

THE CITY OF



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# PLEASANTON.

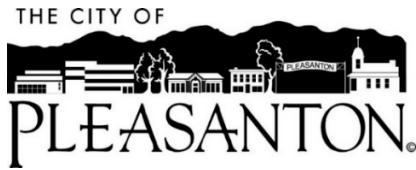
## MEMORANDUM

**Date:** October 22, 2018  
**To:** Planning Commission  
**From:** Gerry Beaudin, Director of Community Development  
**Subject:** Revised Minutes of September 26, 2018

A handwritten signature in black ink, appearing to be "Gerry Beaudin", is written over the "From:" line of the memorandum.

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Clerical changes were made to the draft minutes distributed on October 18, 2018. The attached revised minutes will be subject to approval at the October 24, 2018 Planning Commission meeting.



## PLANNING COMMISSION MEETING MINUTES

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

**DRAFT**

**Wednesday, September 26, 2018**

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

The Planning Commission Meeting of September 26, 2018, was called to order at 7:05 p.m. by Commissioner Allen.

The Pledge of Allegiance was led by Commissioner O'Connor.

Staff Members Present: Ellen Clark, Planning Manager; Jennifer Hagen, Associate Planner; Jenny Soo, Associate Planner; Larissa Seto, Assistant City Attorney; Mike Tassano, City Traffic Engineer; Amy Statham, Recording Secretary

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

Commissioners Absent: None

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

#### **a. July 11, 2018**

**Commissioner Ritter moved to approve the Minutes of the July 11, 2018 meeting, as submitted.**

**Commissioner Allen seconded the motion.**

#### **ROLL CALL VOTE:**

**AYES: Commissioners Allen, Brown, Ritter**

**NOES: None**

**RECUSED: Commissioners O'Connor and Balch**

**ABSENT: None**

The Minutes of the July 11, 2018 meeting were approved, as submitted.

**b. July 25, 2018**

**Commissioner Allen moved to approve the Minutes of the July 25, 2018 meeting, as submitted.**

**Commissioner Balch seconded the motion.**

**ROLL CALL VOTE:**

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

The Minutes of the July 25, 2018 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.*

**a. P18-0217 and P18-0218, Sonshine Enrichment Center Preschool**

Applications for Conditional Use Permit and Design Review approvals to remove two existing modular classrooms at 1225 Hopyard Road and construct an approximately 8,824-square-foot preschool building and to allow Sonshine Enrichment Center Preschool to increase preschool enrollment from 99 to 120 students. Zoning for the property is R-1-6,500 (One-Family Residential) District.

*Item 5.a. was pulled from the Consent Calendar and moved to the regular agenda.*

**6. PUBLIC HEARING AND OTHER MATTERS**

**5.a. P18-0217 and P18-0218, Sonshine Enrichment Center Preschool**

Applications for Conditional Use Permit and Design Review approvals to remove two existing modular classrooms at 1225 Hopyard Road and construct an approximately 8,824-square-foot preschool building and to allow Sonshine Enrichment Center Preschool to increase preschool enrollment from 99 to 120 students. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Heather Brillhart resident on Golden Road, spoke in favor of the project. She also requested clarification that the current church operations would not be changed or intensified as a result of the new building.

Ms. Hagen confirmed, any additional students beyond 120 students at one time would require a modification to the CUP. All existing church operations are to remain the same. The only operational change for the preschool is going from five classrooms to six.

**Commissioner Ritter moved to approve Cases P18-0217 and P18-0218 per staff's recommendation.**

**Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

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

Resolution PC-2018-16 approving Cases P18-0217 and P18-0218 was entered and adopted, as motioned.

**a. PUD-132, Tim Lewis Communities for Alex Spotorno**

Work session to review and receive comments on the Draft Subsequent Environmental Impact Report and General Plan Amendment, Specific Plan Amendment, Planned Unit Development, Growth Management, Tentative Map, and Rezoning applications for the construction of a 39-lot single-family residential development adjacent to 1000 Minnie Drive. Zoning for the property is Planned Unit Development – Semi-Rural Density Residential, Agriculture/Open Space, and Medium Density Residential (PUD-SRDR, PUD-A/OS, & PUD-MDR), Districts.

Commissioners O'Connor and Balch recused themselves due to economic conflicts of interest.

Associate Planner Jenny Soo presented the agenda report.

Assistant City Attorney Larissa Seto discussed background information on the history of the bypass road and a lawsuit filed in 2002 that challenged the City and Alameda County LAFCO about the approval of the annexation of 530 acres. In 2002, the trial court ruled in favor of the City and LAFCO and determined appropriate environmental review had been done. The matter was appealed and the Court of Appeals affirmed the trial court's decision. The Specific Plan as written obligated the City to build the bypass road, but while it was a mitigation measure in the Specific Plan, if the City decides not to have this mitigation measure the City would have to amend the Specific Plan, subject to environmental review, which is the current process being undertaken. The applicant has asked for elimination of the bypass road, including asking for amendment of the Specific Plan and completion of CEQA review.

**THE PUBLIC HEARING WAS OPENED.**

Mary Bean, FirstCarbon Solutions (FCS), outlined the requirements of CEQA and requirements for discretionary review, preparation of a Subsequent EIR (SEIR), with a Draft SEIR for the project having been prepared and circulated for public review. She noted that public review ends on Friday, September 28, 2018. She provided a background on the public process and described sections contained in the SEIR, cumulative effects, project alternatives, and presented identified impacts.

Ms. Soo provided an overview of the various project alternatives that were included in the SEIR. She explained, the next steps will be to receive comments through September 28, incorporate responses to comments, following which the Planning Commission and City Council will hear and consider certification of the SEIR and approve the project and process entitlements. At this meeting, the Planning Commission will receive public comments and provide comments to staff on the adequacy of the SEIR, and comments on the revised project.

Commissioner Brown questioned whether any monies had been collected to fund construction of the bypass road, and Ms. Clark said she was unsure and agreed to follow-up.

Commissioner Brown referred to the country road constraints and asked if any of the feeder roads were in the county.

Traffic Engineer Mike Tassano clarified that Happy Valley Road is entirely within the County and Alisal Street, Sycamore Road and Sycamore Creek Way were City roads.

Commissioner Ritter asked if the 39 homes number was based upon meeting Measures PP and QQ and maximizing space without violating any ordinances.

Ms. Clark deferred this question to the applicant. She also noted that there had been an earlier iteration of the project which proposed more than 39 units.

Commissioner Ritter asked if an ADU (accessory dwelling unit) counts as one unit.

Ms. Clark said no. She confirmed there could be as many as one ADU for each single-family home within the project, although not all units are proposed to have ADUs at this time.

Commissioner Allen asked for clarification on zoning, that in the Happy Valley Specific Plan (HVSP) the area in question is zoned Semi-Rural, which allows one home per two acres as a standard. However, when the HVSP was developed it allows this specific site to have a density of up to 1.5 units per two acres assuming they provided an amenity of open space and trails.

Ms. Clark confirmed this was correct based upon the General Plan and on the HVSP zoning for the site.

Mike O'Hara, applicant, presented the project, stating it has been designed to be fully compliant with Measures PP and QQ. He noted that staff's presentation had not included the information on agenda report pages 8 and 9 in that the project also re-designates 15 acres of the Sportorno upper valley area from PUD-MDR (Medium-Density Residential), and allotted for up to 75 units in the Happy Valley Specific Plan to PUD-Agricultural-Open Space. This change would preclude any residential development occurring in this area for a net reduction of 58 units in the total build-out of the HVSP area. He displayed a map of the development area,

agricultural open space, the Spotorno remainder parcel, and pointed to the parcel which is included in the application to rezone the MDR lots that straddle the two properties. Changes made include the cul-de-sac on Westbridge Lane and re-routing of the golf course traffic through the development. They provided three acres of open space on Alisal Street and reduced frontage to one home that fronts on Alisal. Lastly, he pointed to the site plan which he said mimics the existing semi-rural setting. Regarding the EIR, Mr. O'Hara noted comments have to do with four items; traffic, visual impacts, the bypass road and land use which were all studied in the EIR. He also noted that they would be clarifying and adding further discussion regarding how the acreage of the development parcels is calculated and the trail alignment clarification on behalf of the Spotorno family. With regard to biology, he stated the impacts studied in the EIR were for 97 lots on this property; however, they do not believe the study was adequate given to the fact that many of the impacts would decrease with the reduction in the number of lots. Regarding the 22 lot alternative, this was determined to be the environmentally preferred alternative but they thought approving the 39 lot project proposed would help the City meet the HVSP goals as well as its Housing Element which forecasts 40 homes on the property.

In response to a clarifying question from Commissioner Ritter, Mr. O'Hara stated the project meets the HVSP goals by: (1) completion of the trail system; (2) clustering of homes in order to provide larger conserved areas; and (3) the HVSP planned for those homes and building it out meets goals of paying impact fees.

Commissioner Allen asked how Measures PP and QQ impacted the developer's thinking on units, especially as they relate to hillsides.

Mr. O'Hara explained that the measure takes 75 lots and reduces them, allowing up to 10 lots without having to meet criteria for grading and others. Measures PP and QQ come into play with the bypass road discussion. In order to put it on the hillside without any homes, utilities or need for circulation there would be significant impacts with grading within ridgelines and 10- to 26-foot high retaining walls. The impacts of the current proposal are less significant than what they would be with a bypass road. With regard to the number of units, the HVSP objective of clustering development to preserve hillsides fits nicely with Measures PP and QQ. It is a net reduction but they are clustering the homes which were evaluated, studied and approved with implementation of the Specific Plan.

Commissioner Allen asked whether Mr. O'Hara meant that if there is not a bypass road on the hill it becomes impractical to build homes because of the amount of work needed.

Mr. O'Hara said if there were homes there, the bypass road would make sense because they would need to accommodate circulation and utilities. Without the bypass road, there is not a reason for circulation or utilities and they would be left with hillside degradation issues that would be in direct conflict with Measures PP and QQ.

Commissioner Brown suggested not discussing QQ because it did not pass. In terms of the bypass road, 39 units and 22 units were examined with or without the bypass road. He asked if the project with 39 units with the bypass road was economically infeasible.

Mr. O'Hara confirmed this was absolutely correct. It is infeasible whether it is 39 or 22 lots without contribution from another source.

Commissioner Brown asked if there was an updated cost estimate for building the road that could be shared with the Commission.

Mr. O'Hara said the last cost estimates done were in 2012. They have not done an updated analysis, but the range of costs would be north of eight figures.

Karen Thompson, [REDACTED] Laura Lane, expressed concern that the 100 families who have been on wells will be impacted from removal of the wetlands or relocation or changes in the way the water percolates through the area. She said there has been nothing to address comments from the Regional Water Quality Control Board on the DSEIR and, again, cited extreme impacts to residents.

Justin Cheng, [REDACTED] Westbridge Lane, said Westbridge Lane cannot handle vehicles traveling 70-80 mph as currently occurs. When he built his home, he was told the road would turn into a cul-de-sac, and he commended the applicant for closing the road and said he hopes they can design a road with proper safety measures that Westbridge Lane does not currently have.

Alok Damireddy, [REDACTED] Westbridge Lane, questioned whether impacts on Westbridge Lane have been mitigated and home clustering, given vehicles traveling 70 mph on the road. He purchased the property nine years ago with the understanding that the Specific Plan called for closing Westbridge Lane and building a bypass road. He questioned if the number of units would require the applicant to double the size of the park rather than pay in-lieu fees. Regarding the Urban Growth Boundary, the hillside is located at least 200 feet west compared to where the proposed line is shown, which significantly impacts density. Lastly, he addressed concern about ADA compliance on Alisal, Happy Valley, Westbridge Lane and Clubhouse Drive.

Steven Wang, [REDACTED] Alisal Street, echoed comments regarding the need to retain residents' wells, traffic safety, continued speeding and added traffic. He asked for improvement with widening, lights or pedestrian safety measures if a bypass road is not built.

Kellen Aura, [REDACTED] Happy Valley Road, cited the many promises for the golf course neighborhoods since 1989 and voiced concerns that Spotorno is offering acreage but keeping it, that no bypass road would be built, there would be higher density and added traffic as well as geologically unsound lands, and he questioned what would happen in the future with different public elected officials.

David DeBonis, [REDACTED] Sanctuary Lane, echoed comments of speakers and questioned the character of this development in drastic comparison to custom homes and the semi-rural character of the area.

Basil Besh, [REDACTED] Clubhouse Drive, spoke about promises made 20 years ago when the golf course was built as well as the bypass road which the City never built and was sued and mandated to build. Now, there is another loophole to change the entire Specific Plan, receive impact fees, allow clustering of homes, and said anything short of building the bypass road, the 22 homes and original densities does not honor the City's commitments made.

Bob Dees, [REDACTED] Alisal Street, questioned if traffic will be allowed to go left onto Alisal Street. He expressed concern with environmental impacts, volume of cars, no sidewalks and pedestrian safety. He noted there will be added ADUs along with the 39 homes and much more density. He agrees the impact on wells is a big problem and said the bypass road was supposed to be built before the golf course, which is unfair.

Ben Maugham, [REDACTED] Westbridge Lane, recognized the number of speakers who had turned-out and public involvement and said Commissioner Brown's question regarding monies for the bypass road as well as the definition of a country road should be answered in the EIR. He recognized changes in the plan to conform to the Specific Plan but that density continues to be of concern. He recommended being able to form a working group to resolve issues with the applicant and staff, and volunteered to participate.

Dennis Glafkides, [REDACTED] Happy Valley Road, agreed with Mr. Aura's comments regarding the safety and condition of the County road, asked to calm traffic on Happy Valley Road, and asked that the road exiting the development be restricted turning left from 6 a.m. to 9 a.m. through installation of a sign. He cited narrowness of the road and overpass and asked how construction traffic would access the development.

Jim Freitas, [REDACTED] Alisal Street, asked that the City stick to the Specific Plan for 22 homes. He cited concerns with impact on traffic, groundwater and residents' wells, spoke of past actions to build the golf course. He noted that the City wanted to annex the entire area, made promises to give free sewage and water hook-ups and it was never annexed. He asked that something be given back to the community from the applicant or City and cited money made from the golf course and conflict of interests.

Alan Zeunen, [REDACTED] Sanctuary Lane, agreed with speaker comments regarding the development not matching the rural character of the area. He attended the last meeting and was disappointed in three Commissioners' comments who believe nothing of what happened in the past mattered any longer. He had served as one of seven committee members to get the golf course built and many promises were made to residents at that time. What the City is doing now is going against the intent of how the golf course was going to be developed. He feels guilty being part of that committee now because of ignorance of integrity. If the bypass road cannot be built because of financial infeasibility for the developer, he asked to deny the project, as the bypass road was part of the core requirement to get the golf course built. He asked the Commission to stick to the rules in development of the bypass road to allow 22 homes and no more.

Rich Rogers, Pastor of the church on Alisal Street, asked if reclaimed water will be going up Happy Valley and Westbridge Lane, and that the road be redone, widened and fixed because of this. He said the City needs to address speeds of vehicles from the golf course. He questioned how the church's five acres on both sides would be affected, given they have a French drain that travels the property. He asked what wall or fencing would be erected, expressing concern over water drainage. Mr. Rogers questioned water levels for the golf course, noise from new homes, and the desire to install parking lot lights which will most likely affect new homes.



Steve Mix, [REDACTED] Alisal Street, voiced opposition to the current project due to safety concerns. He asked to keep the promise to build the bypass road, improve roads, and keep density at 22 homes. He referred to a petition with 130 residents' signatures, stating 85 percent of current neighbors oppose the current design and impacts of the project. In the EIR it specifically talks about various transportation options including the bypass road and the SEIR does not study the bypass road opportunities. It does not study geology, does not talk about land or soil at all, or environmental impacts on the bypass road, and he asked that this be done.

Bill Siamas, [REDACTED] Laura Lane, said the City made a financial commitment to build the bypass road. It was in the City's operating budgets from 2009 and prior but not in recent budgets. He was one of the attorneys that represented the original lawsuit. Mr. Siamas said the City Attorney's brief to the Court of Appeals wrote, "The City has a financial obligation to pay for roughly one-third of the bypass road on the Spotorno property. The City has already allocated at least \$1 million towards its share of the bypass road on the Spotorno property." The Specific Plan required it to be in before completion of the golf course and if not that it should be built within one year. This was the issue in the litigation and the City conceded that it had to build a road, and he quoted from the Appellate Brief, "enforcement of this mitigation measure will be through the Specific Plan and projects' conditions of approval." Even if the City Council amends the Specific Plan, there were project approvals based upon the bypass road, and that project was the golf course which the City receives \$4 million a year in revenues in perpetuity from operations. For the City to now say they will not build it is illegal and unfair.

Alicia Guerra, representing TL Partners, stated they submitted comments regarding the adequacy of the SEIR on behalf of the developer and included information in support of conclusions contained in the subsequent EIR and analysis, and provided further clarifying information to substantiate that analysis.

She focused on four issues:

1. Regarding biological resources and concerns regarding wetlands demise and relocation from the property, they demonstrated through information submitted that impacts have been reduced and information requested by the Regional Water Quality Control Board is required through the permitting process, but the developer has provided this additional information to further support the City's analysis.
2. There are many questions and concerns about density and this project results in a reduction in density compared to the General Plan and zoning designations that apply to the property when viewed under initiatives that apply for the Urban Growth Boundary. This has informed the analysis and alternatives considered. The applicant also submitted additional clarifying information in that regard, as well.
3. Regarding the question about ADUs, while it is true they are additional units, they do not count towards density which is a state requirement, and this project follows the law regarding their treatment and density issues. There are actually five legal lots here and density and zoning take that into consideration; they can provide further information in the Response to Comments document.
4. With respect to the bypass road, this SEIR evaluates the impacts of removing the bypass road if the City decides to take that action, which is what the court opinion indicated in the original litigation because it was identified as a mitigation measure in the

EIR. This information is part of the information they submitted and has been presented to the Commission.

Andre Pimentel, [REDACTED] Clubhouse Drive, agreed with previous comments regarding water concerns, Westbridge Lane and the need for the bypass road. There are many zoning laws and regulations in place for reasons and they are being tossed aside. If there ends up being a development, he suggested being able to work with the developer and the City to come up with a plan to mitigate items rather than having them done in silos.

Phyllis Cooper, [REDACTED] Alisal Street, said she lives across from the entrance/exit and said it would be very upsetting to have this much traffic next to her driveway. She was opposed to the plan because it eliminates the Happy Valley Specific Plan which was created for minimum two-acre lot home sizes, rural roads, mini farmlands and retention of animals. This is a special area and asked to preserve it. If residents were able to work with the City and developer on a new plan, they could arrive at something more in character with the area.

LaVerne Spotorno, [REDACTED] Minnie Street, said her husband passed away in March and the family is committed to carrying out his dream. She spoke about her family's history, establishment of their ranch in 1867, their business of providing supplies of lumber and materials for early Pleasanton, work done to form the Pleasanton Township Water District to protect local springs and water supplies from being overdrawn by a San Francisco District, and in the 1920's Happy Valley was land-locked. In 1927, Alameda County approached the Spotorno family concerning deeding parts of their lands for a road and they deeded a portion of the ranch for construction of Alisal Street. Her husband took over operation of the ranch in 1949 and from 1993 to the present time, their family participated in development of the Happy Valley Specific Plan, the current General Plan, served on the Blue Ribbon Committee, and on the golf course committee. In order to build the golf course which would have been outside of city limits, the City requested them to annex the land so the golf course would be within city limits and this was approved. The City requested a portion of their land to complete Westbridge Lane as well as using land to stage construction equipment and again they cooperated. She spoke of annual donations to local organizations and participation in city events. As members of the community, they contribute to various building funds and are involved in projects for people in need. In closing, five generations of their family have enabled Pleasanton to grow and benefit in many ways.

Marianne Spotorno said after many studies, design iterations, expert opinions, and neighborhood input spanning 25 years, the proposal is before the Commission. They assisted in the Specific Plan process and knew the day would come when they would present their development. In clearing the record, the entire ranch is 154 acres and 80 acres will be a conservation easement with the intent their family would be stewards of that land and continue grazing. The 31-acre flat could be considered an infill project and it is not urban sprawl. Their legacy has been for the love of the land and animals, and there has not been a huge financial gain. They are here to continue growth in Pleasanton and the rural look of the area. It is her hope that the Commission will consider the time and effort into the project and push forward the SEIR and project.

Nick Tooliatos, Attorney for the Spotorno family, said he has represented the family since the late 1990's and has been through at least seven attempts to develop a portion of their property. Each time they try to get there, they are presented with hurdles. He is struck that

everybody is asking for a bypass road when the last developer proposed a realignment and in order to obtain revenue to construct it plus houses, there was opposition. The development is 39 units on 31 acres of a 158-acre project, it's an infill project. He voiced concerns about trails. There is currently a trail master plan project that has not been taken into account in the Specific Plan or in the plan the applicant has put forward. As outlined in their letter, they believe the imposition of constraints of a new point that has not been discussed puts an unnecessary burden of the property rights of the Spotorno family. He said the Spotorno's have been patient as they have tried multiple times to create projects that the City and neighbors could support and each time it is reduced. This plan meets the requirements of the Specific Plan and General Plan with minor amendments requested and he urged the Commission to support it.

Deb Insel, [REDACTED] Laura Lane, said the human environment not addressed in the SEIR. The traffic from the development and the golf course will dump onto Alisal Street and Sycamore Road which are already inadequate. As a former teacher, she distributed photographs of what residents see every day when they try to walk, which are mothers trying to push their strollers next to speeding cars going over the yellow line, people walking their dogs and service equipment and fire trucks blocking one lane. If the bypass road were constructed it would be safer given Sycamore Creek Way has already been developed and meant for this level of traffic. Regarding fire safety, if all of these homes had to be evacuated, she did not think it could happen in 20-30 minutes.

Rennie Couper, [REDACTED] Alisal Street, said he lives at the terminus point for entering and exiting the proposed project. According to the SEIR, there will be over 4,000 trips per day at that point, cited speeding despite speed bumps, and questioned why there is not a significant impact regarding traffic in the SEIR. The reason for all objections to the proposed plans over the years is because they have been wrong. People would be more amenable for a plan of 3 to 5 acre ranchette homes, stating it would fit the area with about 10-12 homes. However, the owners continue to drive typical subdivision projects into a pristine, rural atmosphere and they do not belong. Lastly, he echoed comments relating to all traffic concerns.

Darlene Mix, [REDACTED] Alisal Street, said she shares the common fence with the development and she opposes the SEIR based upon the lack of attention given to pedestrian safety. She said she sent an email showing two places where she was forced off the roads while walking her two small dogs, which was frightening. This is exacerbated during the rainy season when walkers cannot access the roads at all because of mud or a culvert filled with water. She said seven years ago she began the process of purchasing and developing their lot and Ms. Soo gave her husband the 90-page document called the HVSP and asked him to read it because they would need to comply with each item. They were required to show plans to all neighbors within 1,000 feet of their property and receive written approval before proceeding. They did it, studied the HVSP and agreed it was okay because the developer and City were going to build a bypass road to remove all traffic from Callippe, Clubhouse Drive, Westbridge Lane and the area of future homes in the HVSP and take them out of their loop. They complied with every request because the HVSP protects their rural and agricultural area and safety. She feels like now she is being bullied by the big developer and asked that they be held to the exact same standards as families.

Sandy Richert, [REDACTED] Happy Valley Road, echoed points made, agrees with traffic concerns, re-percolating and recharging everybody's wells, and the pedestrian safety concerns. She disagreed with the Spotorno attorney's assertions in that the land use change is not insignificant but major. = As the previous speaker pointed out, every resident in the HVSP area is held accountable and cannot deviate from the plan. Residents have applied for deviations from HVSP requirements and have been denied. She voiced full support of land use rights of the Spotorno's and highly objects any deviations and thinks 39 units represent a more than 50% increase in the allowable number of homes. She also pointed out that people should not be confused in the historical reduction in the number of homes; prior proposals were not approved for good reasons. She understands that the RHNA numbers have been met, therefore the Housing Element and RHNA requirements should not be a consideration for this project. As far as meeting the HVSP goals regarding trails, the plan calls for two-acre ranchettes and she reiterated that the plan currently proposed for 22 homes reduces everybody else's requirement and allows for this particular development to have one house for every 1.5 acres, which is a deviation.

Sharon Caldeira, [REDACTED] and [REDACTED] Sycamore Road, said she and her family have lived more than 50 years on two properties on Sycamore Valley Road owned by their family in a trust. She echoed all comments regarding concerns about the wells and water, agreed with traffic impacts and hears trucks every day at 5 a.m. and again at 3 p.m. or 4 p.m. going to the golf course. A speed bump is in front of her properties and creates significant noise, which wakes up their young children and infants. Regarding the lack of safety, she provided examples of people jumping out of the way of vehicles, throwing strollers out of the way of vehicles, or being run off the road on bicycles. Lastly, she spoke about someone hitting a gas line causing neighbors to exit the area via Happy Valley and questioned where they would go if they had to evacuate.

Mr. O'Hara provided a rebuttal. He confirmed parking in-lieu fees would be paid as part of the project. Regarding the comment about 75 homes built later, he said the application includes the rezoning of the medium density lots at the top of the hill; any future proposal would have to reverse that change. Regarding the comment about emergency egress from one entrance, he clarified that Westbridge Lane cul-de-sac would have bollards placed and serve as EVA out of the property as well. Lastly, the letters submitted by Nick Tooliatos and their counsel contain a lot of vital information and add to the record, substantiate and give further substance to the draft SEIR.

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

### **BREAK**

Commissioner Allen called for a 10-minute break at 9:16 p.m. and thereafter reconvened the regular meeting at 9:26 p.m.

Commissioner Ritter expressed disappointment with the SEIR determination that the groundwater would cause a less than significant impact. He suggested studying this further. He also noted the applicant added the cul-de-sac as a fire access only, and asked if residents would be able to exit that way.

Ms. Clark stated it is generally intended as an EVA so it would have a locked gate or bollards which the fire department would have a key for. If people needed to exit that area in an emergency, the gate or bollards could be opened.

Commissioner Brown asked if there would be through traffic to Alisal Street once they cul-de-sac Westbridge Lane, and he questioned the right and left turn.

City Traffic Engineer Mike Tassano said currently where Westbridge Lane intersects Alisal Street and Happy Valley there is a "no left turn" restriction from 9 a.m. to 10 p.m. This is a County intersection and the question was if this is cul-de-sac'd and all traffic diverted through the new Clubhouse Drive and where it terminates with Alisal, will it be signed to restrict left turns. He responded that if the City owns the intersection it will not be restricted, if it remains a County intersection, it would be up to the County but in his view the left turn restriction is unnecessary.

Commissioner Brown asked if Clubhouse Drive and Alisal Street would be a County street, to which Mr. Tassano replied he did not know who will own that intersection. Mr. Tassano further clarified, that Sycamore Road belongs to the City and Alisal Street belongs to the County.

Commissioner Brown asked if the City owns enough right-of-way to make improvements in that section if they ever have to.

Mr. Tassano said the section where the new homes are on Sycamore Road, the City could make improvements. The HVSP calls for a three-foot shoulder, but they would not do this with the Complete Streets standard; however, there is right-of-way available to make any improvements if needed.

Commissioner Brown said he recognized constraints and he had asked the last time whether staff has any information about County plans to improve Alisal Street.

Mr. Tassano said when he spoke to the County Engineer they indicated there are no plans for Happy Valley or for Alisal Street beyond the design they currently maintain. He noted that the City installed the speed bumps even though it is a County road.

Commissioner Ritter asked if the City could install a sidewalk on a County road.

Mr. Tassano stated the City would need to get the County's approval for a sidewalk. The County had had no objections with the speed bumps provided the City paid for them and if there was any reason to remove them the City would remove them. Therefore, if residents of Happy Valley were agreeable to install a sidewalk and the City designed and constructed it, he did not think the County would be opposed.

Commissioner Ritter asked if the City could require the applicant to put in a decomposed granite (DG) path as part of the approval along the County road.

Mr. Tassano said yes; in his experience in working with the County, they want to be sure amenities provided to the community are what they want.

Commissioner Allen asked if there was enough width to work with for sidewalks, to which Mr. Tassano said he could not confirm if the width existed for Alisal, but that it appears from his observation that there is enough right-of-way to put something in.

Commissioner Allen asked what has changed from when the initial bypass road was assumed versus now in terms of the number of homes originally forecasted for this area as well as traffic volumes.

Ms. Clark stated the major change is the passage of Measure PP which limited the amount of development that could be constructed in the upper hillside area. The bypass road was intended to service 75 units of development and without that, the road becomes less logical. Also, policy decision needs to be made on the consistency of the bypass road with Measure PP. There will be a fairly large grading footprint associated with that alignment whether it is at the top of the hill or towards the base.

Commissioner Allen asked if there was an impact on other developments, such as Foley.

Ms. Clark explained the Foley property is outside of the City limits and Specific Plan area so there is no development proposed that is intended to take access from the bypass road.

Commissioner Allen clarified that what has changed from before, when the initial agreements were made with respect to the golf course, was Measure PP, and there is a question as to whether a bypass road would be feasible and meet the requirements of PP at this stage.

Ms. Clark stated these are policy questions that need to be answered and are being considered through this process.

Commissioner Brown acknowledged a comment made earlier by a speaker regarding a project for reclaimed water on Happy Valley and he asked if this was current.

Ms. Clark said there is a desire by the City and she believes, a plan, to ultimately extend recycled water out to Callippe to provide irrigation. Right now, the infrastructure does not extend that far, and believes this is what the speaker may have been referring to.

Commissioner Ritter asked if the developer wanted to build 22 homes and put a road in would they need to meet the HVSP and General Plan guidelines and go through the permit process.

Ms. Clark said yes; they would need a PUD development plan approval. She explained, if the hypothetical developer met all of the guidelines, it would not require the plan amendments that are being proposed as part of this project.

Commissioner Allen asked if there is any parking, bike paths or pedestrian sidewalks along Clubhouse Drive. Ms. Clark answered no; there is a trail that parallels Clubhouse Drive but not a sidewalk.

Commissioner Allen asked why there is no parking.

Ms. Clark said she wasn't aware of the reason but that it is often based on a decision about how wide the roadway should be.

Commissioner Allen asked where guests or visitors would park in the event of a large party.

Ms. Clark said all homes must provide parking on site per the zoning standards, but she was not sure what would occur in the event of a large party. Ms. Soo clarified that the HVSP street standards do not call for sidewalks on streets.

Commissioner Allen recapped comments on the EIR from Commissioners Ritter and Brown as to make sure they delve into the groundwater impact and potential impact on wells. To the degree the analysis was not robust, she requested adding more detail for these.

Commissioner Ritter cited the section this was under as Impact HYD-2 on page 21, which states "less than significant" for groundwater supply.

Commissioner Allen noted another area that was not adequately addressed was bike and pedestrian safety along Alisal Street.

Commissioner Ritter noted this would be Impact TRANS-5 on page 26 which he believes should not be less than significant.

Commissioner Brown referred to speaker comments regarding the well water discussion, pedestrian and bike safety and the human living factor or exposure and he asked that these issues be expanded upon, and asked for comment given they may not be defined under CEQA.

Ms. Bean said CEQA requires them to evaluate the impacts on the project on the environment and people are part of that environment and part of the context of habitats, safety and transportation, noise, etc.

Commissioner Ritter referred to the agenda report statement, "Without the bypass road the project is expected to increase traffic volumes on several roadway segments between 10 vehicles to 240 vehicles per day." This is based upon current traffic so without the bypass it will go up about 10%-16% according to the agenda report because the normal street range is 1,500 per day for local streets. Therefore, he asked that this be updated given there is history with the golf course there.

Commissioner Brown said the Subsequent EIR shows the impact of the project with and without the bypass road and without the project with and without the bypass road and counts which shows it is less than significant.

Commissioner Allen directed Commissioners to discuss the project itself and suggested discussing four items; density, bypass road, site plan implications, and discussion on amenities. To recap the main outcomes of the Planning Commission's prior workshop, she noted the Commission had been unanimous in wanting the project to follow zoning regulations for density and felt 22 homes was appropriate. On the bypass road they were open to eliminating it but they were not sure because they wanted to see further information, traffic reports and other items to better understand it. Regarding the site plan they held no discussion about Clubhouse Drive, except for the fact that some of the changes were made here. Regarding architecture, they had many comments from the audience and the Commission felt two of the house designs were very boxy and today they have not seen any changes, but this

is something the Commission could address later. Regarding amenities, they discussed there would be an open space amenity and trails amenity which was required by the HVSP in order to be at the density of 22 homes. Those were givens and they had wanted to see more details.

Commissioner Ritter said he favored a 22-lot project based on the HVSP and Measure PP. He expressed the General Plan is not changed often unless there is a huge community benefit, and in this case he is not seeing justification for the General Plan Amendment. He likes the idea for some traffic mitigation, decomposed granite walkway for safety but he did not think 22 or 39 homes will be a huge traffic issue. He lives in a development with 168 homes and he does not see his neighbors coming and going all the time.

Commissioner Brown recapped resident concerns about traffic and circulation, density and safety. He said the plan presented tonight in terms of road layout is a better plan and the development team listened to concerns and suggested closing off Westbridge Lane, completing the cul-de-sac. He did not think they could ignore property owner rights and the Spotorno's, but at the same time, he is conscious of Pleasanton's "City of Planned Progress" motto. The City develops plans and sets expectations in the community over a period of 20-25 years and there were commitments made around putting in the golf course or putting in the bypass road and then PP came along and changed the equation. Therefore, he thinks they should think about these changing variables. The bypass road was meant to bring in City utilities in terms of sewer, water, etc. to an area of town that was not serviced. The benefit to the developer goes away when re-routing the road and because of PP can no longer develop the upper parts of Spotorno. When the bypass road was envisioned and when the golf course was put through it was meant to be a sharing arrangement between the developer and the City and now the variables have changed. The Commission is struggling with these variables and also the fact that the incentive to the developer for their portion of the road would have been the 75 lots. Therefore, he thinks this should all be taken into account. In going back to density the HVSP assumes the 1.5 homes and caps out at 22 lots and he did not see a reason to change that. But, even the 22 lots assumed the bypass road but it also assumed the 75 lots up at the top. So, the economics of it is that whether it is 39 or 22 lots there is not a financial incentive for the developer to construct the bypass road. Therefore, the financial burden would fall completely on the City, and the City tends to do things in conjunction with development. He was not in favor of the 39 lots, was in favor of the 22 lots, but the question is whether he would be in favor of 22 lots in absence of the bypass road and this is why he began to explore whether there was an alternative to the bypass road that would not be as costly to the City or if it could be something to invest in conjunction with the County to address some of the safety and traffic circulation concerns. In summary, he thinks this is a better plan but although it is, it does not address safety and traffic and circulation concerns. He cannot support a project, even at 22 lots, that does not require some sort of investment by the City, developer, or both to address traffic circulation and safety concerns on Alisal Street and the surrounding feeder roads. He added that he is willing to take additional information into account and said he has the right to change his opinion with additional information, and if anyone wants to meet with him or speak with him off-line, he would be happy to.

Commissioner Allen said she agrees with the challenges on the bypass road. Regarding density, there is a long history in the Specific Plan for what the density is for this area to keep it semi-rural and this means 1 to 1.5 homes per 2 acres, so 22 homes would be the maximum she could see on this development. She visited the site and in relationship to surrounding properties it felt like a very nice tract home subdivision. It did not feel like the semi-rural



character that is unique to this specific area and she thinks the City should protect that. Regarding the bypass road, she agrees the road is not very safe today nor was it 5 or 10 years ago. The bypass road would certainly help solve that. The downside is that it costs money and if the City had to fund all of it, she questioned whether it was worth the money. The second point, equally concerning to her, is the view issues, independent from Measure PP, especially with the goal of protecting hillsides and the idea of a bypass road across that hill that would be highly visible. Given that, she questions whether it is more important to protect views or more important to help traffic and she was not sure. She appreciates Commissioner Brown's question about whether there is anything that could be done with the County along the existing roadway as a potential amenity. She then suggested discussion of the site plan, she said the site plan will change with the proposed density. She concurred with other comments in support of Clubhouse Drive and concept of the cul-de-sac'ing as an improvement. She would have liked to see some parking because the homes will need more, but also understands why there is not parking there. Regarding the architecture, she would like to see some of the comments from their first workshop considered which had to do with two of the styles being quite boxy and wanting to have more of the building broken up more, which were echoed from many people.

Commissioner Ritter referred to comments about how this project affects the Housing Element plan and placement of other units elsewhere. Also, Mr. Mix wrote some great comments for the SEIR and he asked that these be included and addressed.

Commissioner Allen said in considering the next revision in the plan, she would like to see more details on the proposed FAR and other aspects of the project. In reading the HVSP for example, it states that no home can be more than 50 percent the width of the property as facing the main street. As she looks at the plan today she was unsure that was the case or not. Therefore, she wanted to be very conscientious about how that does and does not fit with the plan and she asked to make it fit relative to what is expected of other people. Related to FAR, she questioned the treatment of ADUs and other outbuildings. Someone mentioned ADUs can be added to density; however, this is partially true. If the Commission establishes an FAR of 50 percent and the home is already at 50 percent, then an ADU cannot be added to that property. It can be an interior ADU if built within the FAR of 50 percent but in her discussions with staff it cannot add to the FAR and be more than 50 percent. This needs to be defined the next time the Commission sees the project to ensure the correct FAR is in place that supports a semi-rural character and how that impacts some of the additional buildings that would be on the site.

Commissioner Ritter added that Bill Siamas brought up some good points regarding the Court of Appeals and he wanted to ensure the City has done everything to cover all of the different options, work with residents and said he would rather do it right than to go through a lawsuit.

Commissioner Allen confirmed staff had direction and concluded the workshop. She confirmed that the comment period closes on Friday, September 28, 2018 at 5 p.m.

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

No matters were discussed or actions taken.

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

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

Commissioner Ritter reported his attendance at the Bicycle, Pedestrian and Trails Committee meeting.

**b. Future Planning Calendar**

No action was taken.

**c. Actions of the City Council**

No action was taken.

**d. Actions of the Zoning Administrator**

No action was taken.

**9. ADJOURNMENT**

Commissioner Allen adjourned the meeting at 10:20 p.m.

Respectfully submitted,

Amy Statham  
Recording Secretary