out of the mix, he was concerned about the traffic engineers stating they wanted three lanes at the corner of Valley Avenue and Santa Rita Road and three lanes at the corner of Stoneridge Drive and Santa Rita Road. He noted that there was a lot of traffic at both intersections, and he believed that the addition of three lanes would encourage even more traffic to use those roadways. He would like the additional use of those roadways to be discouraged.

Kevin Close, 871 Sycamore Road, noted that Alternative A discussed the Happy Valley Bypass Road and inquired what would be changed. He added that was already in the General Plan. Mr. Tassano believed that was meant to indicate its addition.

Commissioner Blank suggested that the “Happy Valley Bypass Road” be referred to as “Sycamore Creek Way Extension” for clarity.

**THE PUBLIC HEARING WAS CLOSED.**

Chairperson Arkin did not favor a triple left-turn lane at Santa Rita Road and preferred that it remain two lanes. Mr. Tassano noted that the Commission was being asked to consider how to model the future land uses and how to use the existing roadway network. Given the existing roadway network, staff was attempting to envision some of those that would be necessary; he noted that particular change was necessary at this time. Staff wished to address current safety concerns with the triple left-turn lane.

In response to an inquiry by Chairperson Arkin regarding the source of the traffic as referenced by Mr. Jones, Mr. Tassano replied that they generally came from the business park. Chairperson Arkin inquired whether it would be possible to meter and constrain it further so fewer people could make a right turn on Stoneridge Drive and West Las Positas Boulevard and would like to find an alternative to three left-turn lanes. Mr. Tassano replied that staff found that it was easier to meter at the end, where there were fewer local impacts. He noted that 40-50 percent of the traffic was cut-through traffic. The metering was effective in reducing the overall traffic on Bernal Avenue and First Street; that metering was discontinued due to concerns from the local residents.

Mr. Tassano noted that a difficulty experienced with Arlington Street and Sycamore Road was that the traffic could be metered, but they had to control where the metered traffic went.

Commissioner Fox suggested that a triple left-turn lane might cut down on the number of cars running the red light. Mr. Tassano agreed with her assessment.

In response to an inquiry by Chairperson Arkin whether the City could put a no-right-turn sign on Stoneridge Drive and Santa Rita Road, Mr. Tassano replied that he could simulate that condition and report the results to the Commission.

Commissioner O'Connor expressed concern about the elimination of traffic signals at Blackbird Drive, Crestline Road, and Hansen Drive from a safety perspective. He noted that children had been hit in those areas, and many drivers did not come to a full stop at those locations. He would not be in favor of eliminating those stop signs.

Commissioner O'Connor noted that there was a significant traffic bottleneck when school lets out on Case Avenue. Mr. Tassano agreed and noted that the crossing time and the left-turn time could run at the same time if one crosswalk were to be removed and the students crossed on only one side of the street. He recommended retaining the crosswalk on the west side. Staff is continuing to review that intersection.

Chairperson Arkin suggested that this item be continued to allow the other Commissioners to comment on this item.

Commissioner Fox suggested that the Commissioners send comments to Mr. Tassano via email.

This item was continued to the meeting of July 26, 2006.

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

### **a. Green Building Features at the Bordeaux Country Estates (PUD-14, Heinz)**

Commissioner Blank noted that on the next-to-last page under "Renewable Energy," the report did not state what had been done and that it only stated the requirement.

Ms. Decker noted that the redlined version did not show changes in the black-and-white version. She noted that the building would be prewired for photovoltaic systems.

Commissioner Blank noted that the applicant did a nice job on the report and accomplished about 80 percent of the items.

### **b. Residential Sprinklers for New Construction**

Ms. Decker noted that staff would be developing a staff report to be presented to the City Council on August 15, 2006, relating the Planning Commission's interest to receive direction from City Council to adopt an ordinance addressing sprinklers in new residential as well as commercial construction.

Commissioner Blank suggested that a retrofit ordinance be examined, similar to that used by the City of Livermore and other cities.

New Items After 10:00 p.m.

Chairperson Arkin suggested that the Commission consider not starting new items after 10:00 p.m. and noted that City Council cancelled a number of meetings during the summer.

Ms. Decker noted that the Planning Commission had the prerogative to take a vote and adjust its schedule accordingly. Regarding not starting new items after 10:00 p.m., she noted that many large projects were being considered lately and added that the Commission has made an effort to recognize the lateness of the hour with respect to these larger projects.

Commissioner Blank noted that many people had worked hard on their items and did not believe that canceling a meeting would reduce the amount of work. He suggested that the Commission consider whether a meeting be concluded at 11:00 p.m. or shortly thereafter.

Ms. Harryman advised that the Commissioners' Handbook had a provision allowing the Commission to decide how many more items would be considered and when the meeting would be adjourned.

Congested Intersections

Commissioner Fox noted that CalTrans stated that I-580 eastbound to I-680, east of El Charro Road is the second worst gridlocked area.

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

a. Future Planning Calendar

No discussion was held or action taken.

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.

**9. COMMUNICATIONS**

No discussion was held or action taken.

**10. REFERRALS**

No discussion was held or action taken.

**11. MATTERS FOR COMMISSION'S INFORMATION**

No discussion was held or action taken.

**12. ADJOURNMENT**

Chairperson Arkin adjourned the Planning Commission meeting at 11:16 p.m.

Respectfully,

DONNA DECKER  
Secretary