



PLANNING COMMISSION MEETING MINUTES

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

DRAFT
Wednesday, March 27, 2019

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The Planning Commission Meeting of March 27, 2019 was called to order at 7:00 p.m. by Chair Allen.

The Pledge of Allegiance was led by Commissioner O'Connor

Staff Members Present: Natalie Amos, Associate Planner; Gerry Beaudin, Director of Community Development; Ellen Clark, Planning Manager; Larissa Seto, Assistant City Attorney; Stefanie Ananthan, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. January 23, 2019

Commissioner O'Connor moved to approve the Minutes of the January 23, 2019 meeting as submitted.

Commissioner Ritter seconded the motion.

ROLL CALL VOTE:

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

NOES: None

ABSENT: None

The Minutes of the January 23, 2019 meeting were approved as submitted.

b. February 20, 2019

Commissioner Ritter moved to approve the Minutes of the February 20, 2019 meeting as submitted.

Commissioner Brown seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the February 20, 2019 meeting were approved as submitted.

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

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

4. AGENDA AMENDMENTS

There were no agenda amendments.

5. CONSENT CALENDAR

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

There were no consent calendar items.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. PUD-130, P18-0078/0079/0080/0081, Ponderosa Homes

Work session to review and receive comments on applications for various entitlements for four parcels (10807, 11021, 11033 Dublin Canyon Road and the parcel west of 11021 Dublin Canyon Road) totaling approximately 128.5 acres, including annexation, general plan amendments, and Planned Unit Development (PUD) rezoning and development plan to demolish two homes and construct 33 single-family detached homes with related on- and off-site improvements, and public land dedication and improvements.

Associate Planner Natalie Amos presented the specifics of the item in the Agenda Report.

Commissioner O'Connor inquired about the applicant's alternative that might be proposed. He confirmed with staff that it could be considered a single development of more than 10 units under Measure QQ, which has an exemption for 10 or less lots. Additionally, it could have a different configuration or fewer lots.

Community Development Director Gerry Beaudin responded there are other discretionary reviews that would be required, and there are considerations beyond Measure PP and QQ even with the proposed application.

Chair Allen explained to the audience the purpose of the presentation is a workshop to make recommendations on what is being presented, but the Commission would not be voting on anything.

Commissioner Balch inquired how the applicant developed the maps in determining the topography of the site.

Ms. Amos responded the maps were based on City-generated aerial mapping.

Commissioner Brown asked if any of the survey methods eliminate the variables associated with vegetation cover.

Ms. Amos responded the City mapping did not eliminate this variable, which might account for some of the “anomalies” detected.

Commissioner Brown asked if any of these anomalies relate to vegetation had not been shown.

Mr. Beaudin stated staff has field reviewed many of the anomalies shown. There are depressions and different angles to the slope. The mapping is based on a 9x9 square; if the anomaly is less than that it will show up on the map, and if smaller it will not. The 9x9 dimension is intended to filter out the very small variations in topography.

Commissioner Balch stated in regard to the Lund Ranch project, the process included grading ‘in the bowl.’ Discussion had focused on how many truckloads and how much fill was being placed to support the road, because it was the major infrastructure item on the slope. Regarding the proposed lots, he inquired if there would be grading of sloped areas to create building pads.

Mr. Beaudin clarified his earlier statement to note the mapping method used a 3x3 square (i.e. 9 square feet), and not 9x9. For the Lund project a determination had been made that the road was not subject to Measure PP restrictions, but none of the parcels had involved grading on slopes over 25 percent, including grading beyond the boundaries of the parcel itself. Commissioner Brown inquired whether there was no private open space with a slope over 25 percent on the backside of any of those lots.

Mr. Beaudin replied that the property was included in a Final Map and some of the lots on the backside were over 25 percent.

Chair Allen confirmed there were no anomalies on a buildable pad where grading took place that were over 25 percent. She asked about the implications, if any, for anomalies smoothed out, if using a 9x9 or an 81-square-foot method.

Mr. Beaudin replied they didn't use that type of mapping but rather used the City's adopted mapping protocol. However, in theory, there would be a larger area to blend an average and there should be less of those features with a larger minimum 'quadrant' or grid system.

Chair Allen acknowledged the research used by the City to set the standard.

Mr. Beaudin stated the goal was to create something that allowed for a true interpretation of Measure PP and QQ. Staff looked at several jurisdictions' hillside regulations and translated them into a policy the City could replicate for other development projects and this was the methodology used.

Commissioner Ritter said he did not remember anomalies for other properties.

Mr. Beaudin clarified that the Spotorno site was in the flats and staff did not apply this methodology given the hillside components of that project relate to trails and open space conservation.

Commissioner Ritter asked if removing the foliage would change the mapping.

Mr. Beaudin noted this was one example that could be causing the anomalies. He said staff has been onsite during the dryer season and depressions were noted in the ground. In some cases, the outfall will show up from water running in the area. In other cases, there might have been a tree which fell over and created a divot in the ground, as well as other reasons.

THE PUBLIC HEARING WAS OPENED

Applicant Jeff Schroeder with Ponderosa Homes introduced the Ponderosa team and provided background of their work, stating they initially applied in 2014 and returned with a more formal submittal in 2015. He explained there was delay due to Measure PP, but they worked with staff to refine the plan and proceeded to submit the project from the original 39 lot proposal to 33 lots, which includes the two existing houses. He said the plan meets Measure PP's guidelines because they stay out of the 25 percent slope areas, except for the tiny anomalies that could be caused by several factors, such as cows, roads, water, and man-made structures. Most of this proposal is not visible from anywhere; it is under the General Plan density midpoint, meets the City's requirements and includes community benefits of community parks and significant safety improvements on Dublin Canyon Road.

Ponderosa Homes' Planning Manager Rick Rosenbaum gave a PowerPoint presentation and stated the application has been refined several times to adhere to requirements. He spoke about their staking of the site and identifying the anomalies, presented an aerial map showing the development footprint and overlay, existing creek and vegetation, design of the property, lot sizes, street sections and road improvements. He said they are seeking the Commission's support to: define land use, apply the standard used for the Lund Ranch project, support the notion that the isolated pink areas are anomalies and are not protected hillside slope areas, support the proposed unit count of 33 residential lots and consideration of the proposed trail connection, location of the staging area, open space and the Lester family's desire to continue to reside on the property.

Acting Principal Planner with East Bay Regional Parks District (EBRPD) Neoma Lavallo stated the District has worked hard to expand public access to Pleasanton Ridge Regional Park. The land use plan identified the need to develop a trail head entrance off of the Devaney Canyon adjacent to the property. Staff has been engaged and has some concerns about placement of the staging area as proposed, but looks forward to working with staff and the developer.

Commissioner Brown asked and confirmed with Ms. Lavallo that EBRPD was supportive of staff's recommendation that the staging area needed to be closer to Dublin Canyon Road and that they had concerns with patrolling and safety and security as well as operation and maintenance.

Commissioner Balch confirmed EBRPD would prefer to have the staging area located on Dublin Canyon Road, knowing they were also amenable to continue working through the process. He asked if it was preferential to be closer or just to be at Dublin Canyon Road.

Ms. Lavallo said in terms of an attractive nuisance their preference is for the staging area to be on the road. If the area is not visible from the road it becomes a nuisance and harder to patrol for public safety and to maintain safety standards.

Commissioner O'Connor inquired if the staging area were moved closer to or on Dublin Canyon Road, whether the Lester family could keep their two homes in their present location.

Ms. Lavallo deferred this question to the applicant.

Commissioner Ritter asked what the typical staging area size was for this side of the trail.

Ms. Lavallo said it would be the northern access to Pleasanton Ridge where there is currently no real access. In terms of having a larger presence, it is typically 20-30 cars, while the current proposal is for 36 cars.

Chair Allen referred to the trail itself and asked if there was a trail design and plot. She also inquired about the funding, strategy and timing for the trail.

Ms. Lavallo said the EBRPD Trails Development Team is working on future trails and understands that the 2012 land use plan identifies trail alignments. There is an alignment that would be directly accessible from the Lester property east of the creek area, and some funds are identified and allocated for construction of those trails in that region.

Commissioner Brown referenced that this map was on page 24 of the agenda report.

Commissioner Balch asked and confirmed that EBRPD currently has staging areas off of main roads and, in certain cases, they are willing to work to place a staging area wherever most appropriate; enhancements would make alternative locations more palatable given the potential for automatic gates and security cameras would make patrolling easier.

Chair Allen referred to the funding agreements referenced in the agenda report and asked whether those have been agreed to, conceptually, between the District and the developer.

Ms. Lavelle said their preference is for a separate funding mechanism for maintenance of the open space lands, such as a community facilities district, endowment, or other zoning benefit source, but to date, nothing has been specifically agreed upon with the applicant.

Sean Ghoddoucy said he lives directly across from the area of the proposal and staging area. He voiced concerns of the development being an eyesore with added traffic. He asked that renderings showing views be a requirement and asked that the Commission require the developer to comply with regulations.

Ted Vinson said his family owns land to the west and south of the project site and is the contiguous landowner for land which is located on the southern portion of the project site; he stated this area is not reflected in any of the documents. He voiced concern over the significant wildlife in the area, asked that the location of the staging area be moved closer to the road to avoid trespassing issues on his property, and felt there was no good access from the meadow to the ridge from the location of southern boundary site and to the ridge. He also thought that by allowing the public access to the top of ridge it would increase the probability of fire and he sees no plan for Emergency Vehicle Access (EVA) access or storage of water at the top of the ridge to fight fires.

Pat Johnson, President of Canyon Meadows Homeowners Association (HOA), said their main concerns for residents are additional traffic on the road, too little room for drivers to pass bicyclists, safety, the location of the proposed staging area, and existing disruption of traffic on numerous days due to road construction; they requested the addition of turning lanes in both directions of Castro Valley.

Sarah Hollister, Canyon Meadows resident, voiced concerns with the traffic on Dublin Canyon Road with the addition of horse trailers, residents and the staging area, and she asked the developer to pay for calming methods and/or a traffic signal to slow down speeds and improve safety.

Paolo Di Candia said he lives next door and voiced support for the project but stated his concerns over traffic and the amount of water. His other concern was where does the water from the creek coming down from the hill get directed.

Dena Maionchi said she is a neighbor and has an emergency response kit because she hears and responds to accidents on Dublin Canyon Road when they happen. She pointed to a map showing a blind curve where residents cannot see drivers coming from their left side and where drivers cannot see the residents. She said residents have been requesting a traffic signal be placed at this intersection for 10 years and noted she was meeting with City staff next week to discuss what was needed to get the traffic signal installed.

Diane Lester Kolb said she was speaking on behalf of a five-generational family that has lived on the property and voiced support of the Ponderosa project. She expressed the desire for her 80-year-old mother to be able to see the project completed and for her to be able to move back into the replacement home. She stated they are giving up two of their homes for the staging area, said they do not believe wildlife will be disturbed and believe the park will provide great benefits to the community.

Andrew Gelb, a resident on Crosby Drive, said he raised strong initial concerns and the developer indicated they would work with impacted neighbors; however, this has not been done. Instead, the request is for the City to waive the City's prohibitions against grading of hillsides and covering open space with houses. He cited the need to preserve the City's features of its hillsides and to minimize grading and cut and fill operations. He said many people chose to buy their homes in Pleasanton, not Dublin, and asked that the City not cover its hillsides with homes, citing additional traffic concerns, congestion, fire risk, and water supply.

Russ Shiroma said he had no comment.

Morteza Farr said he just purchased a home on Dublin Canyon Road just next to where the development is planned. The proposed property will surround his current property on both sides, which is still Zone A, and he questioned how the project will affect his property and its values because of views.

Guy Houston said he lives in the Canyon Woods complex on Dublin Canyon Road which is currently very dangerous. He asked to see traffic slowed, a traffic signal installed, diversion of traffic coming off the freeway and improved stormwater conditions from the hill. He sees this project as an opportunity to improve current conditions but asked to see problems resolved.

Scott Alair, Canyon Meadows resident, voiced support of the project and cited benefits of widening the bridge and bike lanes for safety and added hiking opportunities. He questioned why EBRPD would want a staging area near Canyon Meadows, which would be an eyesore, cause congestion and a noise issue and said he preferred the staging location proposed by the developer. While the view from the entrance to Canyon Meadows would not change, he recognized changed views from those residents living above seeing homes below. He thinks the project is an opportunity to improve existing traffic hazards, improve bicyclist safety and supported Ponderosa's work to make the area safer.

THE PUBLIC HEARING WAS CLOSED

Commissioner O'Connor asked and confirmed that there were 60 trees in total to be removed and he asked how many of those 60 trees were heritage trees.

Ms. Amos said she did not have the exact number, but Ponderosa has prepared a tree report to identify those which are heritage trees, noting that the majority of trees proposed to be removed are to accommodate the widening of Dublin Canyon Road along the frontage.

Commissioner Brown referred to Measures PP & QQ and quoted the reading of Measure PP: "Exempt from this policy area housing developments with 10 or fewer housing units on a single property as they were as of January 2007 legal parcel pursuant to the California Subdivision Map law." He asked if all four of the single properties were as they are now as of January 1, 2007.

Ms. Amos confirmed.

Commissioner Brown referred to Commissioner O'Connor's question; both Measures PP and QQ garnered enough votes to be over 50 percent, but Measure QQ did not receive enough votes to eliminate Measure PP, and both apply. He asked if his interpretation is that these are separate properties and how Measure QQ treats the concept of multiple properties being considered as one development.

Assistant City Attorney Larissa Seto said the language of Measure PP discusses "exempt from this policy are housing developments of 10 or more housing units" and what is proposed is a project with 33 units. The developer has them coming separately and is proposing a development on each of the lots. With regard to Measure QQ, it adopted existing policies within the General Plan that do not specify the same 10 lot exemption; thus the exemptions discussed in Measure PP do not apply in the Measure QQ situation.

Commissioner Brown said Ms. Seto's legal opinion is that the text of Measure PP talks about single properties but not combined development applications.

Ms. Seto said this is an area where, ideally, the initiative would be perfectly clear about everything. But, as new issues come before the City, whether they are slope and structure and housing developments, we have to consider the intent of Measure PP as to whether it would apply to this project.

Commissioner Brown said he was trying to understand the applicant's position versus staff's position.

Ms. Seto said with the interconnected streets and shared EVA, staff sees it as one housing project, although she recognized this is the question before the Commission which was open to interpretation.

Commissioner Brown said he presumes the road is not designated as a highway and is a City road.

Ms. Amos confirmed the road is not designated as highway.

Commissioner Brown asked and confirmed with the applicant that the gate reflected on page 21 would be an automated, unmanned gate.

Commissioner Balch said in light of EBRPD's "all or nothing" opinion on the staging area at Dublin Canyon Road versus halfway to Dublin Canyon Road, he asked if staff could elaborate on a preferred location.

Ms. Amos said the City's position is to have the staging area closer to Dublin Canyon Road for similar reasons stated by EBRPD staff related to safety and visibility.

Commissioner Balch asked and confirmed that the staging area would be on the developer's open space property. He asked if there had been discussion regarding locating the staging area next to the homes and pointed to new Lots 3, 4 or 5 on the Urban Growth Boundary line.

Ms. Amos stated that as of today, staff has not pursued alternative locations for the staging area.

Mr. Beaudin added that this could get into slope issues; moving around the areas that have been identified for residential development are tied to the more developable areas on the parcel.

Commissioner Balch referred to the speaker who talked about crossing his property line and asked if this was being addressed.

Ms. Amos replied she has expressed this concern to Ponderosa Homes and staff and Ponderosa Homes are working to clarify ownership of each parcel and easement.

Chair Allen noted that EBRPD would also ensure that hikers would not trespass on his property, if in that location.

Ms. Amos confirmed the statement.

Commissioner Balch said there have been many public comments relating to the intersection requesting the need for a traffic signal; he asked if this was discussed in the work plan.

City Traffic Engineer Mike Tassano stated staff reviews and weighs numerous intersections on an annual basis when determining installation of new traffic signals. This intersection is ranked around 10, out of roughly 25-30 locations, and is right on the border in terms of qualifying for a traffic signal, with the volume of vehicles coming out of the existing area as a limiting factor. Additionally, there is the matter of other competing projects related to vehicle collisions and funding available when determining installation of a new traffic signal.

Chair Allen asked if this intersection's priority would increase when adding an active staging area and trails use with 30 cars using the staging area.

Mr. Tassano said he did not feel this would have enough impact, noting that the staging area is not a high-volume location. The intersection's priority will move up as other traffic signals get constructed.

Commissioner Brown asked and confirmed the left hand turn lane into Canyon Creek Circle on Dublin Canyon Road currently exists. The project would propose adding an acceleration lane for those turning right out of the project. He asked if there was potential for an acceleration lane for those turning left out of the project into existing traffic.

Mr. Tassano explained that the right turn acceleration lanes are not heavily used. Left turn pockets are a huge benefit as well as the center acceleration lanes, and those are used when drivers experience delays getting out.

Commissioner Balch asked if a traffic signal could be installed even though it is close to meeting the standard and assuming the developer funds signal installation.

Mr. Tassano said yes, with the cost being \$500,000 to \$750,000.

Commissioner Brown asked if two traffic signals would be installed given the current design of the proximity of Canyon Creek Circle and the existing development. Or, he asked if it would prevent a proper traffic design to be so close to another traffic signal.

Mr. Tassano said he did not believe they were too close, but this would be something the City could look at to ensure there is enough visibility. If he felt they were too close, they would install a combination signal.

Commissioner Ritter referred to the blind turn when making a left out of Canyon Meadows and asked if shrubs could be removed to improve the situation.

Mr. Tassano said they have plans to widen the road and bike lanes will help achieve more visibility. He then spoke about limiting factors with trimming trees along the creek given they are maintained by the HOA.

Commissioner Ritter asked for other traffic calming measures if a traffic signal was not installed.

Mr. Tassano said the Neighborhood Traffic Calming Program is intended to calm traffic. Arterial traffic is normally calmed through police enforcement and radar speed signs. There have also been some agencies who install speed bumps on arterial roadways, of which he would not recommend.

Commissioner Ritter asked if a roundabout might be considered.

Mr. Tassano stated a roundabout would be an alternative to a traffic signal and a much more expensive approach.

Commissioner Ritter asked if the Lester family considered moving to the staging area and/or vice versa.

Ms. Amos said this is a conversation Ponderosa Homes has had with the Lester family and their desire is to maintain their residency closest to Dublin Canyon Road.

Commissioner Ritter referred to concerns regarding stormwater drainage and confirmed this would be refined and addressed further along in the project.

Chair Allen referred to the potential for crime in the staging area. She said she understands the neighboring development, The Preserve, was granted land for a City park, which has experienced some problems, including partying and minor crimes in the surrounding area.

Planning Manager Ellen Clark said she reached out to the police department regarding this but has not heard back, and she agreed to follow up.

Commissioner Balch said Augustine Bernal is a City park and when on that and the fire lane up to the EBRPD boundary, it is all City property; therefore, the Pleasanton Ridge access

belongs to EBRPD and down by the Adobe parking area. It is a joint venture between the Adobe parking and now the more northerly EBRPD access.

Chair Allen commented that Golden Eagle had a guard at the gate and there was full security with a sign-in list versus it being more secure, and she recognized those differences.

Commissioner Brown referred to Parcel C on page 22 and the long-term funding on page 23. He presumed there would be a more refined plan that includes a funding discussion if the applicant was insisting on retaining ownership of Parcel C. He noted that the Lester family has a vested interest in maintaining control for better, long-term maintenance than EBRPD. The District is concerned at some point in the future people may not be as willing and they would rather it be part of the City's or the Park District's control. He asked if this was the crux of the discussion.

Ms. Amos said they are having conversations about whether that parcel should be included in the EBRPD dedication. No change to the General Plan designation is proposed, and would be kept as an open space designation to prevent development on that parcel. If it were to be sold to another private party, it would be limited to the General Plan land use designation and property owner would have to be responsible for maintaining it as a private ownership. Staff has encouraged the applicant to consider including the parcel in the dedication.

Commissioner Brown asked if the two items were tied to each other in terms of whether Parcel C remained in private control and whether they would seek long-term funding to help.

Ms. Amos stated it is a private piece of land and the City would not provide funding for maintenance; it would be maintained by the private property owner, the Lester family.

Mr. Beaudin said the Lester family is assuming the liability and responsibility that comes with maintaining their property like most other private property owners.

Chair Allen referred to the questions asked of the Commission and suggested going through them individually.

Question 1a: Would the Commission interpret Measure PP such that the Shriner's property would be exempt from Measure PP based on the fact it would individually have fewer than 10 lots?

Commissioner O'Connor said he would not consider it separately since it is one, 31-unit development. The way it is proposed, the access road is supporting the development as well as the EVA.

Commissioner Ritter agreed and said if done in stages he would question it, but it is all inter-connected.

Chair Allen and Commissioner Balch both said they also would not consider it separately.

Commissioner Brown said he would say it is definitely not exempt from Measure QQ. He can understand the applicant's position based on the language but was not sure from a legal end

that it was clear. However, when talking about voter intent, he was siding more with the majority and thinks it should be treated as one project.

Commissioner O'Connor added that even if they were considered separate, Measure QQ does not necessarily give anyone a right to a minimum number of homes, and Commissioner Brown noted this was his point.

Question 1b: Would the Commission interpret Measure PP such that the spot areas displayed on the mapping as having a slope of 25 percent or more should be treated as anomalies and exempt from Measure PP.

Commissioner O'Connor said some spots are quite small and he could not tell the difference. Given the spots are being detected and you cannot tell the difference, the rest of the slope must be very close to the 25 percent. However, he still thinks the intent of Measure PP would be the weight of those because they are so small, which is not the case on all of the lots; some of the lots have a much more extensive pinkish color but he believes for the tiny spots, excluding them would be consistent with the intent of Measure PP.

Chair Allen clarified that Commissioner O'Connor was saying that some spots would be tiny and should be excluded. She said that at some point in time staff will get into a discussion of what is and is not small; if the spots are larger, they should be of concern.

Commissioner Ritter agreed but noted the suggestion to make the area 9x9 instead of 3x3 to see if this causes less anomalies. He still believes that by treating anomalies as exempt, Lot 20 is the only property with the most; the other lots only have one or two anomalies. He said Lot 20 might be the property they review more closely, and they would be more flexible with the other lots.

Chair Allen suggested the Commission review the map and she clarified the map was the new Lot 13 map and not the old Lot 20 map.

Commissioner Brown said he spent a lot of time looking at Lot 19 last week with a staff member and the applicant. If they drew lines and went back to the larger scale picture, they could easily draw a line starting at Lot 21 through Lot 19 down to Lot 11, where a curve that coincides with the contour lines of the map could be detected. He thought it might be foliage and while he saw a bit of lift in the soil, he had a tough time seeing it. He was most concerned by all of the anomalies together and expressed if it is there, it is minimal.

Commissioner Ritter said given the sloping and grading issues of Lots 19 to 21, he assumed a way to address this would be by building stepped retaining walls.

Commissioner O'Connor said the different coloring he saw was dependent on the map he was viewing. In looking at the four lots at the bottom near the entrance, three of the four lots appear to be covered with the pink color in one map.

Chair Allen noted that the Commission is not talking about those lots in this specific discussion question and suggested going to each separately.

Commissioner Brown suggested talking about the new Lots 12, 13, and 4 to Lots 19, 20, 10 and 11 and the anomalies before moving down to the lower portion. He said he was not entirely sure and could not say with a naked eye, but he didn't think the anomalies were intended.

Commissioner Balch said he visited the project site twice and staked out Lots 13 (or 20, depending on which map is being referenced). He also looked at Lot 19 and then at Lots 4 or 11, again dependent on the map, and could barely see the anomalies. He said there might have been a small mudslide at the time, but he did not think that was intended to be captured as a steep slope. He did have concerns on the overall grading to make the lots but said he would leave that to a future discussion. Lot 31, which was the other lot he saw, was staked and he would consider this as a hedge or shrub because he could not find that anomaly.

Chair Allen said she went out to the property twice with the group and if there was any property that might be more on the edge of 25 percent it would be Lot 19, which is what Commissioner Brown mentioned. She suggested staff come back with an update on that.

Question 1c: Are there other sites that are bigger than just minor anomalies where there is potentially a concern of 25 percent?

Commissioner Balch said these are the lower lots on the Shriner's property. He drove through the area looking at the lower four lots, which appeared to be trees and shrubbery; he could not see a slope and from his view, it was virtually the same area.

Commissioner Ritter said he felt the same way when he visited the site a few times.

Commissioner O'Connor expressed that if there is tall grass, a shrub or something else in the way that someone from the developer's side should be responsible to clean it up before the area is flown again to make sure the slopes are properly detected rather than the potential for misinterpreting an item for something else.

Ms. Amos noted the City's mapping is from 2017 and is completed every couple of years. Therefore, cleaning up the site wouldn't be reflected in the City's aerial mapping for a few years.

Mr. Beaudin added that there is a possibility of getting out in the field and verifying these things more closely as they move forward in the process.

Commissioner Balch said in going back to the upper side with Lot 31, there was a stake and it was flat and in line with everything; he inquired how much more should be verified.

Mr. Beaudin said they were referring to the lower four lots, which he did not visit, but said he did not think they would continue to be on the hillside.

Commissioner O'Connor said not only do five of the seven lots show as having something over 25 percent, as well as almost the most critical part of that road; one view made it appear as about one-third of the road and yet a different view made it appear as half of the road. He said if half of the road was over 25 percent slope, he would have concern.

Chair Allen echoed the same concern. She stated this is the most visible area in terms of drivers and bicyclists, especially when the two oak trees are cut down to make room for the road, as it will be very prominent. When reflecting on the intent of Measure PP to protect hillsides and views, she said although this is not a huge hillside, it will affect those residing in the area by opening it up and altering the view. She expressed the importance in understanding the slopes being looked at because if they are not at 25 percent it can impact the decisions being made as they relate to the road.

Commissioner Brown said he didn't believe staff or the applicant disagreed that this portion of the road was over 25 percent.

Chair Allen remarked the concern related more to the parcels or houses than the road.

Commissioner Balch said in recollection of the Lund Ranch project, one of the big points of contention was the road. The applicant provided a photo simulation of the road from different viewpoints; therefore, he suggested the applicant provide visuals.

Commissioner O'Connor recalled that part of road that was over 25 percent was a short distance in comparison to the one proposed. The Council had said it is on a case-by-case basis; if there is a lot, it could make a difference but if there's none it's irrelevant. If the 2017 aerial image was picking up shrubbery and not the actual terrain the problem can be eliminated.

Chair Allen and the other Commissioners voiced support to obtain verification of the sloping.

Mr. Beaudin said he thinks with a fair amount of certainty that the contours on the two knolls (the circular topo lines at 600 foot elevation), are visible. There is not much question that the road crosses areas steeper in nature that are 25 percent. However, the areas off the road and into the parcels for the lower four lots are of interest. From his perspective, he was certain that the mapping in this location, on the back side of that knoll, will cross a 25 percent slope with the proposed roadway location, which would require more direction from the Commission. He suggested if certain lots are more than 25 percent, the Commission should indicate their preferred direction. If it is field verified or not verifiable that these locations are over 25 percent, he asked for the Commission's direction, with the same being applied to the road.

Chair Allen said she will be conservative on these parcels and more so than on the other anomalies because these are visible from the road. If these are 25 percent, then they conflict with Measure PP. If they are not 25 percent then they don't conflict; however, she would reserve the right to look at a visual, with the intent of protecting hillsides and scenic views, and on that basis may still determine there are too many parcels.

Commissioner O'Connor said he would agree with Chair Allen on the parcels, but he was concerned with the road leading up to the hill.

Commissioner Balch said in looking at the map, Elevation 530 is greater than 25 percent on the direct horizontal line between Lots 20 and 24; he asked the other Commissioners what they would like staff to verify.

Commissioner O'Connor said in looking at some of the lines and circles, it is difficult to determine exactly where they cross from one side to another. He would like to know the length of the road and expressed concern if the whole road were to be over 25 percent. However, he would not be concerned if only a small portion is over 25 percent.

Commissioner Balch then posed the question to staff, asking for the linear length of the road and approximately what amount will be greater than a 25 percent slope area from Dublin Canyon Road to the southern border of the Shriner family's property.

Commissioner Brown summarized that Commissioner O'Connor was asking for the linear distance over the 25 percent and whether or not the knolls, from a visual perspective, would hide that portion or whether they would be visible from Dublin Canyon Road.

The Commissioners concurred with Commissioner Brown's statement.

Commissioner Balch said he thinks they will find Lot 21 to be an anomaly. Lot 20 has a ditch that was pointed out by the applicant. He thinks they should look at Lot 22 and 23 and thought it would be hard to say that it is a ridgeline; it is a 10-foot elevation change at 490 versus 500, based on the map. However, he wouldn't consider that a ridgeline or a view but thinks staff should field verify the area in the middle of Lot 22 continuing to Lot 23 to confirm whether it is greater than 25 percent. He stated if the lot pad was not in that area and the grading associated with it, but the property line is in the area, maybe it's not as egregious. On Lot 20, if they are not building on that indent nor does grading or a pad exist, it's the same as though the back of the property line goes up the hill.

Chair Allen stated the Commission needs to know the slope and anything over 25 percent for each of those parcels. The second question to clarify is whether it is an issue, given the location of the building pad and grading.

Commissioner O'Connor referenced the Lund Ranch project and said in regard to the premier lot, it was acceptable that the lot extend into the 25 percent slope area, but they were restricted from being able to use it other than private open space.

Commissioner Brown said if the applicant and staff were looking for the Commission to identify where they are leaning, if it is 25 percent or greater, he thinks staff and the applicant are willing to do the work which should not lead to the need for another workshop.

Ms. Amos remarked that would be ideal.

Mr. Beaudin said there are two questions: 1) what happens if there is 25 percent slope or greater in the lower four parcels; and 2) the slope of the road and how much of the road in linear feet is actually 25 percent or greater. Staff can do the road calculation based on the existing mapping. When they do the field verification for the lower lots they will be able to tell what happens when coming through that lower segment. He would like to get two "if, then" scenarios. If the lower lots do, in fact, exceed 25 percent then whether the Commission was or was not in favor. If they do not, how would the Commission like to proceed. He clarified the

Commission should address Lots 22, 23 and 20 as the lots to focus on, stating Lot 21 has the anomaly which nicks the corner, but he noted theoretically, they can adjust the road. Chair Allen, Commissioner O'Connor and Commissioner Brown said if the lots do exceed 25 percent beyond the realm of the anomalies discussed earlier, they were not in favor of building as it relates to those lots.

Commissioner Ritter agreed and added that he would still like to see a visual if it was over 25 percent, in a valley, and if it was close to 26 percent, if there was a way to reposition the house or something on the lot.

Commissioner Balch said Lot 23 is the only lot he was concerned about. He emphasized that there was a lot of debris but if it was over 25 percent, he did not think this was the intent. He thinks this is a buildable lot and did not think it was the ridgeline or where they were supposed to apply it.

Chair Allen summarized that three of the Commissioners were in favor of 'no build,' one was in favor of 'build,' and one wants to see the visuals before giving a decision.

Commissioner O'Connor said for Lots 24 and 26 there are no issues but with the updated map there are issues, and he questioned staff as to which map was the more accurate.

Ms. Amos said she received the updated map late in the day and did not have an opportunity to fully vet it out. The intent was to provide a visual simulation to the Commission of what was seen in the field, knowing what the varying percentages were, and whether anything was 25 percent and above. This was the applicant's effort in doing so, but given this map was received late in the day, just before the meeting, she could not vet it with the City's GIS Department to confirm the differences in the two maps, but this is something that can be verified. The lot layout looks similar to the map in the PowerPoint and in the agenda report, which did not show a conflict with 25 percent.

Mr. Beaudin said the lower lot question had been answered and the other question pertained to the road; staff will provide that information. If the Commission does have an issue with the slope of the road and they consider the road to be a disqualifier, the developer will not be able to get access to the parcel in any other reasonable way. The EVA has similar slope issues and, in coming from the EBRPD access road portion of the proposal, they end up crossing a creek which will have all kinds of environmental, as well as, slope issues with the EVA location. This is the path of least impact with the winding entrance to offset those potential visual impacts. He continued to say there were neighbors discussing Dublin Canyon Road, but those who were talking about views were from The Preserve, looking back at the development. He said it would be interesting to envision what the road would look like coming from the backside, and staff can perform the analysis with the applicant to ensure all angles are considered. If there is some portion of road on slopes greater than 25 percent, which would be a "no go," staff would like to be informed of that during this meeting. Otherwise, staff will bring the information back at a later date, to re-evaluate this particular aspect.

Commissioner O'Connor said the agenda report mentioned in a prior proposal there was a different access proposed off of Dublin Canyon Road.

Ms. Amos said those other proposals did not include the Shriner family's property and the access required constructing a bridge over the creek.

Chair Allen asked if there was any opportunity to use the church's driveway as the easement into some kind of road.

Ms. Amos said this would be a conversation the church would have to be part of to state their position in the matter.

Mr. Beaudin commented the church was located close to where the EVA is proposed.

Commissioner Brown asked if most of the grading has already been done to construct the EVA.

Mr. Beaudin said no; there really isn't a way to avoid slope or visual impacts. The EVA is closer to The Preserve and the other proposed access point has a greater impact on Dublin Canyon Road, with other reciprocation, however, both involve 25 percent slope and grading and consideration of whether a road is a structure. The EVA has much more than 25 percent slope with a smaller footprint. He referred to the slope map of Hidden Valley Canyon distributed to Commissioners and, in looking at the darkness of the pink, it is related to the steepness of the slope. When seeing "Street A EVA" connecting to the church access point on Dublin Canyon Road and connecting it with Lot 31, the whole area is longer and steeper than the sloped area shown when coming off of Dublin Canyon Road proposed for the primary entrance. Therefore, grading would be significant.

Chair Allen asked and confirmed this would not be seen off of Dublin Canyon Road, but it would be seen from The Preserve, which has a different visibility impact. She asked what might be the highest retaining wall that could be expected.

Ms. Amos said it would be tiered for the most part, with four-foot retaining walls, where something would be behind it and then there would be another one.

Mr. Beaudin stated the amount of grading needed for EVA still needs to be researched. He would expect there to be either a significant amount of grading to blend back to slope or create retaining walls. Grading is minimized when using retaining walls and this is where the scope of grading is shown in the plan set. It gets extensive when cutting into steeper areas because the idea is to blend slopes back and not create those walls. With reference to the Lund Ranch project, the access road at the top incurred a lot of discussion regarding retaining walls, amount of grading and trying to find the right compromise; a similar conversation might be prudent for this development, where they may not want to grade the whole hillside to blend it into an appropriate slope so it is stable. He emphasized the City Council made it very clear this was their determination for the example they were working on at the time and it could be interpreted differently on future projects; however, is not necessarily what is being suggested for this project.

Chair Allen summarized that staff will scope out the length of the road and will get good visuals from different vantage points.

Question 2: Does the Planning Commission support the applicant's proposed location of the staging area?

Commissioner Balch said he was comfortable with where the staging area is proposed, provided EBRPD indicated there were opportunities to mitigate the fact that it is not on Dublin Canyon Road. He would also look for an agreement to be reached for electricity and other things mentioned.

Commissioner Ritter agreed and suggested moving it back a little so it would not be a visual impact from the higher homes looking down. He also suggested it be smaller with fewer cars than what is proposed and closer to the road.

Commissioner Brown asked if moving it back would visually make it better or worse, stating it might create an eyesore and emphasized he would like to respect the Lester family's privacy.

Commissioner Balch said the point is the Lester family wants to keep Parcel C and their houses where they're currently located with a reasonable separation for privacy. Also, by making it smaller, it would likely make it more accommodating to them.

Chair Allen asked to what degree are the grading and environmental impacts reduced for the current proposal by locating the staging area closer to Dublin Canyon Road.

Mr. Beaudin said he was unsure at this time. The goal was to keep the staging area in areas not 25 percent sloped to the extent feasible, and the environmental impact will be associated with the road itself.

Chair Allen said in reflecting on why this project has been brought before the Commission in these early stages is because the City Council expressed there was a significant amenity associated with this project, in opening the ridge. Had that amenity not been defined, the Commission would not be discussing this project at this time, as this was the driving force. She expressed the greatest value is in thinking about the location of the staging area and the comments from the EBRPD. She appreciates the homeowner's comments but if the project is approved with 32 homes, the homeowners will receive a huge benefit if the project is approved, as it's been proposed. She would like the staging area to be closer to Dublin Canyon Road; she was open to the earlier mentioned proposal of the staging area being located in an intermediate area between where it is proposed and the road, if this intermediate area is found to be acceptable and a benefit to all. She was not open to the staging area being at the end but would like to hear from EBRPD about security and other concerns, given it could be an after-party location if it was in a hidden-away place.

Commissioner Balch said he was supportive of where the staging area is currently located, with the intermediary area being a benefit.

Commissioner Brown said he would prefer it move closer to Dublin Canyon Road, which is the intermediary area, as his first choice.

Commissioner O'Connor said his preference would be the intermediary area. He also pointed out that there was another area halfway back that is not a 25 percent slope that might work. But, if the intermediary area did not work, he could support where the staging area is

proposed. He noted cameras could be installed to monitor activity, therefore, having the staging area closer to Dublin Canyon Road would be better.

Commissioner Brown said clearly the staging area is an amenity, but the purpose of it is the larger open space amenity.

Commissioner Ritter voiced support for the intermediary area.

Mr. Beaudin stated staff will explore alternate locations with EBRPD and see if they can find a solution.

Question 3: Does the Commission support changing the General Plan Open Space land use designation to allow residential development on the Shriner property lots?

Commissioner Brown said yes; this is subject to verification that the lots are buildable and reviewing the visuals as they relate to the road and properties. He wants to verify there are not shrubs, trash or other things that would verify it is not a slope.

Commissioner Ritter echoed Commissioner Brown's comments.

Commissioner O'Connor said if Lots 32 and 33 are existing, the developer can rebuild where they are located.

Commissioner Balch said the challenge is grading in areas greater than 25 percent for the lots. The grading associated with the road he understood clearly. He would like to minimize grading for the lots any greater than 25 percent in area and while it looks good on the maps, he would like to state clearly that is a different departure from the Commission's consensus with the Lund Ranch project. His concept is that Lot 31 is not a problem and he was trying to apply the same to the lower four lots, which are anomalies. In looking at Lot 4 or 11, depending on the map, which is the most western lot near the open space and urban growth boundary, it has a lot of sloping questions. The Commission has resolved these are anomalies, but it would be important to know if they were grading for pads in an area greater than 25 percent; if they are, they should be consciously aware the Commission was giving approval to that. If not, it would be good to know, as well.

Mr. Beaudin referred to Exhibit G which shows the grading boundary limit with the dotted line. The Commission can see the EVA is a narrow swath, but to blend it back without putting in retaining walls, the grading boundary is significant outside of those developed areas.

Commissioner Balch said he understands when talking about the EVA they are talking about grading above and below and the concern is over 25 percent for grading of the road. What he is asking is whether the City is doing this in any other location to make a lot pad. He did not think so because the western lots on the upper portion of the Lester family's property are more anomalies.

Mr. Beaudin provided an example and said the question is whether access could be achieved to Lots 15 and 16 if they did not do the grading through this area. The question is whether the Planning Commission thinks those are areas not consistent with Measure PP or the kinds of

slopes that were intended to be protected. Also, the Commission should consider the fact that the majority of the area is in a relatively protected and screened portion of the hillside. To build back into the portion of the site they must manage through that 25 percent area, therefore, staff is looking for those kinds of clarifications. The scope of grading has been pulled outside of all of the more clearly 25 percent hillside slope conditions and the EVA poses a different question, which is the road structure conversation because it requires a fair amount of grading to get carved into this portion of the site.

Commissioner Balch said he brought this up in the General Plan Amendment question, but given Mr. Beaudin's comments, he was personally comfortable with the grading proposed because he stands by the fact a road is not a structure, which is what he voted for with the Lund Ranch project and where he can get to in this project. Personally, he thinks the lower four lots should be verified but he did not believe that was the intent of Measures PP and QQ.

Commissioner O'Connor said he was amenable to the change.

Chair Allen said she was amenable with the change and requested confirmation from the EIR in terms of creek setbacks to protect the open space.

Question 4: What else would the Commission want to see?

Commissioner Balch referred to the Valley Oak project and said they had to install a meandering sidewalk because of the City's standard. He asked why the City was not requiring a sidewalk on at least the main entry to the Shriner family's property and the small part of the Lester family's property on the western side of the church site.

Ms. Amos said sidewalks were not being required by the City at this time. The sidewalk installed for the Valley Oak project was decomposed granite. Installing a sidewalk would require more development into the sloping area from the Shriner family's property and in expanding and widening Dublin Canyon Road.

Commissioner Balch commented that if the City was holding people to a City standard for Complete Streets which was "a sidewalk to nowhere for six houses" he asked why this is not the case here.

Mr. Tassano explained they want to be able to provide access to the edge of their property and their vision is they will use the EVA to walk down. If they can provide access from the western-most lot down to their property on the eastern side, even though they cannot get anywhere from that point on, this is the goal and the approach they will take moving forward.

Commissioner Balch asked why a western expansion was not mentioned.

Mr. Beaudin stated staff will take this comment.

Commissioner Balch said he was a big supporter of the trees and thinks it is a good mix. He was supportive of the gated element. Regarding amenities for the Dublin Canyon improvements, in light of the public comment related to that project, he would look at a traffic signal and believes they should look at all residents in totality and what now could be added.

Commissioner Ritter said he was in favor of the trees proposed but possibly planting more mature trees to address views from neighbors from the top.

Commissioner O'Connor reiterated the need to see delineation of the wetland and riparian habitat areas on the proposed map and what to avoid by government decree. He was not opposed to gated communities but he was in this location because of its hillside location given the risk of fire and residents trying to escape.

Commissioner Brown said he was also not in favor of the gate and presumes that even without a gate the EVA is needed for a one-way entrance and exit.

Chair Allen asked to see a visual from I-580 to ensure there is no visual impediment. Regarding trees, she was concerned about the number of Heritage Oaks being removed, especially those being seen from public view on Dublin Canyon Road near the Shriner family's property. She asked for a re-evaluation to be completed to determine if there are opportunities to minimize their removal. She agreed now is the time to review a traffic signal and determine a funding arrangement and she could go either way for a gated community, noting the valid fire concern unless there are gates that do not pose an issue. Lastly, she would like to know how the project supports the inclusionary zoning requirements.

Chair Allen and the Commissioners commended Ms. Amos for pulling together an expansive agenda report and for working with Ponderosa Homes and EBRPD.

7. MATTERS INITIATED BY COMMISSION MEMBERS

None

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

a. Reports from Meetings Attended (e.g., Committee, Task Force, etc.) - None

There were no reports from Commissioner's regarding meetings attended.

b. Future Planning Calendar

Ms. Clark gave a brief overview of future items for the Commission's review.

c. Actions of the City Council

No action was taken.

d. Actions of the Zoning Administrator

No action was taken.

9. ADJOURNMENT

Chair Allen adjourned the meeting at 10:26 p.m.

Respectfully submitted,

Stefanie Ananthan
Recording Secretary