

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

APPROVED

Wednesday, February 22, 2017

(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Meeting of February 22, 2017, was called to order at 7:00 p.m. by Chair Balch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Balch.

1. ROLL CALL

Staff Members Present: Gerry Beaudin, Director of Community Development; Adam Weinstein, Planning Manager; Dan Sodergren, City Attorney; Brian Dolan, Assistant City Manager; Natalie Amos, Associate Planner; Eric Luchini, Associate Planner; Jenny Soo, Associate Planner; Dan Sequeira, Senior Civil Engineer; and Kendall Granucci, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, David Nagler (arrived at 7:07 p.m.), Herb Ritter and Chair Jack Balch

Commissioners Absent: Commissioners Justin Brown and Greg O'Connor

2. APPROVAL OF MINUTES

a. January 25, 2017

Commissioner Allen moved to approve the Minutes of the January 25, 2017 meeting as submitted.

Commissioner Ritter seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the January 25, 2017 meeting were approved, as submitted.

b. February 8, 2017

The consideration of the Minutes of the February 8, 2017 meeting was continued to the March 8, 2017 meeting due to a lack of a quorum of Commissioners in attendance at that meeting.

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

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

4. REVISIONS TO THE AGENDA

Chair Balch stated that Item 5.a., Vesting Tentative Map Tract 8352, GHC Lund Ranch, LLC, and Item 5.b., P16-0916, Greg Munn would be removed from the Consent Calendar and that Item 5.b., P16-0916 would be considered as the first item under Public Hearings, and Item 5.a., VTM Tract 8352 would be considered as the third item under Public Hearings.

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. Vesting Tentative Map Tract 8352, GHC Lund Ranch, LLC

Application for a Vesting Tentative Tract Map to subdivide an approximately 194.7 acre property at 1500 Lund Ranch Road into 46 lots for 43 single-family homes (approved under PUD-25) and three lots to be dedicated to the City of Pleasanton for permanent open space. Zoning for the property is PUD-LDR/RDR/OS-PHS/VO (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space – Public Health & Safety/Wildland Overlay) District.

This item was considered as the third item under 6. Public Hearings and Other Matters.

b. P16-0916, Greg Munn

Application for Design Review approval to construct an approximately 4,800-square-foot, two-story, single-family residence with an approximately 767-square-foot attached garage at 6047 Sycamore Terrace. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

This item was considered as the first item under 6. Public Hearings and Other Matters.

c. P16-1827, Emma Rohner, KT Builders

Application for Design Review approval to construct an approximately 20,443-square-foot, one-story commercial building and related site improvements located at 3 and 19 Wyoming Street. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.

Commissioner Ritter moved to approve Case P16-1827, subject to the Conditions of Approval as listed in Exhibit A of the Staff Report. Commissioner Allen seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2017-02 approving Case P16-1827 was entered and adopted as motioned.

6. PUBLIC HEARING AND OTHER MATTERS

Item 5.b. P16-0916, Greg Munn

Application for Design Review approval to construct an approximately 4,800-square-foot, two-story, single-family residence with an approximately 767-square-foot attached garage at 6047 Sycamore Terrace. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

Jenny Soo presented the Staff Report.

THE PUBLIC HEARING WAS OPENED.

Steve Rodgers, Applicant: I was really going to just rebut what we heard the issue which was the drainage apparently. It seems odd that we come in at the eleventh hour. The drainage on the whole parcel is existing. It was done with the original subdivision. As Jenny mentioned, the pad is flat and putting a house on that same spot and running the drainage to the existing area of the drainage isn't actually going to change. So that was the real reason I wanted to speak. Other than that, it's a great project. It's infill. It's filling

in the last lot and we met all of the requirements of the design review guidelines. We were hoping to get approved but I guess we'll have to wait and see.

Richard Hendra: As you know, we have a small creek on our property right at the border on the south side of the property that's going to be built. That creek is pretty much where all the water from the storm flows into. So I'm just concerned because much of the lot right now is being occupied by the structure. There's not going to be that much water that's going to be coming from the land that's currently there and all the water is probably going to go to my property and then may create some damage so I just want to make sure that proper engineering is going to be done to make sure the water does not flow to my property. That's all.

Chair Balch: And in standard protocol, we typically allow the applicant to come back afterwards to rebut anything. I don't know if you'd like to take that opportunity or not. It could be either one of you and you have a five-minute rebuttal.

Greg Munn, Applicant, Design Tech Associates, we're the architectural firm that actually designed this thing. It's unfortunate that Darryl Alexander couldn't be here because he's the civil on this. We went through several....we exhausted as far as design-wise; drainage—it's always been there. The drains to the back and the creek back there which shouldn't affect Mr. Hendra's property at all. He has a V-ditch on the side that runs his whole property line through so it shouldn't be an issue unless you know the sky just falls out, but there's no way of predicting that. I don't think there's any drainage problems because it was dealt with at the very beginning in the subdivision. I've done the house up above this also so I know this area very well. We'd appreciate your consideration for our application.

Chair Balch: Thank you very much. Okay, we'll bring this matter back to Commission. Please note that we have not had a chance to discuss this prior so we slightly have to muddle through to get to a consensus but that's going to now begin. If I may, maybe the question we all have is staff, have you been able to take a look at the concern raised by the citizen and evaluated it?

Soo: Our Senior Civil Engineer is here and I believe they also had a discussion with the concerned neighbors prior to the meeting, so he can address this.

Dan Sequeira, Senior Civil Engineer: I'm the Senior Civil Engineer in land development and I have reviewed the preliminary grading and drainage plan. The neighbor called Jenny this afternoon at about 5:00 p.m. and I spoke to him and we didn't have a chance to talk because he had to go pick up his child, but I reassured him that we would be here tonight to answer any questions. I understand his concern and his concern is that there is a creek on the left hand side of the plan and his concern is that the project is going to possibly result in some flooding. But, let me give you some background on the grading and drainage plan.

As Jenny mentioned earlier, there were drainage improvements done when the subdivision was created and those improvements include a V-ditch on what is the westerly property line. You can see Jenny is highlighting that with the cursor.

Also, subdivision improvements also included an earthen swale that traverses across the property that Jenny is also highlighting now. The impact to the drainage from the project will be minimal because the existing earthen swale is designed to capture stormwater runoff from the building through pipes and then convey it to the V-ditch.

Currently, the stormwater is already draining into the earthen swale and the V-ditch and improvements that will be done as part of the construction of the home will not change that. It's just directing it to earthen swale with pipes rather than overlaying soil. So I hope I've answered any concerns the neighbor has and any concerns that you have.

Commissioner Ritter: So if you do a subdivision and do a plan for drainage, you planned it with the expectation that a house might be there someday, correct?

Sequeira: Exactly.

Commissioner Ritter: So it was factored in as a possibility when they did the pre-drainage on the whole subdivision.

Sequeira: Yes, and there were hydraulic and hydrologic calculations to design the earthen soil and also the V-ditch.

Commissioner Nagler: And also just to confirm, the conditions of approval, specifically 11, 12, and 13, seem to require the implementation of what you are talking about directing water to these V-ditches so it is included even as a condition of approval for this particular home as well, right?

Sequeira: Yes. The intent of the original subdivision drainage improvements for this parcel are kept in place. They were designed specifically for that parcel. We are not changing them. All we are doing is adding house and drainage pipes.

THE PUBLIC HEARING WAS CLOSED.

**Commissioner Ritter moved to approve Case P16-0916, subject to the Conditions of Approval as listed in Exhibit A of the Staff Report.
Commissioner Nagler seconded the motion.**

ROLL CALL VOTE:

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

Resolution No. PC-2017-03 approving Case P16-0916 was entered and adopted as motioned.

New Item:

a. Recommendation of Planning Items for the 2017 City Council Priorities

Brian Dolan provided an introduction to the Staff Report.

Adam Weinstein presented the Staff Report.

Commissioner Allen: Many of these seem to be either state driven mandates or perhaps projects that are required to look at when a developer brings it forward. So I guess the question is what flexibility do we really have? is question one. Question two is just in general, are there alternative ways to do any of these that minimize some of the staff impact. For example, maybe using outside consultants more than we might otherwise have done at the developer's expense if it is a development-driven project. I guess I'm sort of asking are there some that are "must have's" versus ones that we have discretion on?

Beaudin: So there certainly are some that are "must have's". The state law, really the ADUs is a good example of something that we're going to work through the agenda later on tonight. There are other applications and we've had internal conversations about the idea of having developers fund planning support for their projects or for us to do more of the outside consultant work. That work is to a certain extent and then we start to bottleneck at the upper level of our organization where we can't really add additional bodies in that regard. So I think there are ways for us to better leverage private development applications when they come forward to make sure that they are covering those costs and helping us on the staffing side. So I think that answers your question, but I can elaborate.

THE PUBLIC HEARING WAS OPENED.

Steve Dunn, East Pleasanton: Planning Commissioners, thank you for the opportunity to be here tonight. I'm Steve Dunn. I'm a 10-year landowner of 320 acres in East Pleasanton and we're requesting the Planning Commission recommendation to include planning east Pleasanton in the two-year City Council priority list. Why? We've been on this for 10 years of consideration a period of which was actually in a process which the applicants paid for and it was pulled for probably more than one reason, but one of the main reasons was drought and thank goodness we don't think we're there today. But it also is important to fulfill the General Plan, and in the General Plan today this is one of the items that is to be planned.

Also, it is best for the City to take control of this area. Half of this land is actually in the County and we as owners actually have some rights to do other things within the County. We think it's better to plan it as a whole and also I think it's also important to plan this in advance of rain. We know there is housing growth coming that's required by the State. We've had a lot of employment growth in the Bay Area and we don't want the State to come tell us, meaning the City and the community here what we have to build. We'd rather plan it ahead of time and plan it right to also accommodate those things, but the "we" or basically the community in control of that process.

I just heard “maintain and enhance quality of life”. You know, there were some project concerns a year and one-half ago, one of which was water so now we actually have a net zero water project. Schools was a concern; however, the task force did provide for a school to be provided by the land owner; not only the land but built which we’re willing to do. Traffic, we would be paying for all of the improvements for extending Busch, Boulder, and providing for El Charro which is a major regional improvement, and then the amenities. There are more amenities now today than there was when the task force had come out, and that is due to the last year and one half of public outreach. So we believe the project is improved today, but we’re here to basically say it isn’t planned yet. Let’s continue to plan it and plan it right and take the appropriate amount of time.

And I don’t think it will take as much time as a normal process. That’s another thing of staff’s concern, is that we have gone through a process. All of this background information and studies has been done. Some of them will have to be updated like traffic and so forth but a lot of the bodied work was done by the task force in that 3-year process.

Just to name a few of the community outreach we have done, we met with dozens and dozens of individuals, went to downtown Rotary Club, Mom’s Club, Chamber of Commerce, Men’s Club, the Downtown Association, Soccer Club, Seahawks Swim Club, we had a Bikes and Trails Workshop where we now have a design for 12 miles of trails to go in this for biking and hiking, so we’re really excited about that due to the input. So we just think the opportunity is now to plan East Pleasanton and we’re recommending that you do so. Thank you for the consideration.

Chair Balch: Okay, seeing no additional speaker cards, I’ll close the public comment period and bring it back.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Ritter: First, I just think it’s kind of a little unfair to say we have to pick two because we actually would cover a lot of them. So if I had to pick two, I would say I want to make the priority on projects that involve zoning and planning as the priority. That’d be one. Then parking is another big one that is an issue we hear all the time.

The reason I say that in a little bit of a sarcastic way, I mean, the ADU is going to come. The Downtown Specific Plan (DSP) is coming and that has planning. The Johnson Economic Development Zone is coming. We already know we’re going to use staff time for all of those things. Inclusionary zoning ordinance—we know we’re about ready to do that. And then when I go down to parking, we’re already going to be doing the parking plan analysis and the two that I just saw that wouldn’t end up as one of the things we’re already doing is like the MTC and ABAG and maybe Staples and ice skating as something that might need to be considered because it’s been on the plans for a while, and I’m a little worried that if we don’t have some input with ABAG and MTC, they’re going to be telling us what to do and I’d rather us be part of that process. So, those are just some thoughts and I’d love to hear your guy’s thoughts too.

Chair Balch: Can I maybe ask maybe a clarification of staff? So Council could also defund or de-escalate a project. So for example, as Commissioner Ritter has mentioned, the Downtown Specific Plan. The task force is meeting one under the belt, right, but would that be one of the items we would want to continue on? Do we need to continue to voice our support for that?

Beaudin: Definitely, it's really about resources and staff time, and we're going to be putting a lot into the Downtown Plan so I'm hoping it comes out of here highly ranked because like you said, we're off and running. We have a consultant under contract so we want to keep it in the list.

Chair Balch: So if I just ask, if we look at what you're chewing on now, right, you are chewing on the Downtown Specific Plan. You are nearly done with the parking kind of "band aid" plan and then the Johnson Drive Economic Zone, right?

Beaudin: There are a number of projects that we're working on. As Adam mentioned, the Zoning Code Phase I is complete and we'll see a second reading for that in a couple of weeks with the City Council. We'll be interested to see how the Zoning Code fares. I think there's a lot of interest in continuing that work and so that will be one we would want to see. I think it's written currently as Zoning Code Phase I in this list, but Zoning Code Phases 2 and 3 are likely to pique at least some people in the community's interest.

Hacienda PUD Consolidation and Design Guidelines—we spent a lot of time on that over the last year and one half and we're very close in working with the Hacienda General Manager and getting that put forward.

Downtown parking is close to coming to hearings so we expect that to sunset, so we have a number of things we expect to be able to complete in the next year, but it is a two-year work plan so if there are things you want to see come on-line in year 2, then that might be a way to think about it. But, we want to be able to recognize there is a significant amount of staff resources necessary to complete these projects still. A lot of the public outreach is done for a lot of these projects and we're just getting to the hearing stages of what is left.

Chair Balch: So could I just ask? To quote Mr. Fulford who is no longer with us, "We're a very involved citizenry". So how long does the task force take?

Beaudin: It really depends on the issue. The Civic Center was one year and we've said 18-24 months for the Downtown Plan.

Commissioner Nagler: Well, first I just want to say in the spirit of Mr. Dolan's request that we take something off the list, maybe we could take off the list the creation of the Doggy Refuse Receptacles and therefore contribute to lessening the workload of City staff. More specifically, on the question of planning priorities, in following what has been said, it seems to me that the question before us really is, how do we want to allocate whatever incremental time that staff is going to spend on items that really affect Pleasanton in a strategic or policy way because if you look at what we do as a Commission, we seem to have two general, probably over-simplified buckets of issues

that come before us. One are what I would consider to be strategic policy issues. How do we improve parking? Downtown Specific Plan, things like that. Then there's the tactical implementation of planning decisions; the question about a house, the issue about you know an infill project of some homes, and like that.

If we assume staff is going to be very consumed and therefore this Commission is always going to be consumed by the tactical stuff, then I think at least as I see it, the question being asked of us is, where would we like that extra increment of City resources to be spent on strategic issues, and those that affect the policies that come before the City and in many ways define Pleasanton into the future?

And with that in mind, I have these specific comments. I think that our number one priority from a strategic planning perspective ought to be the successful implementation of an updated Downtown Specific Plan; that that is at the highest level a strategy that's going to impact the City for many years to come, is of tremendous importance and consumption of time and energy, and that ought to be our number one priority. It will certainly be the case for the next couple of years.

Second, I don't know that this will be supported much by my fellow Commissioners, but I would like to see the Planning Commission take on the type of housing in the community, the variety of housing stock, the way in which the inclusionary zoning ordinance is used, what other mechanisms we might have at our disposal or could create, and that we not abdicate this very important discussion to others, particularly the Housing Commission—not to say the Housing Commission doesn't have and shouldn't have a very important role.

But it just seems to me, for example, that if we're being asked to constantly be discussing the RHNA requirements, I'm not sure how we can properly have that discussion and make proper decisions if we don't also as a body look at, in detail, how we want to develop a variety of housing in this community. And the question that always comes before us as a Planning Commission is, why now? Why do it out of the RHNA cycle? What's the requirement? Does it impact RHNA? Which seems to me is really asking, is this housing stock we ought to have or not and how does it fit into what we want to make available in the City of Pleasanton?

And it seems to me that as a very high priority we ought to figure out a work plan to cooperate with the Housing Commission and the Council in really doing a careful analysis that could take some time on whether our current policies and ordinance adequately address this on-going question.

And third is that which is also not only a tactical but very much a strategic bugaboo of this community which is parking and that again, beyond that strategic parking plan we look in the context of the DSP and other ways that we can as a priority in a global way, look at what we're doing about parking both Downtown and elsewhere in the City of Pleasanton. So that's my sense.

Commissioner Allen: So I appreciate comments from both of you and it's helped me think about my priorities. So I'll go through what my highest priorities are on the list. I'll go through what I lighten up on, and I'll go through one "adder" that might change that order.

My highest and consistent with Commissioner Nagler is the Downtown Strategic Plan. I think our Downtown is the centerpiece of Pleasanton. It's why most people say they come here and it's a priority for us to make the best we can make it into the future. That's my number one priority.

Actually, I'll put my "adder" on here right now. The additional thing I add as a priority or I would take it from something that might be on here but worded differently is, improving awareness of key projects that impact our community with our community members. I believe that we could do a lot better. And so if I was to scope that, more looking at this from a Planning Commission, you could take it broader but looking at it more from what we deal with, it would be something like benchmark; some of the sub-steps would be benchmark some top cities that are known for having high community engagement and involvement on key projects--Los Gatos, for example. I happened to have grown up in that area and know a lot of people from there and they are considered a benchmark city and they do some fairly inexpensive simple things, and just to be tactical, I mean, things as simple as things we've been discussing for the last year--signage when a new project comes up, making sure it's in the community space that there's a new tennis court that might be proposed here or a new building or a cemetery. We did it with a cemetery, but something real simple, and here's how to give us feedback if you want it.

A second example would be story poles. I mean story poles could be taken from different angles. You have technically, engineering-wise how you design them, but story poles by themselves are a way of making the community aware that something's happening and should I pay attention.

Then, even an example of the ADU project we'll be discussing next, you know, I think we all know no one knew about that project when it was presented because our current City practice is we don't send yellow cards on something that's City-wide except for the two people that asked to be notified. And so people like Laura Olsen and Linda Garbarino who are involved with key organizations didn't even know that was coming up. But, once the word got out in the last few weeks, we now have a lot of good community input and it helps us and the Council to make better decisions and participants will feel like they were heard and something done collectively, and I think it will make all of us look better no matter what the project is.

So that was my pitch to you all in just saying I think it's important. Now, with that said, I noticed there is an item on the work plan called Communications and so maybe...I don't know what that animal is, but potentially it could be scoping that item that's already on there to focus on what we just discussed if it's important. Or, perhaps that's something totally different and we need its own area. But my bottom line is everything we have here is not really.....I don't know if it can be done well if we don't have any approved process for engaging our community.

Dolan: Through the Chair, I do believe that subject matter is exactly the focus of the Communications Plan. It addresses internal communication within the City of Pleasanton organization as well as outreach to the community and those very topics have come up in the discussions. So I think you can be an advocate for that issue outside of this process we're talking about tonight.

Commissioner Allen: Okay, so I'm comfortable with that. I guess my request would be adding a little more definition possibly around that that would be coming from us based on discussions we all had over the last year so it doesn't get hidden because when that gets scoped, it could be all about internal communication and that's not what we're talking about. So that would be my request.

To Commissioner Nagler's comment, I actually appreciate and would be open to Commissioner Nagler's last proposal about looking strategically at housing needs being on the list because we get stuck there and I don't want to take it on if it's totally not our role but we end up getting stuck there and some guidance there would be helpful.

Now, I also want to mention what I'd lighten up on. It's not because it's not important. It's just because if we're really wanting to invest in the most important things I think we need to say what we lighten up on relatively speaking. So if I was to say something that could go a little slower it would be the Hacienda work, and I say that because as I read this, number one it's not strategic. Number two, it's clean-up work and number three, the Hacienda team has work around so that that paper stop doesn't impact the relevance of key projects. It's not usual impact aside from just clean-up and time savings. So I would lighten up on that, and it's been around forever so if it was that important it would have been done sooner.

And, although controversial, if I had to prioritize I would lighten up a little bit on the future zoning code. I don't want to do that. Let me just say that's important work, but I'm going to assume that the work we did in Phase 1 that staff kicked off the most important items that we can tackle now. So assuming that, then I assume that any future work is not quite as important to be done this year and I'd rather invest our resources elsewhere. So those are my comments.

Chair Balch: We're an interesting group, I'll say that because I'm going to counter probably a lot of what you just said unfortunately.

Commissioner Allen: That's okay.

Chair Balch: I know I think what staff wants at the end of this is just a concise answer from the whole body. I get that, but I think that since we've kind of all gone ala carte I'll do that now and hopefully we'll wrangle it into a set booth so bear with me a little bit.

I listened to all of you. I had my own comments before I came in. Like most of you I've done this a few times and it's a very interesting process. I have mine broken down into 5 categories after listening to you. I don't know how they really fit in but I noticed some are already on the list so I'll just kind of highlight what I noticed and picked up—traffic, parking and circulation. I put them altogether. So when I pull that issue out as an important item for me personally commuting the work, 680/Sunol interchange as you

guys have mentioned on this plan. That just seems to be getting worse, and that's really affecting when we talk about people like on Junipero and Lund Ranch and these other issues and Sycamore, it's that area of town that is getting the impact and that interchange not being at serviceable levels. I'll call it like that.

Part of the parking, traffic and circulation--I go to Hwy 84, El Charro and the biking circulation plan for alternative modes of transportation around the City, so I'm grouping it all in saying you could pick up any one of these to help that issue. That's kind of how I'm trying to do it. I also support the DSP for the reasons mentioned. I don't think I need to go into that.

Unlike Commissioner Allen, I think the zoning code update Phase 2 and 3 or whatever we'd want to call it, I'd prioritize that because I consider that the life blood of how businesses can get into the City more efficiently, but I also put in 3 three things I want to mention specifically about that. The housing in-lieu fee which I would put into the zoning code update in my opinion, how we address housing in-lieu fees, and one thing we didn't talk about is a parking in-lieu fee. And parking in-lieu fee has come up several times and we don't think our \$19,000 is sufficient for our parking fee in-lieu number. I remember when I was on the body that approved the Starbucks building, and we talked extensively about is \$19,000 enough for that couple of parking spots that are going to be gone from that lot. So I put all that into the zoning because I would assume the next phase of zoning we would be talking about fee structures and pricing and efficiency. I might be over-simplifying I know.

Moving to my next broad category, as Commissioner Ritter said, MTC/ABAG RHNA cycles, housing, knowing what's going on there I think has got to be essential for us especially because we've been on the tail end of that conversation and then I'll lend support to the noticing, awareness, outreach as well. I frequently do business in the City of Fremont and I see they have applicants put up a 4x8 piece of plywood painted white that's got the notice on it and it talks about the notice dates, the meeting dates, you know, at least a sign and I don't know what else they do but I see that when I drive around the areas that I go. So those are my items.

I think we need to bring it down to let's say 2 or 3.

Commissioner Nagler: Let's make it 3.

Commissioner Ritter: It sounds like we're all in favor of the DSP so that's an easy one.

Chair Balch: And then traffic, parking, circulation?

Commissioner Ritter: I think we're all....

Commissioner Allen: I'm in support of that.

Chair Balch: Now, do you need more specificity on that one per se?

Commissioner Ritter: We'll let you pick which item that fits against.

Dolan: I think it covers many of them, so you really need to specify which....if you're talking about Downtown parking which is the only place there's a parking problem, maybe a few others, but...

Chair Balch: So is traffic versus parking; those are two different issues?

Dolan: Yes.

Commissioner Ritter: And that would tie into the zoning code because part of that you tie into the parking issues.

Chair Balch: But that drops off ABAG, MTC, and inclusionary. I mean....

Commissioner Allen: I guess, I would sort of say ABAG/MTC just seems like infrastructure as part of what we've got to do, but that's copping out on this, huh?

Beaudin: We spend a good amount of staff time talking with our regional planning partners to make sure the assumptions that are going into these models and the assumption they're building around Pleasanton's future makes sense relative to our planning documents, and we're going to do that work. And so, it's good to see it reflected in here.

Commissioner Ritter: MTC doesn't have elected officials on that board, correct?

Beaudin: That's right.

Commissioner Ritter: And that makes it even more critical that we follow and stay on top of that.

Beaudin: Yeah, and I think we're going to see....

Chair Balch: ...a lot of movement in the future here.

Beaudin: We've got an update that's happening now. We're pretty set with them and then we'll see another flurry of activity toward the end of this two-year planning period.

Chair Balch: And my position on that is that, and maybe its controversial, is that the City of Pleasanton should staff accordingly so that is not having to be a priority in this cycle. You should staff so that is something you're doing constantly in my mind and we shouldn't have to choose or have something fall off the table because that has.....I get it takes staff time and I understand and we might not be there yet, but you know, in 20 years when I'm on that side of the dais, I'm hoping I'm not saying you should be attending these meetings.

Beaudin: We do attend the meetings. They're in this list to reflect the fact that resources do go to that endeavor so as long as there's not an interest in stepping back from that completely, then it will continue to live in this list and in our work plan.

Commissioner Allen: So you're not looking for us to say that's a priority because you consider it pretty much mandatory work. You just don't want us to de-emphasize it.

Beaudin: Yes, it's in the work plan now and we prioritize things as well to make sure we know how much staff time we're going to have to put to it each year, so I would say, don't remove it from the list. It's clearly a priority for all of you. It is for us, and if it doesn't fall out of this list, then it means that it may not be your top 5 or top 2 or 3 items, but it's going to be something that needs to live on for us to take time to do.

Chair Balch: Then I would actually suggest that traffic or zoning become our 2 and 3 and I only say traffic over parking because it is a city-wide issue. It seems to be in my opinion.

Commissioner Nagler: I just have to say I'm backing you on that because it seems to me that the parking issue, given it is a downtown issue, is going to obviously be part of the DSP conversation so in the way I was advocating, which again was from a higher level, where could we create parking downtown in a planning sort of way....

Beaudin: You're going to see the downtown parking plan. So we have a downtown parking plan and implementation strategy and that will come I believe in March or April. We have it heading to the Planning Commission so we've done a lot of the work on that currently and it has to evolve as part of the DSP as well.

Commissioner Nagler: So we're going to cover that as a priority.

Commissioner Ritter: So traffic too. I agree with that.

Commissioner Allen: And I agree with traffic circulation for the same reason.

Commissioner Ritter: Yes, and that covers a lot of these different things.

Beaudin: So we have a traffic engineering division. They rarely show up but really to public improvements for the traffic circulation network. Those often end up as CIP projects. So are you talking specifically about projects that are mentioned in here like Hwy 84, BART to Livermore....

Chair Balch: I didn't specifically mention, well, and I didn't realize BART to Livermore had to come back onto our plan, but I saw it on the list.

Beaudin: It's peripheral, right. It's the same thing with Hwy 84 extension in terms of the Planning Commission's purview over those kinds of projects.

Commissioner Ritter: But that's the kinds of issues we hear when projects come the most.

Commissioner Allen: And bike and ped you mentioned as well and I support that. Bike and ped would be another subset of traffic.

Chair Balch: Or just the bike circulation plan that goes with it. That's more park and rec I know, but I get that they're CIP projects per say, but when we look at 680/Sunol which one in particular is in our area, even that is a Caltrans issue, right, so 84 expansion, I've heard Council say they want to support that, right? So all I'm trying to do is from at least my view, improving traffic and circulation throughout the City, whatever particular project, I would....I mean, we know traffic here. Santa Rita has, what, 5,000 trips a day? I mean, you know, you've got enough I know. Dolan's giving me the looks.

Commissioner Nagler: I would like to hear what others think about us putting a stake in the ground and trying to have a real purposeful, strategic view of the variety of housing in this community and not avoid the conversation because we know people don't really want to talk about RHNA or talk about workforce housing or talk about that. And I just want to know whether you guys think that it's something that we ought to be purposeful and strategic about or continue to handle it in another avenue.

Chair Balch: Well see, and I was handling it at the zoning update in my opinion.

Commissioner Ritter: Me too, and the housing element.

Chair Balch: I mean, I was going to say housing in-lieu, parking in-lieu, ADUs, maybe not fully into your topic.

Commissioner Nagler: Well, the ADUs fold into a project...

Dolan: So just because you're going there I wanted to stay out of the substance, so I was at the Housing Commission last week and they were very disciplined. They only had one priority, but they were looking at something very similar to what Commissioner Nagler is talking about. And the way they framed it was they supported the update of the inclusionary housing ordinance. They wanted to expand that effort beyond just getting the right fee because we know our fee is low. We've had two studies that have said it. They want to take a look at expanding that ordinance to require different types of housing so that you can get second units in a subdivision mandated by inclusionary ordinance or a variation in size so you don't get production homes that are all virtually the same size in one development. You know, they don't know if they're going to get support from the community or from your commission or the Council, but that's what they decided they wanted to recommend kind of similar to what you're talking about.

Commissioner Nagler: So I would support in light of that endorsing the exact same priority and asking that if it's adopted by the Council that it be done purposefully as a joint effort between this commission and the Housing Commission.

Commissioner Ritter: I agree.

Commissioner Allen: I could support that.

Chair Balch: I'm not trying to say I like in-lieu fees to try and get into that conversation, but it's selfish to our commission. If I may ask, the Housing Commission reports to Community Development as well?

Dolan: No, it's staffed by the City Manager's office.

Commissioner Ritter moved to prioritize items: Downtown Specific Plan Update, Traffic Circulation, and Inclusionary Housing. Commissioner Allen seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2017-04 recommending Planning Items for the 2017 City Council Priorities was entered and adopted as motioned.

Item 5.a. Vesting Tentative Map 8352, GHC Lund Ranch, LLC

Application for a Vesting Tentative Tract Map to subdivide an approximately 194.7 acre property at 1500 Lund Ranch Road into 46 lots for 43 single-family homes (approved under PUD-25) and three lots to be dedicated to the City of Pleasanton for permanent open space. Zoning for the property is PUD-LDR/RDR/OS-PHS/VO (Planned Unit Development – Low Density Residential/Rural Density Residential/Open Space – Public Health & Safety/Wildland Overlay) District.

Chair Balch recused himself from Item 5.a., VTM 8352, due to a conflict of interest, and left the Council Chamber.

Eric Luchini presented the staff report.

Commissioner Ritter: Typically a tentative map is the net result making sure the applicant and staff agree on what was pre-approved by Council and other commissions, correct?

Luchini: That would be correct.

Commissioner Ritter: So does the applicant agree with what the staff report's recommendation is that has been put forth?

Luchini: To my understanding, yes. They are in attendance this evening if you'd like to hear from them.

Commissioner Ritter: Okay, thank you.

Commissioner Allen: And just following up and I assume staff believes this is consistent with what the Council approved.

Luchini: Correct, and some of the changes were a direct result of Council direction at the PUD stage.

THE PUBLIC HEARING WAS OPENED.

Bill Lincoln: Good evening Commissioners and staff, audience members. I'm speaking tonight as a homeowner and a member of the Sycamore Heights HOA and I'd like to express some of the questions and concerns my neighbors and I have about the extension of Sunset Creek Lane before vesting of the tentative Lund Ranch map occurs, and here are a few. First, there should be no grading for the road extension. Yes, there is a right-of-way road easement but no slope easement. A city planner two weeks ago stated in an email to me that an estimated 710 cubic yards of dirt is to be removed for the extension. That equates to 1,562,000 pounds of dirt; a lot of grading I think in my book. And the two 8 foot PUE's on each side of the easement are for utilities and are not to be graded as well, nor are the two HOA owned parcels surrounding the extension. We need some assurance in our community that grading which changes the contour of the land as it currently exists will not occur.

Issue number two: How will C3 compliance for stormwater mitigation be achieved without affecting HOA-only land? Where and how will that runoff from the paved extension road be collected and filtered?

Issue three: What mitigation is proposed for the planned removal of the 80 year old heritage oak tree? It's a focal point overlooking our community since our homes were built 12 years ago. We will lose not only aesthetic value but possibly and probably property value as well. And, has the tree been appraised for replacement value per the City Municipal Code?

The next issue is the city planner states that no matching fencing is proposed for each side of the extension along the easement will be completed. This unfortunately will open up our two adjoining HOA parcels for public use even though both parcels have always been fenced in for the private use of our association members. As Sycamore Heights homeowners we have each paid thousands of dollars per owner to maintain these properties for our use. If fencing is not provided then it breaks up the continuity of our street landscape and also will create questions of liability.

The next issue also regarding fencing—what if anything is planned for replacement of the decade old barbed wire fence that runs several hundred feet long and currently separates Lund Ranch property from Sycamore Heights?

The next issue is the tentative map appears to show the trail beginning on and traversing our HOA property. Was this approved by the HOA? And also, is there a plan for public parking for trail users?

Issue seven: The existence of a hammer-head at the end of Sunset Creek Lane looks like it may create a problem for the planned 3 foot wide V-ditch and the associated water runoff. What are the details of how that will be resolved especially important now given the amount of rain we've had in the last two months.

The last issue: What is the mitigation proposed for the increased traffic that will affect our community? The 24 foot extension will tie into the 30 foot wide Sunset Creek Lane which has parking on each side, thereby leaving only about 19, possibly 20 feet for two-way traffic and for emergency vehicle access which is the bare minimum. It's not unusual to request more detailed design and improvement plans before vesting.

I think these questions and issues I presented are important enough to be addressed and resolved before the project is vested, not after. Let's not put the cart before the horse especially when it comes to infrastructure. Because these are sensitive issues and with that in mind, on behalf of the Sycamore Heights HOA, I would like to invite the City planner and/or the developer to our next HOA quarterly board meeting in two and one-half weeks on March 13th. This will facilitate transparency, communication and understanding, plus establish a more positive and constructive relationship with our community. Until that meeting, I respectfully request the Planning Commission delay their vesting decision. Thank you.

Chris Coleman: I live on Rutledge Place which is right next to the new development so the concern that I and my neighbors in Rutledge Place have is regarding the elevation of the homes immediately adjacent. And while it is a gently sloping court as designed, if we could bring those elevations down slightly that would really help the homes looming over other homes and address privacy issues as well as views because there's going to be some blocking, but there would be some material improvement there. So the pads I understand from staff are between 9 and 12 feet higher than the existing homes. I'm talking about Court A; the first court on the left as you enter this new development. So they are about 9 to 12 feet higher. I'm not asking that all of them come down. I think it's lots 4 and 5 that would be most material because that's where the elevation rises. So I don't think it's a major thing and that elevation at the far end of the court is an issue. So if you could take that under consideration that would be terrific. Thanks.

Greg Cordtz: Thank you for being here. I live at [REDACTED] Rutledge Place which backs up to the new property there at Lund which I'm in favor of. I also am concerned about the height of the new homes. From grade level existing to my family room is 16 feet as we speak so it's going to be 40 feet back there as they live on a zero lot line. More importantly, with all this weather, the drainage from...I guess it's the Bonde property, and then it might be the Kottinger property and the new Lund property is flooding out in the area behind me and it's taken out a 150-foot tall eucalyptus tree recently. Your landscape architect was up to visit the property and the v ditch that runs parallel to the Bonde property stops right where those other two properties meet and there's just a one catch-all there so I'm concerned about the drainage also. I would like you to look at that and take into consideration of the subterranean effect we're going to have if we build 40 foot high mansions back there. Thank you.

Amy Lofland: I'm a member of the Ventana Hills Steering Committee. This plan before you is the one the City Council approved and went to the voters. I'm in support and so is the steering committee moving forward on this. It's been since 2011 and it's time to move on. We've gone through everything that we can imaginably do and I don't think you can make any changes without going back to square one which is back to the voters so it's time to move on unless I'm incorrect about that information. Thank you.

Commissioner Nagler: Thank you very much. That's the end of the speaker cards, so would the applicant like to come forward please?

Angela Ramirez Holmes, Applicant: Hello. Angela Ramirez Holmes on behalf of Greenbriar, I just want to respond to a couple of things that came up and if you have further questions, our team is here to answer those. So the current plan has been under development since 2009. Early on, based on feedback received from neighborhood meetings, Greenbriar made changes to the plan. We had four neighborhood meetings very early on and then once there was a plan we had four additional meetings. We made changes to the plan, giving the largest setback of the homes that border Rutledge; 58-foot backyards in fact.

Also, Greenbriar created a model of homes based on that feedback. It was a one-story in the back and two-story in the front to allow for more privacy on the houses that border Rutledge. The homes on Court A that border Rutledge, lots 1-5 are in fact lower than the plan that was passed by the City Council one year ago due to the balancing necessary on the site after the City Council made changes. So if you recall, the City Council removed some lots and removed the road, and there were a number of things that happened from the dais. Therefore, the last year what we have done is caught up with those changes.

So, in fact, due to balancing so that no dirt had to be removed off-site, lots 1-5 which are the ones that border Rutledge aren't that lower than that plan. Visual simulations for the property were included in the EIR. This is on Figure 4 .2-5. This is from the entrance of Lund Ranch, so the same visual simulation was in the December 15th staff report before Council and Planning prior to that, as well as this staff report you have in front of you; that same visual simulation has been used.

Some of the questions that were brought up by Mr. Lincoln were addressed actually by staff prior to this hearing and there is no grading that will occur on the HOA property. All of the grading occurs within the easement as well as the PUD. The C3 compliance doesn't happen—it will be in compliance, but those decisions are made by jurisdictional agencies outside the City of Pleasanton and those will be done before Final Map. It doesn't usually happen at this stage of the Vesting Tentative Map because we're waiting to hear on all of those items.

Ever since the Planning Commission put that road option--The oak tree sits in the middle of that road extension that they mentioned; however, just like for any tree removal, there is a tree plan that is with the property.

On drainage, we had often heard in addition from neighbors in Ventana Hills. We've heard a lot about drainage from the property. Obviously, this project will improve the drainage because it will tie into storm water systems. Right now the water is free to do what it feels like. We will obviously direct those things, so on the back property where Middleton is as well as down Lund Ranch Road and behind, so there are bio-swales and catch basins and stormwater tie in's. So the drainage on the property in general should improve.

And the difference between the pad levels between Rutledge Place and Court A are four feet and not higher than that. We verified that number because we got comments prior to this meeting and communicated that with Mr. Coleman.

Obviously, we have done actually more significant work than is usually required with a Vesting Tentative Map so we can work out all of the details on the road extension prior to this hearing. We've done significant work. As you know, we've been continued since October to make sure every 'T' was crossed so we obviously need your approval having exhausted all of the issues and staff recommendations. So we are in agreement moving forward and the work will continue with the other agencies before we get to the Final Map stage.

Commissioner Nagler: On the road extension to Sycamore, has anything in principle changed about the slope, the amount of dirt to be moved in comparison to the plan that went to the voters?

Ramirez Holmes: Yes and no. Obviously, that road extension was in concept because when the City Council passed it, it was a conceptual plan and not an actual plan that addressed the grading and all the other issues so the road alignment, after working with staff and answering questions to limit as much grading as possible and to stay within the road extension, there were a couple of iterations, but...

Commissioner Nagler: ...but in principle, it's what went to the voters.

Ramirez Holmes: It's exactly the same. The plan has not changed other than Council direction upon approval.

Commissioner Nagler: And I would imagine you have regular communications with the various homeowner associations. To the extent there are meetings coming up and you can clarify some of these things that would be a good thing to do.

Ramirez Holmes: Yes, unfortunately the date mentioned does not work right now, but we certainly are happy and we've had many, many meetings with both neighborhoods and we certainly are open to continuing that. There will be a number of communications and things we want to continue as they come up obviously as the process continues and not just after Final Map but also when construction is going to begin and there will be communication as well, so we welcome all opportunities and invitations, but unfortunately not on that date. There will be baseball in Arizona following me, but we will certainly make arrangements to answer any questions that come up now or in the future.

Commissioner Allen: There were a couple of other things Mr. Lincoln mentioned that I'm wondering if you would be able to just touch on. The first one was regarding fencing between the HOA properties and Lund. I believe the concern was there wasn't a continual fence between the properties. There's also question of the barbed wire fence separately.

Ramirez Holmes: The fencing stops right now at the end of the road and there are no plans to continue it. We really are not interested in accepting another condition but are happy to try to discuss in a private agreement with the homeowners association. The barbed wire fence will be removed and that's part of the open space and trail.

Commissioner Allen: Okay, and the last one was about the trail. Mr. Lincoln mentioned the trail begins on the HOA property. Is that true? And then he wanted to know what the plan was for public parking, which I know you have a lot of other public parking on your property. Could you share with us that?

Ramirez Holmes: Of course. The City Council had indicated that they would like to keep those parking spaces that are currently a hammerhead at the top of Sunset Creek. The additional City Council mandate was I believe 12 to 16 parking spaces on the bottom near the entrance to the trail head which would be at the bottom of the extension.

Commissioner Allen: On the Lund property?

Ramirez Holmes: Correct. The trail does not begin at the HOA property. We can verify that. It couldn't because there's no grading. The plan is for a road and then a sidewalk which is all within the City easement. There is nothing that's on the HOA property. The trail officially begins on the Lund property at the transition from the sidewalk to the trail.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Ritter: With the understanding that the Tentative Map meets the approved City Council approved plan meets Measure K, the voter approved plan meets PP, meets HOA agreements and meets staff's recommendation, I make a motion to approve the Vesting Tentative Map 8352.

Commissioner Allen: So I'm ready to second that but does that still allow a question? I want to ask a question before that.

Commissioner Nagler: Why don't you hold off on your motion? If notes were taken about Commissioner Ritter's motion, we can just repeat it, but before we do that, I'd like the Commission to have an opportunity to make comments. So do you have comments you'd like to make? Or a question?

Commissioner Allen: Well, I just have one question of staff because you know we have a new situation with the current rain and we might have more information about drainage. I wanted to check with staff to find out....What our experts have said is they have reviewed the drainage plan. Is it sufficient and does it protect the other homeowners' association?

Sequeira: The Lund property, the storm drain system is designed to convey stormwater from the Lund property downstream to the City's public storm drains that have been designed to accommodate drainage from the Lund property. At this point in the process, the storm drain system has been designed. It meets all generally accepted engineering practices. It meets City of Pleasanton standard designs and specifications for storm drain systems. It has been designed by the applicant's engineer who is a California-

licensed civil engineer. The storm drain system in concept meets the National Pollution Discharge Elimination System (NPDES) Permit for C3 treatment.

When the Vesting Tentative Map is approved, the next step is for the applicant's engineer to submit construction documents for review. At that point, we'll review the hydrologic calculations and hydraulic calculations to confirm that the storm drain system is adequate. I hope I've answered your question and if you have more, I'd be happy to answer them.

Commissioner Allen: I'd assume that if it's not adequate, you'd make sure it is adequate before anything is built, correct?

Sequeira: That is correct.

Commissioner Allen: Thank you. I'm not sure when Mr. Lincoln's questions or the other speakers' questions came to staff. I just want to check with staff. Is there anything that came up tonight that is new or that is inconsistent with your belief of having a plan that is consistent with what was approved by voters and by the Council and Planning Commission? Are there any surprises that need more evaluation? Or, are you comfortable that this is consistent with what you expected?

Luchini: Pursuant to our original recommendation, we are comfortable with our recommendation and we believe we are fully consistent with the PUD ordinance.

**Commissioner Ritter moved to approve Tract 8352, subject to the Conditions of Approval as listed in Exhibit A of the Staff Report.
Commissioner Allen seconded the motion.**

ROLL CALL VOTE:

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

Resolution No. PC-2017-05 approving Tract 8352 was entered and adopted as motioned.

The Commission took a break from 8:40 p.m. to 8:45 p.m.

Chair Balch joined the Commission for the remainder of the Agenda.

Continued from January 25, 2017:

b. P16-1900, City of Pleasanton

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

Natalie Amos presented the Staff Report.

Commissioner Nagler: On the updated proposed map defining public transit, what staff is proposing as Attachment 3.A covers substantially more of downtown than either proposal from last meeting, right?

Amos: Correct.

Commissioner Nagler: And just from a staff perspective, why is this being proposed this evening? Was it based on the conversation at the last meeting? Is it an update or thinking on the part of staff of what ought to be included? Why the new proposal?

Weinstein: Just to clarify, the transit routes that we presented to you before are exactly the same as the ones that are presented on this map. There was an oversight in the last map which only drew a one-half mile radii around the bus stations that were identified on the 10-R line that actually had times in the timetable. In fact, there are actually a lot of bus stops along the 10-R line and we just didn't indicate those on the map before so that's why that area within the City covered by public transit radii is larger this time than it was the last time.

Commissioner Nagler: So it's the exact same proposal, just corrected for the territory that it covers.

Weinstein: Right.

Chair Balch: Can I just also ask—the 10-R line—I'm not familiar with it, but is this its only route in the City?

Weinstein: Yes, that's right.

Chair Balch: So it starts at Stanley, comes down to Main and then it goes out....

Weinstein: Well, it starts in Livermore actually, but this shows the entirety of the line within Pleasanton.

Chair Balch: It goes out Stanley to Livermore?

Weinstein: It goes beyond the eastern boundary here, but there's no other bus stop east of the one that's shown that's within the City limits.

THE PUBLIC HEARING WAS OPENED

Louis Ravara: Good evening. I live at ■■■ St. Mary's Street. My name is Louis Ravara. My wife and I moved here in 1960 and the issues were a bit different. There were about 4,500 people here then. I wasn't at the last meeting because I was traveling, but there were a few things that struck me. Number one, in talking about maps like that and the public transit areas there was a lot of comment about flexibility and I think the term "flexibility" from my point of view, and I am a realtor for 38 years and my wife's also a realtor. We work a lot with seniors so that's a big part of where we're going with this.

My concern is that the flexibility be to accommodate the public, not to accommodate City staff. And, it sounded like in reading the minutes from the last meeting that the concern was more about leaving open flexibility for City staff.

The other thing that I was reflecting on, I don't think this is going to have the dramatic impact people will think it has. One comparison where I could find statistics was Austin, Texas which is a much bigger city. It's 12 ½ times the size of this town. They've had a program since 2006. In 2016, last year they had 251 applications not all of which I'm sure were built. If we pare it down to the size of Pleasanton, again, Austin's 12 ½ times its size, that would mean somewhere around 20 applications. We're currently saying maybe 8-10 and maybe 5 are getting built each year. I don't think you're going to see a huge number of people coming forward and I don't think that the dent that will be made in traffic or the impact is going to be significant when you look at the overall traffic problem. My concern is that it be something that's available for those that can afford it and even the affordability will still be an issue. I think you're probably looking at \$150,000 to \$200,000 to build 500 to 600 square feet.

There was an article about a woman in Berkeley that was published very recently who got 600 square feet and she ended up spending \$300,000 to do it. It's not a cheap proposition. People are not just going to willy-nilly build these things. They're going to build them where there's a clear and compelling need.

In my home we have my mother living with us for 13 years. We have my wife's mother at the same time for 10. My mother's got macular degeneration. She's got congestive heart failure. She still tries to get by. She has the social aspect of living with us, and having units available also gives seniors that have lived here all their lives a better opportunity to stay here because they could build it, and the way it seems to be written now, they could even move into the smaller unit and rent out the big one. But, living on the property they don't have to be displaced. Living on the property they have social interaction with their tenants. They can have a care receiver move into a smaller unit if they can afford to build it. I think it's an absolutely positive thing for the community and rather than be afraid of it, I think we should promote it actively and let people know about it and encourage that it be used. Now, that might drive up the numbers a bit, but it's still an affordability issue and people aren't going to do this unless they absolutely have a compelling reason. Those are my comments. Thank you for your time. I appreciate it.

Chair Balch: Okay, seeing no additional speaker cards, I will close the public comment period and bring it back before us. Well, if I may suggest, I think we should talk about the transit map first like we did last time maybe and then go from there? Is that comfortable with everyone?

All: Yes.

Chair Balch: Okay, so we'll call it 3.A and 3.B and the priors. Any comments about where we're at on the maps? And just to make sure we're all on the same page, the comments about the maps are that basically, it's within the radii of what we define as public transit, the parking requirement becomes null, right? That's kind of the general synopsis.

Commissioner Nagler: That's accurate.

Chair Balch: There we go. I'll start over here.

Commissioner Allen: Sure, I support the staff recommendation on transit.

Chair Balch: 3.A?

Commissioner Allen: 3.A. I think BART makes sense. I think we need to include the number 10 bus and whatever the stops are. We need to follow the legal requirements, and I really was struggling with Ace which is why I asked staff what the schedule was. And, after looking at the schedule and also considering that Ace is even planning to have more trains, I think it only make sense to include Ace. Plus, Ace covers almost the same footprint. It doesn't buy us a lot to take Ace out because most of the bus lines cover that same footprint. So it seems fair.

Commissioner Nagler: I was one at the last discussion who was advocating as little geographic area be covered as possible by the definition and I have to say I take a bit of umbrage at the idea that it was somehow to benefit staff against the community by giving staff flexibility. I make the assumption that staff in its role is actually always operating in the community's behalf and to give staff flexibility is to allow the City to respond to a specific unique situation which in this case parking is impacted in a place where you wouldn't otherwise expect it to be impacted by a new unit, and that the City through the implementation by staff, ought to be in a position to respond to that particular impacted situation.

Having said that, I also since the last meeting have found this interim period really helpful to think through and do some additional research on what we ought to do here and I'm now of a mind that we ought to encourage these units however we can, and that the list of what has been asked for over the past number of years is really pretty informative at this point, which is to say it's hard to imagine that parking is going to be that much impacted.

Having said that, I also support staff's recommendation, including the specific 10-R bus stops.

Commissioner Ritter: I support 3.A and think it puts us in a good position where we are legally supporting the state-mandated requirement.

Chair Balch: So to not throw a rock in, I want to explicitly ask, are we still okay with Ace being in the map. And I say that because I was a big supporter or proponent for Ace.

Commissioner Nagler: And I don't want to take it out but I'm convinced it should be...

Commissioner Ritter: I'm in favor of Ace.

Commissioner Allen: And I am too. I wanted to take it out too and I'm in support that it makes sense to include it.

Chair Balch: So remembering my last comment, we'll table that now because he wants it in one motion as I recall. So we'll move to the remaining part of the conversation which is basically the revised text to comply with state information plus all of the comments. There were a lot of attachments and emails sent out after incurring an interim period. I know staff printed out a whole bunch for everyone. So with that, any comment? I'll start with you Commissioner Ritter.

Commissioner Ritter: I'm comfortable with what's been presented.

Commissioner Nagler: I have a quick question if I may. I assume that any plans to construct one of these units is subject to the same design review as is the underlying dwelling itself, right?

Amos: Correct.

Commissioner Nagler: Okay, and also just to confirm, we did talk about it extensively but this time I want to confirm that the square footage of these units must be in direct relationship to the size of the lot and the amount of square footage that's already been constructed on that lot because this is additive to that allowed ratio, correct?

Amos: It's still required to adhere to the floor area ratio requirements of the overlay zone district.

Commissioner Nagler: So to get to 1200 square feet for example, you would probably presumably have a pretty good sized lot.

Amos: To do 1200 square feet and to count your gross habitable space for your primary residence, yes. They're both taken into consideration, but I mean, depending on the inside of your primary house, you could have a 1700 square foot house and a 7500 square foot lot with a 1200 square foot dwelling unit.

Commissioner Nagler: Okay, but in the downtown area that's not likely.

Amos: Right.

Commissioner Nagler: And then finally just to confirm, these units would not be counted within the calculation for the growth management ordinance, correct?

Amos: Not towards the growth management ordinance, but it would towards our RHNA cycle.

Commissioner Nagler: Okay, thank you. That's all.

Commissioner Allen: One question just on growth management because I know staff provided an answer. I just want to double check. At our last meeting my understanding was from the minutes that the belief was that the City could change our growth management policy if we chose to because the state didn't mandate that this not be included with growth management. My current understanding based on legal interpretation which I fully supported that's the understanding, is that the state actually requires that we not...does not allow us to include this in growth management and

therefore the City doesn't have flexibility on whether to include them or not. Our current policy is what it needs to be. Is that correct?

Weinstein: Correct.

Commissioner Allen: Okay. So at the last meeting I was thinking we had flexibility and wanted to discuss it, and now it's off the table. So....thank you. And if I may, could I just make a couple of comments because I'm the one that asked for a continuation on this? I just want to thank all of you for supporting this coming back when Jack and I were here because you could have punted to the following meeting when we weren't here and I just want to say I appreciate that. And you can count on me doing the same thing for you.

And I also appreciate staff taking the extra time, and I know it was time, to prepare this information because it helps me to feel prepared. I also feel that we have a better package going to the Council and I know we take pride—all of us—in having packaged where there is some level of public involvement and input, and we have it on both sides. And where staff has had the time to refine the traffic plan and now the footage and the City that's impacted and when we waive the parking versus having us vote on something that's different than you would bring to the Council which wouldn't make any of us look like we did the full job. And there's also benchmarking too.

So my final comment is that at the last meeting, based on some of the questions I asked, I was believing there may be more demand for...first of all, I fully support ADUs and I think they are good for the community and the right thing. My intent was always to balance an ADU if you're the next door neighbor to make sure it's designed and the footprint is done and the parking is appropriate so the next door neighbor's not negatively impacted and there's a fair balance. And therefore, having the information about what other cities have done was important to me. And I came to this meeting actually thinking I was going to be requesting that we recommend that there be additional work done looking at our existing policy on ADUs where the state has given us flexibility and where other cities have taken it because many cities; many meaning probably about a half, Gerry and team looked at cities and then I looked at 10, and many cities have a max of 640 square feet. Fremont tiers it based on the size of a lot. Hillsborough, you know, requires....all houses in Hillsborough are ½ acre so they can have a large ADU. But for cities like Santa Cruz and others and Palo Alto, they have two or three levels of tiering. If you have an acre, you go high and if you have a 5,000-square-foot lot, you're smaller. We're kind of assuming everything will be okay, but some of the other cities have put standards on that. So I was coming here thinking I was going to request that we do some fine-tuning as an outdoor project, but based on seeing the priority list that Brian presented and knowing the work that staff has and believing now that this probably isn't going to be that big of an issue, I'm not going to propose that and I believe that if it becomes an issue and neighbors are believing things are the wrong footprint where we couldn't make it better, we'll surface that. We'll hear about it and staff will hear about it and hopefully let us know, and then we can take it on if it becomes a more important issue that the community is concerned about our balance being off. So therefore I support the proposal.

Chair Balch: I'll just add that I initially talked with staff about the 3.A transit map, specifically, the significant addition mostly in the Fairlands area and all that. But I'll have to side with Commissioner Allen. Attachment No. 2 where you look at the number of units over the number of years, I think this is really helpful. I know this is probably a little harder to data mine out of your stuff, but I think as you can without taking additional staff time, this is an important way to bifurcate your data so I support that and I thought it was helpful to see that there's not a glut of ADUs. So with that, I think we're ready....

Commissioner Nagler: Can I make one more comment in following Commissioner Allen? I had sent a note to staff asking for more information about the fees associated with ADUs. We actually don't need to talk about it tonight; however, I would just like to say for the record that in the context of otherwise considering the stimulation of these units and/or the fee structure of the City, I would like us in whatever form or context appropriate in the future to look at whether there's a way for the City to continue to stimulate the construction of these units which, I think we all agree, is a fundamentally good thing by really minimizing the amount of fees the City charges over which you have jurisdiction. And I understand in a conversation earlier that the most expensive fees the City doesn't have jurisdiction over so there's not much you can really do about that. But to the extent there are those that the City can impact even if they are insignificant, maybe symbolically, that we really take a look at encouraging the construction of these units by minimizing the amount that the City charges for its review of the plans and construction permits and all that stuff. Okay? I hope you understand it's not appropriate tonight to have this conversation.

THE PUBLIC HEARING WAS CLOSED

Commissioner Balch moved to approve Case P16-1900, subject to the Conditions of Approval as listed in Exhibit A of the January 25, 2017 Staff Report, with the modification to define transit as shown on Attachment 3.a. of the February 22, 2017 Staff Report.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2017-06 approving Case P16-1900 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

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

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

No discussion was held or action taken.

b. Future Planning Calendar

Adam Weinstein: Tentatively on the Agenda for the next Planning Commission meeting, March 8th, is a Work Session to consider an application to develop an approximately 112-acre property (Spotorno property) located at 1000 Minnie Street, and review of the Downtown Parking Strategy and Implementation Plan.

c. Actions of the City Council

No discussion was held or action taken.

d. Actions of the Zoning Administrator

No discussion was held or action taken.

e. Matters for Commission's Information

No discussion was held or action taken.

9. ADJOURNMENT

Chair Balch adjourned the meeting at 9:16 p.m.

Respectfully submitted,

Kendall Granucci
Recording Secretary