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

DRAFT

Wednesday, August 31, 2016

CALL TO ORDER

The Planning Commission Meeting of August 31, 2016, was called to order at 7:00 p.m. by Chair Ritter.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Allen.

1. ROLL CALL

Staff Members Present: Gerry Beaudin, Director of Community Development; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Pamela Ott, Director of Economic Development; Steve Otto, Senior Planner; Jay Lee, Associate Planner; Jennifer Hagen, Associate Planner; Shweta Bonn, Senior Planner; and Kendall Rose, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, Justin Brown, David Nagler (arrived at 7:05 p.m.) and Chair Ritter

Commissioners Absent: Commissioner Greg O'Connor

2. APPROVAL OF MINUTES

a. August 10, 2016

Gerry Beaudin read the following email from Commissioner Nagler with regard to the motion he made for PUD-110, Irby Ranch:

“The motion could definitely be clearer in our paraphrased minutes. Can you review this and confirm it’s consistent with your understanding of the motion:

Subject to the conditions of approval shown in Exhibit A with stipulations requesting that the following items be addressed, and revised if necessary, prior to being brought before the City Council for final consideration:

- (1) increase the open space connectivity within the project;
- (2) address concerns related to massing, scale, and height of 3-story units that may be visible from Stanley Boulevard or located at the end of streets or courts;
- (3) preserve the Zia house and identify a location for the building that is visible from Stanley Boulevard;
- (4) consider options to link the Growth Management Agreement for the single-family homes to the construction of the Sunflower Hill development; and
- (5) consider increasing the acreage of the Sunflower Hill development to allow for additional units.”

Commissioner Brown requested the following modifications:

- The first sentence on Page 4 be modified as follows: “...20 percent of 112 units but ~~deemed as~~ instead calculated as 20 percent of 93 units.”
- Add the words “traffic projections” to the end of the second sentence on Page 8.
- The first sentence of the seventh paragraph on Page 19 be modified as follows: “...not necessarily represented here were the speakers being not highly in favor of Sunflower Hill, but also ~~in reflecting~~ emails the Commission received and he asked for discussion regarding this point.”
- The first sentence of the last paragraph on Page 20 be modified as follows: “...said when he and Ms. Houghton talked on Friday they talked about a ~~quiet~~ an agreement around right of first refusal for the surrounding property.”
- The first sentence of the last paragraph on Page 25 be modified as follows: “Commissioner Brown said Chair Ritter pushed on this point...”
- The third sentence of the second paragraph on Page 26 be modified as follows: “Regarding RHNA it is important to note that waiting until 2022 is wrong...”

Commissioner Allen requested the following modifications:

- The statement “Sunflower Hill needs to raise approximately \$10 million to fund this project, they only have about \$1 million today” was left out of the paraphrased minutes, please add it after the first sentence of the fifth paragraph on Page 24.
- The second sentence of the fifth paragraph on Page 28 be modified to read: “...closer to reflect what is across the street in ~~Township Square~~ Reflections.”

Commissioner Brown moved to approve the Minutes of the August 10, 2016 Meeting, as amended.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the August 10, 2016 Meeting were approved, as amended.

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

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

4. **REVISIONS TO THE AGENDA**

There were no revisions to the agenda.

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.

6. **PUBLIC HEARING AND OTHER MATTERS**

a. **P16-1386, TRACT 8259, and P16-1385, Ponderosa Homes**

Work Session to review and receive comments on an application to amend the General Plan Land Use designation from Public and Institutional to Medium Density Residential to allow for the demolition of the existing religious building and development of up to 37 homes on the approximately 9-acre site located at 6900 Valley Trails Drive. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Jay Lee presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner Allen: I'm not used to seeing projects when we have a General Plan that are inconsistent with zoning and so I'm trying to understand the potential issues in this one layer over another. Does the General Plan trump the zoning or does the zoning trump the General Plan?

Weinstein: When there's an inconsistency between the zoning and the General Plan, the General Plan would govern.

Commissioner Allen: Okay. The second question is if we were to build this prior to 2022 and build it as mid-density, would we receive any RHNA credit for it now or would it carry over the RHNA credit after 2022? When I say RHNA for people who don't know, it's Regional Housing Needs Allocation. We have an allocation through 2022 and so the question is does this help us meet that or would it help us after 2022 if we were to build it now?

Weinstein: Right, so if it's re-designated now. RHNA really focuses on zoning, but obviously for zoning to work, the zoning for different housing sites has to be consistent

with General Plan land use designations. Assuming we change the land use designation for this site such that it matches the zoning of the site and then housing is built on it that will count towards our next RHNA obligation. What will happen is in the early 2020's we'll get new RHNA obligations from ABAG. ABAG will say, City of Pleasanton, you need to zone enough land for a certain number of housing units, and assuming this site is built out according to its changed General Plan designation and current zoning designation, this site won't be available to count towards our RHNA obligation during the next RHNA cycle. We'll have built some market rate housing which some people might consider to be a good thing and we'll get some in-lieu fees from the project applicant which could be used to promote some of our affordable housing policies, but the General Plan Amendment for the site won't count for our next RHNA obligation.

Commissioner Allen: Nor will it count for this one because we've already met it, correct?

Weinstein: Right.

Commissioner Allen: Okay, thank you.

Commissioner Brown: I have a few questions. How many of the one-story, two-story and the optional loft are there?

Lee: There are 13 one-story homes, 15 one-story with optional loft and nine two-story.

Commissioner Brown: Okay, because when I went out to the neighborhood earlier, I saw a lots of 1½ stories and that's why I was asking. In terms of the R-1-6,500 designation just so I can clarify, that's essentially because it's one lot today and you can have one family on it, was that done so the pastor can live on the property?

Weinstein: Yes, so the R-1-6,500 zoning district is really our standard, relatively smaller lot single family zoning district so that means you can divide the site up into 6,500-square-foot parcels so you could accommodate a lot more than one parcel on the site.

Commissioner Brown: Okay, I just wanted to clarify. And, maybe this is more a question for the applicant, but does the church have another site they are relocating to?

Lee: Yes, from my understanding they are moving to another site.

Commissioner Brown: All right, I have some other questions but I'll hold them until after the public session.

Chair Ritter: Okay, great, any other staff questions?

Commissioner Nagler: On the public amenity that the applicant is offering; a meeting room and restroom, as you pointed out there is a choice to be made of location. Does staff have a preference on location?

Weinstein: There are merits to both options. You could make an argument that a clubhouse on Valley Trails Drive is great. It's right on the street. It fronts the public right-of-way; the public's sphere on the street at least, easy access maybe by vehicles so you could make an argument for that one location. You could also make an argument for the other location too that's closer to the park that there's a potential for the clubhouse to be better integrated with the park. You can walk through the park and immediately arrive at the clubhouse. So I think staff's opinion is that both sites have merit. I don't think there's a strong preference for one over the other.

Commissioner Nagler: Thanks, and on the restroom, I guess there's some question about how the restroom would be accessed. Does staff have an opinion about that?

Lee: It will be accessed at least the way the floor plan is now from the inside; from the clubhouse. I think that's because it's going to be open to the public only for part of the time. So for a large part of the time it will be just for the development and also maybe a benefit is that it could be a little safer by not being open to the public at all times.

Beaudin: I'm going to just maybe clarify a little bit on that point. Staff does have a preference that it be outward facing. To be truly available to the public I think it has to be open to the public. I don't think it's a make or break point. I think the points that Jay made are valid, but I think if it's a restroom accessible to the park, having to go inside of what will feel like an interior space that may not be as available to the public may make it less accessible. So the idea here is if there is going to be a restroom and it is going to serve the public realm, then it should be accessible from the public side.

Commissioner Nagler: Okay. I believe at one time the amount of space to be allocated to this amenity was actually two lots to properly site it and maybe even allow for some parking for its use. But, when the option was created to move it to Option 2 to Lot 11, it was reduced to one home site. Is that accurate in staff's perspective?

Beaudin: Yes, we did see an option that did involve some on-site parking and I believe the site was slightly larger and I think that what we've come to realize is that the clubhouse is not going to be that large. It may draw from the larger community but the numbers of people who may be using this space could easily be accommodated elsewhere in the neighborhood for the duration of a neighborhood gathering at an event location like this. So there's not as much land allocated to this particular use, but in general, whether it's C Street within the development or Valley Trails out on the main road, there's going to be adequate space for people to use for parking. It's not a large amenity building.

Commissioner Nagler: Thank you.

Commissioner Balch: To refresh my memory, Valley Trails Park does not currently have restroom facilities in that park, correct?

Beaudin: That is correct.

Commissioner Balch: Can you please elaborate as to why the City policy is not to accept additional ancillary buildings at park locations in light of Creekside Park restroom

and Bernal Community Park restroom facilities that the City already owns and maintains.

Beaudin: There is a difference between community parks and neighborhood parks. Neighborhood parks are typically more proximate to the users. They're smaller size and the people who are using the parks are living nearby. Community parks are more of a destination. There are exceptions here in the City of Pleasanton that have been made over time and the Park and Recreation Master Plan does have some explicit criteria about when a restroom is installed and that's what we see tonight as part of the staff recommendation. There are on-going operations and maintenance costs that go with accepting a facility like this and those are things that have to be budgeted for and properly accounted and planned for, and that's really what the Park and Recreation Master Plan does. So that is the staff recommendation at this time.

Commissioner Balch: As a former Park and Recreation Commissioner who voted for it and sat on that task force I understand that.

Beaudin: Yes, and I'm sure the criteria were carefully thought about in terms of where those kinds of facilities go and understanding the costs.

Commissioner Brown: The Valley Trails Homeowners Association; that is not a legal entity at this time, correct?

Beaudin: I can't answer that. I have had this conversation with Connie Cox and with I believe Ed Broom as well. My understanding is they are an affiliated group but not a legal entity, but when Connie comes up it might be a great question for her tonight to further clarify that point.

Commissioner Brown: Okay, so the ancillary question is, if the answer is no and it is not a legal entity, does that mean that if the clubhouse was designated, then it would have to be open to the public and they would have equal rights to use that facility as any other member of the public.

Beaudin: The way the condition of approval is written, as of now, is that the neighborhood can book the venue and the question is, what is the neighborhood if they're not an official HOA. It's a point that has to be clarified and before we finalize the project we'll have to come to some agreement on either a certain distance from the amenity building if the amenity building stays in the project or a definition of the neighborhood in that condition of approval. I think the intent here is to have a building that serves this neighborhood for potentially a monthly meeting or smaller gatherings and we want to set a number of uses per month or per year and we also want to identify who's going to go into that space.

Commissioner Brown: Okay. There was mention in the Staff Report of the in-lieu fee versus credits from a previous project with Ponderosa Homes. Is that being resolved or is that still in flux?

Weinstein: The affordable housing agreement for the project hasn't been negotiated yet so after we go through the workshop process that agreement will be negotiated and will

likely be requiring the applicant to pay in-lieu fees to fulfill their affordable housing requirement and not build units on site.

Commissioner Brown: Okay, thank you.

Commissioner Allen: My initial assumption going into this has to do with the restroom and funding the maintenance of the restrooms. I initially assumed that the community center and restrooms would be funded by the new homeowners association that these specific homes and PUD would be part of. But what I'm hearing you say is, they can essentially regulate how they want them to be used or if they want to charge other people to use them. It sounds like you're thinking that you would create a broader homeowners association, broader than just the units we're talking about for this project. Is that correct?

Beaudin: I want to clarify. There's the existing neighborhood; the residents that are in the neighborhood are the folks who really have been advocating strongly for an amenity building. So that's really the question, how do you define who gets to use that space going forward. What we'd like to do is if we have the amenity building we want to have a condition of approval that in the future, I'll call it "Ponderosa HOA", would have to allow access for a certain number of events per year or days or times per year or per month. The two HOAs or the neighborhood and the Ponderosa HOA would have to work together and it would be a condition of approval on the project. So the intent here is that the Ponderosa HOA from the City's perspective builds, owns, maintains and essentially manages the facility and then folks from the neighborhood would have access to it at times that are determined through this process.

Commissioner Allen: Okay, that's helpful. Given that, let's just pretend that there is loitering in the restroom area and the maintenance is a lot more expensive than the new Ponderosa HOA expects it to be. Would you expect that that HOA would have the right over time to shut down the restroom or to actually charge and give the residents in other areas, let's say, a key or certain fee to cover their costs? Is there potential that this public restroom over time might not be so public?

Beaudin: The condition of approval we're looking at for this project would be maintenance in perpetuity for the public use and then the specific management of events and number of events per year would be regulated. The idea isn't that this becomes a community room for citywide purposes; it is that it serves this HOA or it serves the broader neighborhood, not citywide functions and those kinds of events.

Weinstein: They would have to come back as well if that situation occurred where the costs of maintaining the restroom were a lot higher than expected. To change that condition of approval that Gerry was talking about, we would bring it back to the Commission and City Council possibly to renegotiate or revisit that condition.

Commissioner Balch: I can guarantee it's going to come back the day it needs to be rebuilt. The "Ponderosa HOA", for lack of a better term or understanding—it's purpose is going to be formed so it can maintain the landscaped areas at the ends of the courts, the buffer zone between itself and the park, and then this parcel on which the clubhouse

public amenity sits and likely, the amenity itself. Is that a general paintbrush similar to like a public art area or public open space area?

Beaudin: Yes, I don't want to say that you've covered it all but you covered most of it. Assistant City Attorney Harryman mentioned that stormwater is likely part of the equation and I'm sure there are one or two other things that may come up in the agreement that's ultimately reviewed.

Commissioner Balch: And that was a lead in for asking about the street itself. Who is going to repave the street?

Beaudin: These are public streets.

Commissioner Balch: Thank you.

Chair Ritter: If they start this HOA it's for 37 homes, correct?

Beaudin: It really depends on the amenity building. It's either 37 or 36.

Chair Ritter: So they're the ones paying for the clubhouse but the public would get to use it. Is that the way you're posing it?

Beaudin: I'm not sure if we wrote it into the staff report at this point in time, but we talked about once a month for the level of use by the broader neighborhood; not for the entire community but for the broader neighborhood and we'll call it the "Valley Trails Association" affiliation. Then, yes, the idea is that the project—it's obviously the homeowners who ultimately pay for this on the back end, but on the front end, the project would build the amenity building with the homes and then turn it over to the HOA.

Chair Ritter: Okay, so the back end is the hard part it sounds like. We have 33 neighborhood parks and only Creekside and Delucchi have bathrooms, and I guess Stoneridge Creek. So we don't really have any bathrooms at neighborhood parks based on the numbers, correct?

Weinstein: Correct, and the neighborhood parks that have bathrooms have unique circumstances that call for bathrooms. Lions Wayside for instance is a neighborhood park but it's really a community gathering space for downtown so it has a restroom.

Chair Ritter: So the City is technically maintaining four bathrooms in neighborhood parks and that's not what the City usually does. Okay. So, if we don't rezone this, it's currently set up for religious facilities, cemeteries, corporation yards, post offices, community centers, senior centers, libraries, city administrative buildings. Do you believe there is a need for any of those uses in that location?

Weinstein: We have a lot of churches and tutoring facilities and not necessarily large scale private schools but uses like that coming into the planning division with applications and they're not necessarily all looking for public and institutional land. We have lots of zoning districts in the city and you'll hear more about them actually when

we talk about the zoning code update after this item. But there are other zoning districts that allow for those sorts of uses. There are residential districts that allow for academic uses or church uses as well. Our experience has been if a church or religious organization wants to operate in town, they're usually able to find a space for it. We're working with a handful of them right now in different zoning districts and General Plan designated sites throughout the city. I don't think any of them in terms of our current religious applications are looking at public and institutional sites. I think they're all looking at other sites.

Chair Ritter: So the answer's no, there's no need for that right now.

Commissioner Balch: This is just a workshop so the conditions you mentioned earlier, those are still being crafted for later?

Beaudin: Yes, and can I just let Adam maybe add to that last point.

Weinstein: Yes, it's important. I don't want to say that public and institutional land is not used in the City and we shouldn't be really, really careful about amending the land use designation for sites like this, but there are lots of considerations to look at when there's an application like this. We look at the overall amount of acreage in the city that's designated for public and institutional uses. We look at what the demand is for public and institutional lands both at this time and in the future so I definitely don't want to downplay or discount the seriousness of re-designating a site from something to something else, but again, there are lots of considerations we look at. It doesn't appear to us there's a shortage of public and institutional land at this point in time. It doesn't mean there couldn't be such a shortage in the future. It's hard to anticipate how conditions will change in the future.

Chair Ritter: Okay, great. Thank you. Again, this is a workshop so how many have been at a workshop before? (A few hands were raised) A workshop is an opportunity for us to exchange ideas and to give staff and the developer some feedback based on what we see so far. It sounds like there has been good outreach. We're going to have a report from the applicant first, but I wanted to point out that's what a workshop is. After we hear from the applicant, we'll have those who have filled out speaker cards come up.

THE PUBLIC HEARING WAS OPENED.

Pam Hardy, Applicant: Good evening Chair Ritter, Commissioners and staff. I wanted to thank the Commission as well as staff for accommodating the application as well as the Valley Trails Community with a special meeting tonight. We appreciate that. I'm going to make my remarks somewhat limited because I know there's a whole lot of folks here in the audience that I'm sure would like to speak sooner than later. I think staff's done an excellent job on the staff report. Again, thank you. A couple of fill-in's from what the staff alluded to but may not have pointed out specifically is that we have not only been working with the community at large in Valley Trails for the past two years and as highlighted in your staff report, through that iterative process with the neighborhood, yes, the project has changed. We've made a lot of refinements. We've reduced the number of lots and because of it; we've produced a better plan as a result of

neighborhood input. So we've had a very good collaborative and working relationship over the past two years and we've come out with a better design because of it.

I'm a little bit new to your workshop session here so just bear with me a little bit. In my mind, I can answer some questions of the Commission; that there are 14 single stories. I counted one a little different from staff, but we were very careful on how we plotted these houses. If you look on your site development plan, you'll see every single one of the lots have been pre-plotted with a plan type. Why is that? When we met with the neighborhood, we got individual input on all these houses so we were trying to be very sensitive to the one- and the two-story and the spatial relationship between our existing neighbors and the new homes, many of which may meet the existing zoning requirements but many that don't. So our project will meet and exceed the R-1-6,500 standard as well.

With respect to the General Plan Amendment, I think that's been covered quite well by staff. Again, in our discussions with the neighborhood, we agree with them that this proposal is far more superior and will be a less intensive impact to the neighborhood and a typical P&I use; something that will create more traffic, more potential for noise and things of that nature. I think the Commission recently had an application before you with the Masonic Lodge and those are classic situations where you have a P&I use that's adjoining an established residential neighborhood. So we took that well into account in laying out our site plan and putting together our development standards.

With respect to the amenities staff mentioned earlier, we are below what would be otherwise considered the mid-point of this proposed General Plan designation; the General Plan designation at the low density being consistent with the zoning of R-1-6,500. Regardless, we are proposing an amenity package which I do believe you received in your agenda report. We are committing to about \$300,000 of improvements that will specifically improve the Valley Trails neighborhood, not Citywide, but specifically for the Valley Trails community at large, and this is in addition to the citywide impact fees that this project will generate in terms of traffic mitigation and park in-lieu dedications. And if you have any questions on that I'll be happy to answer that, but they're pretty far ranging. They involve a lot of upgrades to the public park, other landscape improvements perhaps to the entry area, some traffic calming features. This is more input and feedback that we expect to get as we move further down the road in working with the neighborhood and with City staff.

A lot of discussion about the clubhouse—again, this was a strong sentiment that the neighborhood shared with us in their desire to have a community meeting space. They felt that would be the heart of their community so taking that into consideration, we proposed one of two potential locations within our project site that could be for that purpose. We're proposing to construct the building and deliver it turnkey. Our position has always been and it remains that if it is going to be for the public's use, that it be a public facility; however, further down the road we would like to have more dialogue with the City about how we can best help in offsetting those long term maintenance costs. If the public restroom is to be a public facility, it should be accessible by the public. So we're not at this point proposing that our project HOA take on that maintenance responsibility. But again, this is a workshop. We'd love to get your feedback about the site plan and design, and as we go forward and working with the Parks Commission,

coming back to you and going to the City Council, refining that dialogue with respect to this type of facility.

With that, I will conclude and I'm sure a lot of the neighbors are here tonight and are anxious to get up and address the Commission. Unless you have any questions from me, I will happily sit down.

Commissioner Balch: I do actually, a quick question about the facility amenity. The position is that if it's a public facility and hence, not part of the HOA, how are you handling the land? Where is title on the land? Is that going to stay in the HOA?

Hardy: We have offered to dedicate that as public park space. If it's going to be a public building it should be on publicly dedicated parkland.

Commissioner Balch: So basically, and to make sure I'm interpreting it correctly, it sounds like you're saying we'll build it on the parcel, landscape it, get it done and then we'll dedicate it and it's not even part of our HOA area anymore because it's into the public use.

Hardy: That's correct and obviously, as a result, we're losing a lot in that process. But in order to accommodate that and to give setbacks and not impact the existing facilities within the park, we're doing it within the confines and boundaries of our project site.

Commissioner Balch: Thank you for the clarification.

Chair Ritter: Does Ponderosa run a HOA for any other public facilities similar to this amenity?

Hardy: Many of our projects have an HOA to take care of common area maintenance responsibilities. It's standard operating procedure where Ponderosa will stay on that board until such time as the majority of the homes are sold to new homeowners and then they take on the majority position on the board and then Ponderosa is no longer part of that HOA other than perhaps providing some guidance and assistance as they continue in their setup and may need some assistance in that regard. But once it is turned over to the private HOA, we are out.

Commissioner Brown: Is anyone from the church planning to speak?

Hardy: The pastor is here tonight, and I'm sure if you have specific questions of him, he'll be happy to answer that.

Commissioner Brown: I have a question which would best be addressed by the owner.

Hardy: And one other quick thing I wanted to point out to staff—the plan that you referenced that showed some parking on an additional lot within the project site, I believe you're referring to a study we prepared internally to show you the merits or lack thereof of having this be a public facility that would be accessed by the streets in our project site. Naturally, we would be concerned if a parking impact occurred to our new homeowners as well as the surrounding, existing neighbors we have.

Chair Ritter: Great, any other questions? Okay, thanks. We'll invite up our first speaker.

Ed Broom: Thank you. My name is Ed Broom. I live on Hawaii Court. Frankly I didn't think this evening would ever come, but we're here. So as Pam mentioned we have been working hand-in-hand with Ponderosa for the last couple of years. I would like to clarify and support what staff said about Valley Trails Homeowners Association. It is defunct. We put together a subset of that organization so to speak. It can best be described now as an advocacy group or social club type of thing. There are no dues. There are no compulsory rules. The leadership is informally formal so there are no elected positions, but obviously some folks do need to rise to the occasion to kind of voice our concerns, get the neighborhood together as a whole and get the different ideas and so forth. So that's kind of the background of where we are. Even though it's referred to in the staff report as the VTHOA or the homeowners association, I just wanted to clarify that's a misnomer.

So, we are speaking tonight mainly from that point of view and we are in very much support of this project. It's been a long road. We think that it's time in the evolution of this particular parcel for the church to convert one of their larger assets into capital so they can move elsewhere and grow which is really I'm sure what their intent was all along with this piece of property. History didn't prove that out. The neighborhood was very much opposed to this as you all well know over the years and it's just recently that that attitude has changed a bit and they're more welcoming. We think that Ponderosa has a great plan. We think that the density and design of the plan will work very well and it's a good complement to our neighborhood as a whole.

The community room or amenity which seems to be the topic of choice tonight, that really came about from the voice of the neighborhood as a whole. Obviously not everyone agrees to that and we respect those opposing viewpoints, but right now when we look at how we utilize the church building we utilize it now as a place to vote, we utilize it for Scout meetings, we utilize it for community club meetings so when it's said it's the heart of our neighborhood, it really is. It does serve that purpose. When we started thinking about that going away, that left a hole, so that was the genesis for us getting behind the community building. The one thing we would prefer is we would prefer the Lot 11 location which I think is Option 2. We would propose that Lot 11 be the preferred location mainly because of its proximity to the park. If there's going to be a restroom facility, it only makes sense that it's closer to the play equipment which is what our residents mentioned would be their preference and their favor. I think some policing issues and concerns have come about through different letters and so forth and that's really we feel a police action and it should be considered but I don't think it should be the deal-breaker in my opinion. Also, we do intend to have further discussion on the City accepting the dedication of the facility. We think Ponderosa has put together a very solid funding plan for not only the day to day operational costs but a small capital improvement fund to handle things over time. The one change we would ask however and I think the two-lot came up—Commissioner Nagler, you brought it up—originally yes, Ponderosa did displace two lots when there were two entry/exits to the project. So what we did is we were trying to come up with a creative way to make this clubhouse work, to make the restrooms contiguous with the park, how could we do that? So we essentially changed the two lots that were displaced by a roadway, made it a single entry/exit and moved those two lots which was Lot 10 and Lot 11. So what we would

ask is that we would be allowed Lot 10 as well and that would accommodate off-street parking which we believe would be a requirement of zoning code Chapter 18. We feel there would be at least 10 parking spaces that would be needed for that community room as dictated by that section of the zoning code.

Dan Lacey: Thanks for having me. I'm Dan Lacey. I live at [REDACTED] Valley Trails Drive. I agree with Ed on the location of the facility; the restroom and the meeting room. I think the restrooms should be made open to the public with the exterior entrance of it all. I'd also like to say I've been a boardmember of the former Valley Trails Homeowners Association for about 15 years. I'm still active with the current group and we've done a lot of work with the Ponderosa group. We've seen the progress through the years of the different plans for that lot. You may know that we fought diligently against them. This is one that most of us agree with. You know, there are a few dissenting voices about a bathroom and NIMBY (not in my back yard) situations, but I think that's all I'd like to say but I'm all for this current plan.

Bob Anderson: Good evening. I'm Bob Anderson. I live at [REDACTED] Shenandoah Court. I've been a resident of Valley Trails for about 35 years and have seen many different proposals for this piece of property and by far this is the best one that's been presented. I think it has a win/win situation for not only Ponderosa but for Valley Trails and the City of Pleasanton. I'd like to keep and have the amenity of the clubhouse because as Ed said, the church is where we meet on election day to vote and we also need a place to vote. The church has been very supportive in this proposal as well as most everybody in the neighborhood. You're not going to please everybody 100% of the time, but I think we have a large group of people who are for this proposal and would like to see it go forward with everything that Ed has said and what Pam has said. So that's all I have to say.

Carolyn Lacey: Hello. I'm Carolyn Lacey. I live on Valley Trails with Dan Lacey and we've lived there for 19 years and had to look at the church—I don't know if you guys know, but probably for 5 years there was a lawn chair on top of the church and I'm sorry Bob, but it was in disarray and it's still not quite up to par and it would be nice to see something developed there and this is a great plan. We've been working with Ponderosa and Pam and we just all agree with it. The bathrooms I do believe should be open to the public. I think like Muirwood or Creekside or the sports park, they lock and we can use them. The kids need them. I need them when I walk the dogs. I'm in support of the project and \$300,000 to improve Valley Trails would go a really long way. We've needed some improvements in there; our gateways, everything. I know that they're willing to do those things for us so I'd be nice to have that, and that's all I have to say.

Sandy Temberg: Thank you. Good evening Chair Ritter and members of the Commission. My name is Sandy Temberg and I reside at [REDACTED] Isle Royal Court in Valley Trails. I feel kind of like the little dissenter up here. I think it's a great infill project for this site. I have no problem with Ponderosa's recommendation and the work that my fellow residents have done; however, I do not agree with putting in a restroom facility. I'm glad you brought up the conversation about the neighborhood park differences. I don't necessarily think that restrooms in a neighborhood park are warranted. In some cases they are, but I don't believe they are in this one. There's a lot of maintenance, on-going capital costs with a public facility including a restroom facility that we're just not set up to

accommodate, especially if the City does not want to take over the maintenance of the restroom daily as well as long term. In addition, I think that even though the conversation about the locking mechanisms on the doors have come up and most restrooms in public parks do have those locking mechanisms on them, people still find a way to vandalize them so it only increases the cost of maintenance and the long-term cost for maintaining that facility or making it usable for the residents so I have a problem with the restroom facility, and that's all I have.

Nancy Mullins: Hi, I'm Nancy Mullins. I live at [REDACTED] Yosemite Court North and I have a day care there. As somebody who spends a lot of time at the park, I definitely want the restroom. There's also, we talked about before having a tot park there for the littler kids. The playground there is mostly I think for 12 and up and so it's really dangerous for the little kids. There are like three openings up there and it's pretty dangerous. I don't let my kids go up there because it's just not safe. The other thing is, you know, the walkway from one end of the park to the other is pretty decent now, so if you make it wider you're just going to take away more of our green space. I think when you talk about Lassen and having the entrance there, I think there's like three streets there so that's going to be a big traffic jam and then you guys have to think about the lights. The lights for people taking their kids to school in the mornings, they never change so people are having to leave school 20 minutes early to get their kids to school on time, so that's a really big problem, and now with at least every one of those houses, they're going to have at least two cars, so that's another 70 something cars coming into the neighborhood.

Marta Saida: Hi. My name is Marta Saida. I live at [REDACTED] South Valley Trails. I am sort of between the....Valley Trails is a horseshoe street. I'm kind of midway and closer to Hopyard. My concern is that currently we have a traffic situation on Valley Trails. There are cars speeding from deep into the neighborhood. I've seen one car probably go about 50 mph. I've called the police about this in the past and nothing has happened. So my question is, what traffic calming procedures or devices have you actually studied for traffic impacts in our neighborhood especially from the neighbors up at the top closer to Hopyard? My concern as mentioned before, is this is going to cause, potentially 77 cars volume-wise to come in and I've already had one of my cats run over due to a speeding car. I would like to see traffic studies be done or some kind of an assessment of what the current situation is in the neighborhood.

Connie Cox: Hi. I'm Connie Cox. So usually what I do is I kind of summarize. I've taken notes and I have some concerns and questions of things that were said, so it's clarification. We have been working with Ponderosa for two years and we are excited that this project is close, but in order to get rezoned, the neighborhood wants to have a benefit from it, and the neighbors are the ones who have asked for the bathrooms and the clubhouse. What many people don't realize and you may not—how many of you have walked Valley Trails Park? Okay, cool, so since the Dolores Bengston days when she was park, I've been dealing with the issue that we have a long linear park. I've been told since 1989 that the City would never build it again because of the difficulty in maintenance, etc., etc., etc. But if you imagine that you live up here on Crater Lake Court and you need to go to the bathroom and you're down here or you have a toddler, this is a long ways to go. What we have now is kids going in the bushes, etc. So we don't want that. We want the clubhouse and we want the bathrooms. Up until tonight, I

thought the bathrooms were going to be open until 8:00 p.m. or 9:00 p.m. like the sports park. That's what we've talked about where the automatically lock. Again, from the Dolores Bengston days, when we got the park renovated we got \$550,000 from the City to redo the park in the early 90's and we found out that studies show that if you use the park, that cuts down on crime and loitering and that type of thing. If you're not using the park and that's how it was in Valley Trails before, we used to have a lot of vandalism in the park, but now we don't have as much, although we had a little graffiti this week, but we don't have it because people are using the park. So I know people are concerned about vandalism, but the sports park we have as an example, and that is also why we need the extra parking. Nelson is the one that really needs extra parking so that the police and stuff can park right there should there be a need. So with that said, I'm going to go through my notes. We said 37 homes, but I agree with Ed, when we gave up the second entrance—there was a plan with two exits and entrances but now we were down to Lassen only. So that would give us 35 lots. Two lots, exactly, but Ponderosa is giving us one and we want the bathrooms for the reasons I've already said right here next to the park. Now I live down here and it may not look like it but that's a ways to go if you have a toddler. So we need the bathrooms and the clubhouse by the park, not on Valley Trails Drive.

All right, so then we also have some issues about the 4-way stop at Lassen instead of 2-way, and Gerry, we talked about this, right? I haven't heard anything from traffic about this....

Chair Ritter: We'll ask the questions. You've got one minute left.

Cox: Okay, so then we want the bathrooms open, two lots, definitely not on Valley Trails Road, and we always thought the City was—well, we're open to the City accepting the building or Ponderosa having their HOA pay for it. But Valley Trails HOA has been around since 1989 so the last two years they've tried to reorganize it with a different name because certain people wanted to change the name, but we're only \$25 a year voluntary and the City has told me for years we're the most active HOA in the City. I mean as you all know, we've got the homes out of the flood zone and some other issues, so at \$25 a year voluntary we can't commit, and Sandy brought up we might be paying for this. We're not committing to paying for this. Ponderosa is paying for these bathrooms and the maintenance or if they deed it to the City, you would. So either way, we're okay. We wanted it for 12 times a year; the use of the facility, but we do want the bathrooms all the time and I know you said 33 parks but I explained to you the difference. Those parks are usually more square than ours and that's it.

Chair Ritter: Thank you. Thank you so much Connie. I appreciate all you're doing for the community there. That's the last speaker card. All right, does the applicant want to follow up? Okay, so now we'll close it and bring it back to the Commission.

THE PUBLIC HEARING WAS CLOSED.

Chair Ritter: This is a workshop so we're really not deciding anything. We're just giving direction to staff to go back and work with the applicant and we'll just start with discussion point Number 1:

Does the Commission support the General Plan Amendment to allow residential development on the property?

Commissioner Balch, Brown, and Chair Ritter: Yes.

Commissioner Nagler: Yes because other uses have been considered and there is no other demand.

Commissioner Allen: So I'm uncertain and my question has to do just with timing. I actually think it's a good project. The question is, is now the right time to rezone it when it is a time we don't receive any credit from RHNA, or is it better to consider this in 2022? I always look at what is the most compelling reason for doing it now? I'm just saying I'm not sure where I'll land on that one and I do have a concern that I'm not seeing a real compelling need to do this immediately.

Commissioner Balch: Could I ask a follow-up question to that?

Commissioner Allen: Sure.

Commissioner Balch: Maybe to staff. When does it count towards RHNA? When the Council does accept an amendment to the General Plan and zoning, that's when it counts? That's the line it's measured on?

Beaudin: So the RHNA cycle, they vary in timeline.

Commissioner Balch: The cycle I understand. I meant, when we're counting.

Beaudin: Within that cycle. So it's within that time period. If a unit is approved and it's building permit issued during that cycle, then essentially there is no paying credit forward. Essentially, you have to do it within that RHNA cycle window to get credit for it in that cycle.

Commissioner Balch: A permit must be issued. So conceivably if I may ask just as a....

Beaudin:so I want to clarify, so we rezone property. We identify opportunity sites. We identified them in the General Plan and so those are our opportunity sites and we say we have enough land. So then we've technically taken care of RHNA at that point. The credit part of it is when things are actually built. So we've rezoned for this cycle. A lot of those sites are under construction in the City at this point in time and so we do not have to rezone more land to meet that RHNA obligation in this cycle. The credit part; the accounting we do with HCD; the State Department of Housing and Community Development, happens on an annual basis and we essentially take credit for the things that we've issued permits for.

Commissioner Balch: Thank you, that's extremely helpful. So if you were kind of near a RHNA cycle, you could conceivably have it here before us in one cycle and the building permit not make it until the next, and that would count for the next cycle.

Beaudin: That's right.

Commissioner Balch: That's potentially the most forward credit you could go.

Beaudin: You'll be rezoning for properties as part of planning for the next RHNA cycle and you may be reviewing a project that will stumble into the next RHNA cycle. But again, we're working with the General Plan, and when working with the General Plan all of the elements are equal. We're trying to balance the objectives of the various policies and commitments we've made as part of those policy documents so it's not usually the mark that you try and set the bar at.

Commissioner Brown: Can I clarify something Gerry? So, in this instance where the zoning is inconsistent with the General Plan and you said the General Plan trumps, is RHNA tied to the General Plan reallocation of something to residential because in the General Plan it's not residential. Or, is it tied to zoning which it is residential?

Beaudin: Neither. We don't need this site for RHNA purposes. We've already rezoned enough of other properties in town to meet our RHNA. So what I would say in this particular case is that the General Plan Amendment is needed to facilitate the residential project. If we leave it as is, whoever comes next is going to have to bend one way or the other. They're going to have to want to amend the General Plan to have to go towards a residential project that's consistent with the zoning or they may have to amend the zoning to get a project that's consistent with the General Plan if they wanted to come in with a larger private school or something like that.

Commissioner Brown: I get the application, so I'll try a different question. If we were in a RHNA cycle right now and we were to agree to amend the General Plan to allow this project, would it count toward RHNA allocation or not? Because the zoning wouldn't be changing, but the General Plan would change.

Commissioner Balch: If we had a need to rezone.

Beaudin: Thank you, I think that helps me. If we reset the clock, so if it's 2022, and we were looking at this site, it would potentially be evaluated by the City Council, by the Planning Commission, by the community and it could be counted toward RHNA. We may decide to upzone this site or leave it as it is and we would try and count it as an opportunity site.

Chair Ritter: ...which would go from medium density to high density?

Beaudin: It could but it doesn't have to.

Chair Ritter: And this has already been through one RHNA cycle when we decided not to make it high density; not to change it at all.

Beaudin: We decided not to evaluate it as an opportunity site.

Chair Ritter: Right, at the last RHNA cycle.

Beaudin: Correct.

Commissioner Allen: I just want to make sure on this. So this was evaluated and it was decided it didn't make sense for high density housing. During the Housing Element it was actually dropped somewhere early mid-cycle because...

Beaudin: Early yes. Neighborhood concerns.

Commissioner Allen: There were a lot of concerns because it was so far away and the transportation wasn't nearby and there were a lot of reasons. So, who knows, but it's probably likely it wouldn't be considered again because of those same reasons. However, let's just pretend it just stays medium density, just exactly like this project. My understanding and I just want to double check from what you asked is that if it was 2022 and this same project proposal came forward, if to the degree we get a number that says you have to have 1,000 units that are above moderate income you need 1,000 that are moderate and 1,000 that are below, this project could likely count toward the above moderate income number that we would need to meet if it was 2022.

Beaudin: I would say that is correct.

Commissioner Allen: Okay, thank you. Versus if we did it now it would not count toward any numbers.

Chair Ritter: Let's clarify that. HCD wrote that approving and permitting a project would be considered progress towards the regional housing need and can be reported as RHNA credit in the annual report in the implementation of the General Plan pursuant to Government Code section 65400.

Beaudin: Yes, so they wrote us that letter on the Kaplan Zia Irby project and I think their word choice is a little challenging for me. The credit piece is on our annual reporting which is a requirement that we have and that's on our overall achievement toward meeting housing element objectives. So things like a contribution to an affordable housing project or even approving above moderate income housing are all moving in a direction supportive of the overall housing element. So there's the Regional Housing Needs Allocation which is a specific number and we zone for that and plan for that in the community and then there's all the other things that we're doing that support essentially market rate housing for the most part here in Pleasanton to build additional housing supply into the region. So HCD is supportive of those kinds of projects because it's what Adam mentioned a little bit earlier when we were talking about RHNA. You're collecting money for affordable housing projects, you're adding more market rate housing into an area that needs that at this particular point in time, and so credit is just a loaded word because it makes it sound like you're getting chips in the bank, but you're really not. You're really just doing the right thing per your Housing Element.

Chair Ritter: Okay, are we good with Number 1? Did you get enough information?

Beaudin: Viewed favorably.

Chair Ritter: Viewed favorably. Commissioner Allen said not sure, Commissioner Brown, yes or no?

Commissioner Brown: No, I'm not. I do apologize to the audience because I do understand the public input. You guys are very supportive and worked hard for the last couple of years with Ponderosa, but from a city perspective, I've got a few concerns. One is zoning 60 acres of public institutional land. Nine of that 60 acres that's left, there's no plan for. There was a slide up of the schools there. It showed that the enrollment at Donlon Elementary School was 950 with a current capacity of 600. Staff made comments about you could do some redistricting and reallocation and some of that gap might be closed, but at this point, I know the project is small. You're talking about 15 elementary school students, but every lit bit makes that situation worse and so there's no plan for the impacted schools. The General Plan trumps the existing zoning and we need to consider any amendments to the General Plan carefully and I did go out and look at the property. I do recognize the fact that it's 9 acres and the church is using a small portion of that today and I did notice that it needs improvement in terms of the parking lot and surrounding landscaping. I do recognize the need for something better, but I haven't seen enough data to convince myself that reallocating public institutional land at this point when we have 60 acres open left is the right choice. I haven't been given enough data there. I have asked for more information from the Pleasanton Unified School District from the planning division, etc., and will educate myself in the meantime, but if you were to ask me at the current time, I'm not supportive of the General Plan Amendment.

Chair Ritter: Okay, and to clarify, when was the General Plan created? And how often has it been amended since?

Weinstein: So it was adopted in 2005 and it plans out to the year 2025.

Chair Ritter: It's been amended three or four times?

Weinstein: There's been several General Plan Amendments in the last couple of years I would say. I don't think we have the number at our fingertips, but there's been several General Plan Amendments, primarily for changes in land use designation of the type we're talking about tonight. If I could just clarify really fast, some of the numbers that Commissioner Brown was talking about, just to make it really clear, he's correct. We have 60 acres of privately held, developable P&I land; public and institutional land that's in the context of 600 acres of P&I land overall in the City, so I just want to make that distinction between privately held, developable that is sort of under-utilized and not a lot of development occurring on those 60 acres in the context again of 600 overall acres of P&I land in the City that are privately and publicly held. Some of those sites have existing buildings on them. It doesn't mean that they can't be redeveloped in the future, but again, I just want to call out that point.

Chair Ritter: All right, let's move on to the second one.

Commissioner Balch: Can I make a few additional statements on this item?

Chair Ritter: Sure.

Commissioner Balch: So I struggled a little bit at first, especially in light of the 60 acre element that Adam just mentioned, but I would like to mention that the way I was able to

get there if it helps your logic is that when I look at the Valley Trails Drive road itself being a horseshoe and the concept of any other use of this site being something that would basically chokehold this street to gridlock, I can't personally justify anything else than the housing element in my opinion. I definitely think the school issue is a challenge. I definitely think if you put anything of a public nature in this area, you're going to chokehold Valley Trails and I see it when you have to deal with it at every life cycle with Ken Mercer's sports park across the street. So from my view, I think that's how I was able to say a General Plan Amendment in my opinion is supportable.

Commissioner Allen: May I make one comment. I may be the only person here. If Greg was here, sat with me about four or five years ago through almost every single Housing Element meeting and that's when I met Connie Cox and sat through to hear the disposition on every project. That is what causes—and in those meetings and we have three Councilmembers who were actually serving on the Planning Commission then and as they made a final decision about how many total projects to rezone, there was quite a discussion of should we rezone additional land and additional project sites, not in Valley Trails projects—like that was taken off of the list. Should we rezone more than we need to just in case. And as I sat there listening to the three Planning Commissioners who were up there, it was absolutely not over my dead body would we do that and that was because of the strong public input that came in over a year and one half about why would we do that. So I lived through that. I saw the public input that came and I'm also looking at the survey that was done just last year. It's the most recent survey of our residents across Pleasanton when we asked them what their number one concern was. This was an open-ended question. What is your top concern if anything, and the number one concern was there was too much growth and development. That was the number one, unprompted concern. It was twice as much as the second concern which was water.

On that same survey they asked a separate question which was what are your top issues and of the issues, it was 43% of people in total across the City said too much growth and development was a top issue and 2 years previously that number was just 23%. So what it said as a whole community, people are increasingly concerned about that issue and in contrast, only 14% said too slow a growth was an issue. It was because of traffic and water, but I'm just highly, highly sensitive of this community here I understand why you're here but I'm really needing to look more broadly at sitting through those meetings that I sat through for a year and one half and this material to say I'm not sure this is the right time. But, I want to acknowledge, Jack to your point, that medium density housing is the right use for this land and I also agree that probably institutional and certainly high density housing absolutely doesn't make sense. So my concern, and again, I'm not voting here. I just need more information, but my concern right now is just a timing question. It's not about the project, but I want to participate though in the project in how to make it the best it could be.

Chair Ritter: Great feedback. Let's move onto Number 2:

Does the Commission support the construction of a club/meeting room building with restroom facilities within the project site? If so, which location?

Commissioner Nagler: This is an interesting one because when I met with representatives of the entity and it's not really an entity, that shall remain nameless but very active and very influential in their neighborhood, it was clear that while they welcomed what they considered to be a better use of this land, what they certainly were losing was a place to gather and therefore they wanted this amenity and Ponderosa in its well-maintained track record of working with communities agreed to build it. And it raises some interesting questions about the private construction of a public facility and what happens to that over time. The day it's opened, and Commissioner Balch referred to this, the day it's opened it's wonderful, it's maintained, it's gorgeous, it's used, it's welcomed, it's 1 year, 2 years, 10 years down the road, different residents, different time, different attitude, different condition of the building itself and it begs the question— if it isn't the responsibility of the taxpayers at large and therefore fits into the work stream of the City, what does happen to this facility? Does it become an eyesore? Does it become something that isn't properly managed? It occurs to me for example, we can say as an easy statement it's use, even in good times, will be managed by the homeowners association but none of the people buying the homes are being asked the question do they want to take responsibility for managing a facility and somebody has to sit at his or her kitchen table with a spreadsheet and say, sure, you can use the facility on May 15th, right?

So I am troubled by this idea of us creating a so-called public space with private dollars and the accountability for maintaining it with yet to-be-identified private individuals.

I guess the bottom line for me is I would actually in the end prefer this not to be part of the project. If it is part of the project I think parking is an issue and that it ought to be two lots. If it does exist I absolutely think it should be on Lot 11, but I also think Lot 10 should be included because we do need to be sensitive to parking. We do need to be sensitive to the use of the facility and not have it burden the people whose homes are nearby. But, I'm wondering whether it's a business we want to get into.

Commissioner Balch: I served on the Park and Rec Commission for 4.5 years before this. I was a member of the Park and Rec Master Plan Task Force. I voted in favor of the task force plan. I will say just like that, we just stopped building two tennis parks that were also listed in the Parks and Rec Master Plan because the community it affected the most widely has voiced their opinion. And listening to this community, we can see that the Park and Rec Master Plan conducted at a 30,000 foot level did not necessarily get the full feedback from the community as we are hearing here. So, I can easily with a sound mind say we should be building this facility for these residents.

I have several things I want to mention about this unique item. One, the City is already in the business of maintaining bathrooms. The opinion or the fact that they don't want to get into the business or maintain the bathrooms is because it is difficult and I understand that. But the fact that this is a public park for the greater city I look at as a bolt-on item and I think the City is already in the business. In fact, I happen to know that the crew who maintains the park is typically the crew that maintains restroom facilities, so they're typically already there.

So in regards to if we should build it, I would vote yes. I initially was leaning towards the other lot; Lot 37, but I think the comment or feedback we received tonight about it being

Lot 11 does make sense and with the parking element that has been discussed, I know this is a workshop so we don't necessarily have to rule on it, but I'm personally okay with not taking the second lot but I am looking at where Lot 11 is and Parcel B on the map where it's basically the bulb to the court and from my view if they somehow straighten the bulb and cause it to be less linear or have less curvature to allow for perpendicular parking into that Parcel B area kind of at the head of the bulb—I don't know how to necessarily describe that—but I would presume you could get not necessarily ample parking but you could get some parking and I think it might help me get to a solution that might meet everyone's needs. In my opinion, there's no doubt that they should be able to dedicate this to the City and the City should accept it and I can't believe that government bureaucracy could stop something so, in my opinion and only in mine, logical.

Commissioner Brown: I hesitate to speak since I know I'm being the dissenting voice tonight, but so first of all, I have a community park just a couple of blocks from my house and I have a toddler, and I think it was just the other week when all of a sudden we had to make an emergency potty break and I had to literally run down the sidewalk with her, so I do sympathize. I have seen the linear park and if I look at the lot layout I can certainly see why somebody in the far reaches of the community would want a bathroom. I'm a little bit on the fence so given we're not voting tonight, I'm not going to come up with a hard and fast...I can take public input. If the majority of residents want it and are not opposed to putting in a restroom facility, I would rather Ponderosa maintain the facility in perpetuity over the Park and Rec Department frankly and if you were to ask me which lot, I would say the Lot 11 that was mentioned. And, in terms of the meeting room, one of the questions I had is, it was mentioned that there is Boy Scout meetings, advocacy group meetings, etc. How large are those meetings? And is the proposed meeting room large enough to accommodate those for like how large is the advocacy group meetings that meets once a month? And how large is the proposed uses and if it's not large enough for those meetings, then why build it I guess would be my question. Like I said, these are more comments than anything else and I'm not proposed to come hard and fast on the other two.

Commissioner Allen: I appreciate all of the comments. I also did want to disclose that I did meet with the developer. I met with Connie Cox over the phone and I walked the park and talked to about 10 residents, including the woman who has the day care center who is here. Everyone I talked to lives in that area; in the Valley Trails area, and there wasn't anyone coming from outside that area. I also tended to talk to...many of the people aren't represented today and they were from the Yosemite Court area which is the area a little nearer to where the restrooms would be. I think right now where the playground is.

(audience—It's not Yosemite)

Commissioner Allen: Oh, sorry. It's near that area.

(audience—Yellowstone)

Commissioner Allen: Okay, thank you for clarifying that. So I heard two needs today. First of all, I think there is a divided community and I don't know if what we're seeing

today is representative or not. So I would like to see a survey done of all residents everywhere so we can find out two things; number one, I'd like to find out what their priorities are in terms of the need as Ed started with; the first speaker-the need for a clubhouse for the Boy Scout meetings, and how many people think that's the top need versus how many want a public restroom. I'd like to find out what the priority of the community is and then secondly, find out just where they would place it and use that as a piece of input for us. Where I come out personally is I'd be open to it, but I agree with Commissioner Nagler about we're creating sort of a public space with private dollars to be maintained by a yet-to-be-named homeowner's association, but you know what, it can be done. So I do see problems later but I guess the homeowner's association will just have to deal with it or come back if there's an issue with what we grant them in terms of conditions of approval. However, I believe very strongly it's inappropriate to use City money to fund, to take over this responsibility for the land and the restroom and that's because—not just because it's in the Parks and Rec Plan because Commissioner Balch is absolutely right that plans could change, but mainly because most of our public parks that are truly neighborhood parks (which this is) don't have public restrooms. I think we're setting the wrong precedent because I know the park I live near which supports about 500 or 600 people requested bathrooms several years ago and we were turned down because of consistency; for the same reason you were given by staff—neighborhood parks, the City is not intending to maintain those bathrooms and I would rather that our City money be used on facilities that support a broader community.

And in terms of logistics, I do think if it's a clubhouse, if the clubhouse is the highest need, I would think that would be more near Valley Trails Drive, I guess Lot 37. If the highest need would be consistent with speakers today it would be the restroom then it should be near the park and if it's near the park I definitely think we should have some parking ideally on something like Lot 10. Maybe we could get creative with the dead-end street but I think we need more than that so that's what I'm thinking.

Chair Ritter: Okay, great. I appreciate everybody's feedback. I value it. I also served six years on Park and Rec and sat through the master plan and we had the discussion what's a community park, what's a neighborhood park and we have 10 community parks and about 33 neighborhood parks. But one thing I noticed is that Alviso Adobe is classified as a community park at 7 acres and it has a bathroom. Valley Trails Park is 6.1 acres and this is one we're talking about and it doesn't have a bathroom and it sounds like there is a need for more bathrooms in these parks. And if we're creating a revenue stream for the City I would like to see that as far as what taxes are incurred from this as compared to what the church is paying and maybe those taxes that we bring in through that would help support the bathroom maintenance, etc. so it's an added benefit but we're getting some revenue out of it. So I am in favor of re-looking at all of the neighborhood parks and bathrooms. I think it's important to be able to go when you have to go and I mean, there's a lot of homes on this map. There's not just 37 homes we're talking about that would be able to use it and so I think I'm in favor of really analyzing it and making sure the numbers make sense.

Commissioner Balch: I think I can get Commissioner Nagler on this. The argument that we don't lose developer money to build something and then they continue to maintain it in perpetuity is actually, we do that all the time. The example which was my first vote when I joined this body was on the corner where we've got the Starbucks and Tapas,

the plaza....yeah, on Main Street with the corner area being a dedicated open space. I think we were discussing at the time the furniture is provided by the developer at the time and they have to maintain it and I was saying well, what developer would put into their in perpetuity documents that they will always have to provide chairs, but they accepted and they have to. They bolted them to the ground—great idea. They solved the problem, but the concept of a developer using their private funds to build an amenity or provide an amenity and to maintain an amenity for all to use is not an uncommon concept. You know, if I can get you on one part maybe I can get you on the second. So the first part is, should they build it or not, right? And I think as I've argued there's, in my opinion, a basis to build it and then the second question about, well, is it being dedicated or if it's being maintained by the HOA, I think that definitely could be a discussion point that staff could hash out more before we move on. So I guess I'm trying to get you to say you could accept a bathroom.

Commissioner Nagler: So you are very persuasive.

Commissioner Balch: Excellent.

Commissioner Nagler: And just to be completely clear, the larger neighborhood has been waiting for a project to come along that they believe is supportive of the existing neighborhood and their homes and have worked diligently and energetically over an incredibly long period of time to get the right development to come along, and they met Ponderosa and Ponderosa's obviously willing to give them a development that meets the larger neighborhood's criteria which is terrific and I agree as we've said that that's I think the best and highest use for this piece of land; are single family homes.

They have worked so hard and have been so patient and so energetic and are asking for something relatively modest which is a place to meet, I think it is a completely laudable thing and therefore, and that there's a way to build it, we should take advantage of it. So that's part A. My concern again is, who manages it and who maintains it.

Commissioner Balch: Can I go to that point a little more in detail so that now I have you on the hook? So if a City facility, and I'm going to give you a perfect example of what this is, if you think of the Nature House which is located at McKinley Park which is located at Kottinger which is actually close to where I live, and this is a City facility that is about exactly this size and that little nature center was the best facility for my son when he was a toddler to go to music class because we could walk to it. There was a bathroom. It's next to a park that is dinky. The park has basically got a water tank that's bigger than the entire rest of the park, although it counts in its acreage so it probably meets the criteria. So here's a building that's on our very first park in city limits back in the day when we were a city that is serving a need in a micro-community if you will in such a great and positive way and the City, just like it maintains fields, field allocation, buildings, building allocation, gym space, everything through our Community Services Department, they already have the database and processes to maintain and allocate space throughout the city. Except for this building, a lot of facilities are maintained by the Community Services Department and I see no hardship to add one more frankly of the size of the Nature House is. And the programming from the Nature House has been extraordinary that the City sponsors and I think this could be too. It's small enough that

you're not going to have major traffic—in my view and it could be different from the public here—but you're not going to have 100 cars going down your road to get to this facility. You're going to have 10; 10 to have your children join a "Mommy and Me" which is what my son and I were in. I didn't fit the title criteria but I still went. It provides a need for this community.

Commissioner Nagler: I appreciate that. Let me wrap this up by asking staff to continue to explore ways in which this community benefit would be managed over time, and it's an unresolved issue, but that we're unanimous in supporting its construction if we can address the way it's managed.

Commissioner Balch: I don't know if we're unanimous but a majority.

Chair Ritter: Okay, great. Let's do Number 3 here:

Are the overall site plan and street/ped/design layouts acceptable?

Commissioner Brown: I've got a quick question for staff if you've got a second. Have you discussed the possibility of a parking lot with the applicant as it relates to Number 2 at this point? Do they have a position on that?

Weinstein: Yes, it came up in our earlier exploration of adjusting the site plan and looking at different site plan alternatives. I think the concept that we ended up pursuing in conjunction with the applicant was that this would really be a neighborhood-serving clubhouse, and that's not to say that couldn't change in the future, but the concept we were exploring with the applicant team was that, yeah, the folks who would be using this clubhouse and using its restroom would primarily be living in the neighborhood. There wouldn't be a huge need to drive to the clubhouse; that people could walk to it from the surrounding neighborhood. It is a very elongated neighborhood-Valley Trails is, but it's not that big where people can't walk from one end to the other. So the expectation would be that there would not need to be a lot of parking. Again, that's not to say we couldn't explore more parking with the applicant team or look at other clubhouse configurations, but that was the concept initially.

Commissioner Brown: Now it's a little counter to the argument....

Commissioner Balch: Yeah, you don't get both wins.

Chair Ritter: That goes to overall site planning.

Commissioner Brown: Overall site planning, that'd be a quick answer—yes. It's a much better design. I applaud Ponderosa for revising the plan to design what is in fact much, much better.

Commissioner Allen: Overall I thought it was good. I do agree that widening the bike and pedestrian path I think you said to about 8 feet—that made sense to me.

Commissioner Balch: Can I ask a clarification on that? Was that only for the area between the clubhouse and the existing sidewalk or was that the entire sidewalk throughout the linear park?

Lee: It was just for the pathways because the existing sidewalk is already 7-8 feet and I think it gets a little wider at other points.

Commissioner Balch: So is that from the clubhouse to the existing sidewalk or is that the sidewalk that meanders the entire linear lane for the park?

Lee: Just from the clubhouse to the trail.

Commissioner Balch: To the sidewalk.

Lee: Yes.

Commissioner Balch: So if I may, 2C, I did want to mention that I was supporting the bathrooms pointing outwards so they were public and not having to go through that clubhouse area. I thought that was a natural course. Okay, so a couple of things in terms of the layout, I think the layout's really good. One of the comments that we have received, I think it was supplemental to the Commission package, was someone asking about the heights and the layouts and basically a lot of the units—I think 15 or so—and the fact that in their opinion that the majority are two-story. But, when I looked at the plan and then with the applicant's comments, while I can't foresee a lot of problems with it, you know, I think this is a fairly good up/down changing. I did want to mention or kind of bring up and maybe for discussion is, do we think the intersection onto Valley Trails Drive; the single intersection—do we think that is properly going to be handled in light of the comments we received tonight?

Beaudin: Yes, so I'm going to jokingly say I'm going to channel Mike Tassano. We had a conversation about the Lassen and B Street intersection with Valley Trails earlier today and about three weeks ago. The point has been raised. There are a couple of different perspectives. It's a new development and having a controlled intersection 4-way stop seems like a natural fit in today's society. A lot of the intersections around Valley Trails loop do not have any stop signs. And so the City Traffic Engineer continues to evaluate this intersection. The applicant has shown a 4-way stop. We think that a 2-way stop on the minor streets and not on Valley Trails can work just fine if we need stop signs at all. So I would say tonight I'll conservatively say we're talking about a 2-way stop for this intersection but more likely we're talking about an uncontrolled intersection much like the rest of Valley Trails and when we look at the number of vehicle trips coming out of Lassen right now, the threshold for stop signs is 100 peak hour trips and if you add all of the vehicle trips up in the two neighborhoods and you make some assumptions about when people leave their house which Mike does on a regular basis, it falls under that threshold. Valley Trails itself would have to have upwards of 300 vehicle trips so that is also not happening. There are kind of two ways for people to get out of this neighborhood. So we're somewhere in the middle right now I would say with a two-way stop being a maximum level of control and it's possible we'll have no traffic control at this intersection.

Commissioner Balch: Okay, thank you. And then because it's under site plan. I'll just say that I want to re-emphasize in my opinion and also as you've stated in the staff report—I think I've read it incorrectly but I'm pretty tired, but I want to mention that the 11 off-site trees they are not touching, they are to stay given they are not on their property so I wouldn't expect them to chop down their neighbor's tree or the tree in the park because it's not theirs. So I just want to emphasize that. And in terms of my other question, Lots 29 through 37 are the lots along Valley Trails Drive and I'll just mention this because I know Valley Trails Drive and all I'll say given it's a workshop is that this is not a meandering street. This is a fairly well traveled road. So all I will say is the setbacks for these lots in my opinion need to make sure, and it might be properly designed now and I'm not saying it's not, but they need to be a little bit more or adequate in light of if it was on a court where you're not having higher speed limits. I'll just say it like that because if I had my weathers I wouldn't put in any more houses with a driveway onto that road in my general opinion. I think this plan though works well so I'm not suggesting that that change out. With that being said, the setbacks or maybe we could just confirm we're okay. You know the person on Lot 32, he's going to be able to see both directions pretty easily, but the person on Lot 31 and 33, they're going to have a slight blind element backing out of their driveway. So I don't know if setbacks help at all, but they might be perfectly adequate.

And lastly is the traffic calming mitigation. I know people brought it up about Valley Trails Drive. At this point for me, I know that's outside the scope of it and my opinion on that is that they need to talk to the City more generally as community if they need traffic mitigation. We've heard a lot of neighborhoods come forward with traffic mitigation concerns or desires and I think, and just a bad generalization is that most people when they say it, they want it, but when they realize something in front of their house will be a blinking light they don't want it in front of their house. Put it on the neighbor's house, and then it just gets moving down the street and it's never in the neighborhood. So, we'll say we will evaluate it or say we could, I'm not going to put it on the bend for the overall bigger community in my opinion. That's it.

Commissioner Nagler: I think that the overall site plan is fine and I just have these very specific questions or comments. One, I just want to make sure—it was raised—I just want to make sure that the tot lot is still part of the plan which I'm sure it is, but I just want to make sure. The second is again, just to echo Commissioner Balch, I appreciate your comments about the post stop lights at the intersection. I think that's unnecessary and in fact in the end if it's an uncontrolled intersection I think that's preferable just because the amount of daily trips that are going to be added to the street are not that significant at the intersection. The traffic calming measures that were generally discussed I would encourage staff to continue to focus on because even though I say what I say about the intersection I think overall, the way cars come around that horseshoe needs to be looked at so I think that's significant.

Chair Ritter: I would like us to make sure we're looking at the traffic issue on Hopyard because there is 37 more homes coming out there. And if we did have to do traffic calming on the curve here, I think right off the corner on Lassen would be the main spot to slow people down coming around the curve, but I would defer to Tassano's report on traffic quantities.

Beaudin: Yes, we'll make sure. There are a couple of things I might add at this point just to clarify. Neighborhood traffic calming: there's an entire program we run here in Pleasanton when we need neighborhood traffic calming looked at. In this particular instance we do have a development application and we can certainly try and consolidate some of that, but ultimately it's a very public process. All of the neighbors come to consensus on where those speed bumps are going to be or where the flashing sign's going to be so it's a process the neighborhood may want to initiate as part of this project that would take some amount of time and be separate from the project ultimately.

Chair Ritter: Okay, and I think you mentioned about setbacks so the yard's a little bigger. Was it in front that the garage setback?

Weinstein: Yes, we just wanted the garage to be pushed back a little bit or at least have that explored. We like pedestrian-oriented projects and the more you can push the garage back; the more you can de-emphasize the garage, the more that promotes a neighborhood that's really walkable and not oriented to automobiles.

Chair Ritter: Okay, and porches, that was the other thing I was going to bring up. I did like that concept. And then finally, oh, the sidewalks—I liked the concept of keeping the same sidewalks that we currently have there, the width, versus trying to make them smaller or larger so it blends easy. So follow the curved path.

Commissioner Nagler: Okay, so follow the path, whatever the width is through the park.

Chair Ritter: Yes, what was it, 7 or 8 feet? Just so it looks more natural—that's all. Let's move onto Number 4:

Are the home model types and elevations acceptable?

Commissioner Balch: Well since I forgot to mention porches and garages and you did, I think I will echo that we've starting seeing a lot of buildings coming through with porches and I think there's nothing but benefit that comes from the porch elements. I think the City has been emphasizing it more and I support that concept. The garage pushed back is probably secondary to those two concerns to me, but I don't want to speak on behalf of everyone. I think in terms of the design and what they've done, I would like to say Ponderosa has designed some very attractive houses. I really do think they've got a nice variety between the loft element, the two-story and the single story and then across them the different model types within each of those sizes. So I think it's actually a pretty nice variety and it won't look like the same house just one door over, right? And that's what I'd like to avoid so I think it's a nice layout.

Commissioner Nagler: Yeah, I agree. I was going to start with that comment. I think the architecture is very well thought through. The variety and placement of lots I think is very well thought through. It is very sensitive--I've heard this from neighbors—to the impact on existing homes and so I appreciate Ponderosa's work in all that regard. What I said the last time when I make my comment in the next category which is that very point; about the pushbacks on setbacks on Valley Trails. I think it's important on that road that the setbacks be significant. The porches are important and if it includes

pushing the garages back, I would just encourage staff to focus on that because I think that would matter in the overall look of the homes.

Commissioner Allen: All right, I'm going to echo the points that so many of you have had. I think the architecture is very well designed. I like the nice mix of homes. I was originally concerned there were too many larger homes but I think it's a good blend and there are not too many larger homes. I agree about the setbacks on Valley Trails and making sure it's good for safety reasons and also for visual impact especially if we think about pushing the garages back and adding a little bit of variation. And the front porches definitely I think if they were a little bit deeper will add even more character to the nice architecture.

Commissioner Brown: Driving through the surrounding neighborhoods, my impression was it's a mix of one-story, one and one-half story, and a few two-stories so this project has kind of that mix. And in terms of architectural design, it is in keeping with the surrounding neighborhood. I would complement the job of the developer to staff's feedback and I have no objection to staff's incremental changes around the porch and garage aspects.

Chair Ritter: I concur. I do believe that Ponderosa knows the look of Pleasanton with all of the development they've done to support that. They listen. All right, the last discussion question is:

What other information would assist the Commission in its decision on the proposal? Do you have any other comments on the project?

Commissioner Allen: No.

Commissioner Brown: Just some commentary. First of all, thank you everyone for your time and feedback and for being here for 2 hours and 15 minutes and many of you being very patient so thank you very much. I'm not saying I wouldn't consider voting for this project. I do, like I said, have some concerns around converting. The thing I love about this project is the homes are in keeping with the surrounding neighborhoods. You talked to the community around it and you've got some amenities for that community. My concerns that I expressed is around the City at large and so I guess my ask of staff would be to convince me there aren't any public and institutional alternatives and that residential is the way to go, and notwithstanding Commissioner Balch's comments earlier about traffic, etc. I do agree with Nancy in terms of a total survey of the surrounding community is appropriate. If you're going to put in a community bathroom and meeting facility I think that's a good idea. I'd be nice to have that before we vote on the project. I would, as I mentioned before, like to see a detailed plan regarding Donlon. I know the incremental for this project is small but I think it's come to us when we were talking about infill projects that we take into account impact to schools and I'm not saying there isn't a plan there, but I didn't see it tonight. And my interpretation of the comments earlier is that we would get RHNA credit. I agree with everyone here that I don't want to see high density on this. I do like the project, but my interpretation was that if we wait until the next RHNA cycle, we would get relief from incremental versus doing the project now and just getting the credit for the incremental. And the last request

is Jay, if you could please send the school impact slide. That wasn't in the staff report and I would like to have a copy of that.

Commissioner Balch: So in terms of just general comments, I'm pretty supportive of it. I think it's well designed. I think Ponderosa has worked diligently with the community and maybe I'll be on my little soapbox. It's difficult I think for me, and I don't want to speak on others' behalf, when we are hearing so much about housing and water and we know, and I think I know—I'll speak again for me—if we were to go with the broader brush stroke that the community has enough housing which everyone I think clearly understands we have met the needs, this would be denied because it is out of cycle. And from my view, I don't think good projects should be held up by that, but it is difficult to do that when opposition to building anything is so great. So, I commend the comments about the General Plan Amendment because I think it's a valid and extremely difficult position. Again, I go back to my logic which I mentioned earlier. So in terms of what I would like to see have help us with that is, you know, I think they've mentioned it well. I guess maybe we think about—since I'm already pretty close to my decision---but we think about what other things could go there as an example so maybe we could frame or get context to alternatives that are there. And because I know that's probably the weakest element, that's kind of the first decision that needs to be made and I think that's where we need to focus information back to the body. But in general as to the project and what it will do for the Valley Trails community, the Valley Trails Park, the infusion of cash to improve facilities for your micro-community, I think it's an excellent solution and I really commend Ponderosa for what they've done and I'm thankful.

Commissioner Nagler: So, on the question of what additional information, just a couple of things. One, it would be interesting if we could find out in that school impact figure what other development or homes to be built are assumed in that number because this development is assumed in those impact numbers so what others are? So we can just look at whether or not we agree their projections are right or wrong.

Number two, if there can be additional renderings particularly as Valley Trails will look in its final application back to us assuming it changes or not, but just a sense of view of what the street will look like will be helpful and, oh the administration.

Commissioner Balch: The clubhouse administration.

Commissioner Nagler: Right, and then details about how thinking evolves and what is the ultimate recommendation to the Commission and the Council on the administration of the clubhouse.

Commissioner Balch: Staff should work diligently with the applicant to try and have a unified decision on that, or a unified recommendation.

Chair Ritter: I echo a lot of the commissioner's comments. I think it's great that all of you neighbors got together and worked with staff and the developer. I think that was huge. As far as making an amendment to the General Plan, its 2005, and in my company we change our plan every year. Things change and I was using the Blackberry back then and now I'm using my iPhone, so things change and it's appropriate for the City to look at that and make some modifications. As long as this project's getting a community

benefit out of it and it sounds like there could be for this neighborhood versus what it could be with high density or what it is with nothing there and ladders or chairs on rooftops, I think it's a positive thing that we're doing. Then one thing I want staff, the school impact fees are important to me and also the tax revenue to support the bathroom and the clubhouse if we decide we want to undertake that as a city. So I just want to make sure it's covered properly. But in general, thank you. I think we're closing it and we're not making any decisions tonight. The next time Ponderosa will come back is when they'll have a proposal planned to present it and then we vote on it and it goes to the City Council. Thank you all very much for staying late and listening. I appreciate it. Thanks to Ponderosa.

BREAK

The Commission took a break at 9:22 p.m. and thereafter reconvened the regular meeting at 9:30 p.m.

b. P16-1418, Zoning Code Update

Work session to consider an amendment to the Pleasanton Municipal Code to: update and simplify the list of permitted and conditionally permitted land uses; establish a Minor Conditional Use Permit process for routine uses; reflect current practices, modify review procedures, replace out-of-date references, and undertake other changes to make the Code more user-friendly.

Shweta Bonn presented the staff report and described the scope and key elements of the proposal.

Commissioner Balch: Quick question about the noticed radius. So 300 feet is what we're currently doing for minor CUPs right now or is it 500 feet?

Bonn: Minor CUPs don't exist in the code at all. For Conditional Use Permits we notice 1,000 feet because it comes to the Planning Commission.

Commissioner Balch: Okay, I apologize. I don't know where it fits in. So with my beekeeping application, what was the radius that that was?

Bonn: I believe beekeeping applications are also 300 feet or 500 feet, I'd have to double check but I don't believe they're a 1,000 feet. CUPs, because they specifically come to the Planning Commission, are noticed to a 1,000 foot radius.

Commissioner Balch: So I just ask, the 300-foot radius is basically consistent with what the City's doing at this level and then they have other level for greater radius is what I hear.

Weinstein: So it's a new process, right, so we're trying to figure out what is the appropriate radius to send notices out to, and the rationale here is that these minor CUP projects are routine in nature. They have typically standard performance criteria we can apply to them to reduce neighborhood impacts and so the net result of that is that there shouldn't be a lot of spillover impacts into the greater neighborhood and to us that's what supports a substantially reduced radius from 1,000 feet to 300 feet; 1,000 feet for

CUPs to 300 feet for this minor CUP. But if you have comments on whether that should be expanded or detracted, we're happy to hear them.

Chair Ritter: Questions?

Commissioner Balch: So I guess the question is, right, given the current approval levels you have in the City, what are your radius levels now. You have 1,000 feet I know and we've heard that we don't want to reduce it to the statutory 500 feet required because it's basically a City process or a procedure forever that that is the radius we notice, right?

Beaudin: So I'm not going to be able to answer your question directly. The statutory requirement is 300 feet and so we here in Pleasanton have decided to notice 1,000 feet for CUPs. I don't know the answer on if we're doing 500 feet or 1,000 feet on Zoning Administrator level approvals right now. Kendall may know because she does all of the noticing for us. Do you know what the radius for the legal notice is?

Kendall Rose: If it goes to any type of hearing including Zoning Administrator, Staff Review Board, Planning Commission, or City Council, we notice a 1,000-foot radius. If it's an administrative level project, such as an ADR, we only notice the adjacent properties. Then we have 100, 300, and 600-foot radius projects such as outdoor dining, Christmas tree lots, large family daycares, and new wireless sites.

Commissioner Balch: There comes my adjourned challenge to which is, what is your radius of notice even in the new process in light of your current processes for staff and zoning administrator process or others, right, I would advise given the 1,000 feet has been told to me for a while that we need a consistent....and it doesn't need to be a consistent 1,000 feet but it's something that you're able to defend as your process.

Commissioner Nagler: Can I ask a question? Can you give us an example of....you point out that what you're really trying to cover are those items that currently come to the Planning Commission which are typically on Consent. Can you just give us an example of an item if you have one that came to the Planning Commission that was not on Consent but you would include in this definition of a Minor Conditional Use Permit? Do you know what I'm asking?

Weinstein: So we're in the process of going back now and reviewing all of our CUPs that have gone to the Planning Commission over the last several years. We've only gone back a couple of years at this point so I don't think we have a great list of the breakdown for different CUPs. But what we're talking about here are uses like arts and crafts studios with more than 20 students on site at any given time. These are often uses that are looking to locate in retail centers but there's already lots of activity. Generally speaking, the times people are coming to these sorts of uses are metered, right? There's not a huge outpouring of people at 5:00 p.m. or in pouring at 8:00 a.m. so again, they're routine uses that generally don't have a lot of spillover impacts.

Commissioner Nagler: No, that's fine. Here's why I'm asking the question and to be thought about, is what you are proposing are minor things just like you suggested, but the issue is really what might be outliers. What might be those things which would be

included in the definition that is ultimately adopted for a minor CUP but which in fact is that two percent of the applications which ought to maybe have a public hearing.

Beaudin: Can I just say from a procedural perspective, anything that comes in as a minor CUP can always...you know, if it starts to generate a lot of neighborhood interest, if it starts to generate a lot of concern even at the staff level, it will be pushed to the Planning Commission and it will be still called a minor CUP but it will be reviewed here and ultimately everything is appealable as well. So if we make a decision that's questioned by anyone, they come forward with the appeal and it comes to the Planning Commission as well, so there is a check in the process both on the front end and on the back end.

Chair Ritter: I can think of two tennis courts.

Weinstein: And from the Planning Commission, all I'm saying is either the Planning Commission or the City Council could pull items as well that would be listed on our report that would be published and included in your packet as well.

Commissioner Brown: Would they still be charged the \$750 versus the \$3,000 in that instance?

Beaudin: The lower fee, whatever it is set at, would apply.

Commissioner Balch: And the other element to that is obviously if it gets pulled up you have to re-notice if you're not 1,000 feet.

Beaudin: We would. We would do that for a hearing.

Commissioner Balch: Okay. To Commissioner Nagler's comment, when I read this I kept thinking Zoning Administrator type actions and so what does this do that that's not providing you that this whole new group is here?

Beaudin: Yes, it's the cost and the amount of time that goes into it.

Commissioner Balch: Just because it meets the criteria of a conditional use, right?

Beaudin: Right, and so the amount of staff review and the amount of lead time we need with the application is much less and the cost is significantly less. This would be reflected in the Master Fee Schedule knowing that the zoning ordinance update was coming, and so we pegged it at \$750 versus \$3,000 for the CUP. So it's an easier hurdle for someone who's trying to establish a business that we've seen established a number of times in the community and then the timeframe is on the order of months and not weeks in terms of time savings just because of the hearing process and the amount of staff work that goes into a standard use permit.

Bonn: Maybe the other point too is that this is a new process and you know, I'd be the first to admit there's probably going to be some uses that should be included that aren't and maybe vice versa, so at some point it's going to take some self-evaluation on staff's part to say, is this really achieving what we want it to or you know, is it really doing what

we intended to. So there's probably going to be a check at some point to see if it's actually accomplishing the goal.

Commissioner Balch: So on that note, if you find that it's catching too many or not catching enough, how do you amend this given you're asking for a zoning amendment, right? Is there flexibility in how you've written it that you can exclude more?

Beaudin: We'll come back. It'll be a public hearing process and we'll probably call it "Zoning Ordinance Cleanup Number 1" and that's just what happens when you take something 30+ years old that really hasn't been comprehensively looked at in a period of time. I was telling staff that when I've done this in other communities that that is the process, and you probably pick a date frankly as staff from the day it's adopted and you say six months from now we're going to evaluate what we've seen so far and then you'll do it again in six months and probably again in another six months. And we may be back with you in six months or 12, but I can guarantee you that within the first year we'll be back with a list of things we need to make further adjustments to.

Commissioner Brown: What was the justification for the 10 days for minors given that it sounds like you're shortening something that could say take a month or two months? You've shortened it down to 10 days, is that enough? My concern is people go away for a week and it takes three days to get the mail, etc., etc. So 10 days to me is a little short. I mean you're drastically improving it for people. You lower the cost of the fee which is great and you're going from months down to 10 days which seems a little short. Was there a justification for the 10 days or is that up for discussion?

Bonn: It's certainly up for discussion. The thought process there is that it's sort of a middle point. So we have some administrative processes that require a seven day noticing period so it's even shorter than the 10-day, and the other factor is the appeal period on the tail end and on the front end, the time it takes for staff to be able to send out the notices. We typically have to work with applicants a little bit before we're prepared to send out the notice to surrounding neighbors so it's not necessarily day one. I mean, if it's a great, clean, perfect application and it has everything we need then we can send the notices out on day one, but what happens more often than not is that there's something that needs to get clarified or we have to work through some topics of discussion and it's a little bit of time before that notice can go out. So like I said, it's certainly up for discussion. It was sort of maybe the middle ground. The minor modification process that we have now is a 10 day noticing process.

Commissioner Brown: Okay.

Commissioner Balch: Could you repeat that? The zoning administrator actions are a 10 day process right now, right? The intended notice period?

Bonn: So for a PUD where's somebody is proposing to modify the PUD, we call it a PUD Minor Modification. The notification for that is a 10 day noticing.

Commissioner Balch: Sorry. I misheard, but thank you.

Bonn: So we've touched on a lot of the information that's on this slide already with the types of uses that would be subject to a minor CUP. What I do want to bring your attention to is the first bullet point. The draft of the zoning code update that you received includes a proposal to include non-retail, non-restaurant, first floor uses along Main Street to be subject to this new minor CUP process. Staff has heard from the community and we have done some outreach efforts and at this time, we're proposing that to be actually tabled for discussion until the Downtown Specific Plan update is well underway, thinking it's more of a policy discussion and more appropriate for that forum rather than the zoning code update. So that's why it's in grey on this slide because we are proposing to step back from that

Commissioner Allen: A question on that, are you moving to the next slide?

Bonn: Yes.

Commissioner Allen: Okay. On the second item on students—would that apply to a tutoring facility that had an outdoor playground area? And I'm thinking of the Raley's situation that we had where it was kind of a school and it was going to have a playground or outdoor meeting area and we ended up saying the outdoor area was an issue because of the resident noise issue. Would this apply or not?

Weinstein: It wouldn't as we've currently crafted it. So, and another issue—tutoring heritage schools are not included on this list of minor CUPs or projects that are eligible for the minor CUP process. And the project behind Raley's or in the Raley's shopping center—that outdoor play area also required a Design Review application to go along with it as well. It was a new outdoor use so it went through an entirely different process as well for that outdoor play area, although we combined the CUP application and the Design Review application together.

Chair Ritter: If it wasn't a play area it would have been a Minor CUP, correct? The Raley's one we're talking about.

Weinstein: Right.

Commissioner Allen: That's what I'm leading to. Would this be some kind of tutoring center that had some outdoor area? And the reason I'm asking is because the noise ordinance does not measure human voices and yelling and screaming, so that wouldn't help with the situation and so that's why I'm asking about that outdoor area.

Weinstein: So for schools like that, you need an outdoor area so there would have to be another process involved.

Commissioner Allen: So would any of these potentially have an outdoor area that you're proposing or not? Or, if there was an outdoor area we'd say...

Beaudin: ...if they did they'd be in a separate process.

Commissioner Allen: Okay, thank you.

Commissioner Balch: Can I follow up on that? So, two other examples I want to just ask....so the coding school that went in down by the Safeway area, as I recall it went through a Zoning Administrator action to change its PUD which was a Zoning Administrator and then it could go through this process, so both levels would hit staff-only approvals, correct?

Weinstein: That's right.

Commissioner Balch: And it would have been on our Consent Calendar. It was a Consent Calendar item.

Weinstein: Right.

Commissioner Balch: Okay, next one. The Tri-Valley Korean School that just went in at Valley Business Park, there was a minor PUD mod at the staff level to change the hours of operation allowed on weekends because there was a prior PUD condition 43 as I recall that limited outdoor use on weekends. That went through but then it had to come to us, but it was a full blown hearing. Was that because of community outreach or would that have qualified?

Weinstein: We just decided to do that particular one because it was a slightly more complex CUP than the permits that usually come through the planning division and also to give Jay some exposure to the Planning Commission.

Commissioner Balch: Couldn't it have been a minor CUP?

Weinstein: So if my recollection is correct, that was a private club. That was the use category and that's not part of our list of uses that are eligible for minor CUPs. Under our current proposal it would not be eligible for a minor CUP.

Commissioner Balch: Let me phrase it another way. That club, if they would have come in and say they were a chamber orchestra music facility could they have been a minor CUP?

Weinstein: Right, if they were just simply a music academy, but as part of the application review process we look at proposals and we ascertain what use the applicant....

Commissioner Balch: ...Let me tell you what my concern is, right, so here's what's happened with that particular one. Staff level approval of a minor PUD modification which modifies conditions set by this body to allow uses outside of a designated time block. It was a condition of the PUD right? Then you move forward 25 or so years and so we do a staff level, Zoning Administrator approval to modify that condition and then come sometime you could do a minor CUP and have a chamber orchestra in an industrial area, a light industrial area, which may be considered an incompatible use but yet all approvals are at the staff level. It is similar to the coding school. Both could have been at staff level under this process. Does that concern you?

Beaudin: Can I suggest....I think we need to establish a better list of uses and a more concrete list of uses for the minor use permit process and here's just frankly what happened. We looked into all of the CUPs over the last couple of years and we couldn't find any that fit really well into this category so far so we're going to cast a wider net and see which uses may not fit and ultimately, this minor use permit concept just might not have a use that fits there right now. We committed to exploring this idea because what we hear a lot of times is that the CUP process is too onerous but it's hard to have a conversation with you tonight in a really meaningful way because we don't have a list of uses we'd like to put into that bucket and create that streamlined process for, and I think your question, Commissioner Balch, is valid except that we're not even sure that a use like that is going to end up in here. I think we've got some uses we think could work but the 20 students is a lot depending on the size of a shopping center and I think if you think of a music school, maybe it's two rooms and they have up to five kids on site at any given time, maybe that's a different scenario than 20, and 20 might work at a site that has a 200,000 square foot office complex so even just putting the number of students in here gives me pause.

Commissioner Balch: Maybe where I'm also going and I hadn't gotten there during question time, is does age play a factor. I was an applicant which I lost horribly in front of the Planning Commission which is actually what got me involved in city government whereby the age of the 20 students was approximately 8-10 year olds. So it was really a day care trying to produce itself as some other use because it couldn't get into an approval route that it wanted to do and the applicant's position at the time was basically then, well code enforcement will have to come get me and we know how over-the-board he is. And it's such a....why I'm talking up this particular one with the chamber orchestra, you know, yes it was a private club and that's a valid point but a slight change in the narrative and it's a music facility, right?

Beaudin: So I'll say that again, I think the uses we identify for this have to be a lot more concrete so you can have a real conversation and then, you know, for the games that people play, I mean I've seen people play all different ways right? You write the narrative for the project, you get your approval and suddenly it's something else. That's just kind of the nature of the game that some people are willing to play in the communities where they want to operate. They fairly quickly get identified and they become problematic and then they're essentially removed or they get through the right process and they get the right approvals and some people do it by accident and some people don't, and so I don't want to write the regulations around the folks who are going to try and circumvent the process because they'll always exist. So I think getting the right uses and trying to set up a framework that allows us to be successful to help people efficiently get into a space is the right mindset, but I think it needs to be more concrete to help you decide if it's right.

Commissioner Balch: I have no further questions.

Commissioner Nagler: So let me just say in this context, I know you want to.....but let me just say, the idea of coming up with a category of CUPs that are so minor however that's defined and so routine however that's defined that it ought not cost the applicant as much time and money and need not take the time of this Commission is a laudable

goal. How you get there is the point you're raising, but I just want to make sure it's clear that it's a laudable rule.

Commissioner Brown: Why not just make it permitted?

Beaudin: Because there are certainly uses that fit the laudable goal definition that Commissioner Nagler just mentioned. They become routine but they still need the clarification and they need a set of parameters that help them operate in rules that don't affect their neighbors in an adverse way. It's largely about neighbors. There are some things that are community-wide but that kind of elevates it. It's really, if you're in a business park or a business center or you're even in a residential area.

Commissioner Brown: So one other question is, are there two levels of CUPs today in terms of....do all CUPS have the same fee? Or, are there other CUPs?

Beaudin: No, there's one CUP application process and you can do modifications or approvals that cost less...do you have a master fee schedule? Or do you know off the top of your head? If we were doing a modification to a CUP do we charge the full rate or is it a....?

Bonn: It's usually a new cost. We usually do substantial conformance. The Director of Community Development can determine it's in substantial conformance to the CUP. The Director can also discern that it makes certain slight changes to the proposed use or if the Director deems it's substantial, then it comes to the Planning Commission.

Commissioner Brown: I meant a new CUP.

Beaudin: Yes, it's a fee for a CUP. If you need it, you pay the fee and you get in line with the other folks who need to come to hearing.

Commissioner Brown: Thank you.

Chair Ritter: Keep going Shweta, you're doing great.

Bonn: I think we're getting close to the end. Right now the Administrative CUP process is unique to Chapter 9.22. It applies only to recycling facilities. These are the mailbox style, kiosk style enclosures that you may have seen in a lot of parking lots around town. This is really just for simplification purposes. Instead of having an Administrative use permit process on top of a minor CUP on top of the CUP, we're proposing to delete references in Chapter 9.22 to the Administrative CUP process and we're replacing it with another very streamlined administrative review that's called a Temporary CUP. So it's strictly just for cleanup and simplicity not to have too many CUP processes outlined in the code.

Commissioner Balch: Are we eliminating the CUP process or are we just rebranding the CUP process?

Beaudin: This point is a hard one. There's just too many use permit names out there. So the Administrative Use Permit has to do only with recycling facilities in our code right

now and when you start to have a minor use permit and an administrative use permit and a temporary use permit, there's just too many use permits along with our standard CUP. So what this does is it eliminates Administrative CUPs and rolls those particular uses into the Temporary CUPs.

Commissioner Balch: But all the criteria, all the conditions, all the applications are all the same.

Beaudin: Same thing, but you do have to come back and ask. The temporary use permit is good for 12 months and so you're coming back and you're re-upping, and those are the kinds of uses we want to see people re-up on because sometimes they just get left behind and forgotten about.

Commissioner Balch: There's just a recycling use permit for the city.

Beaudin: Yes, it's a marginal...it's probably a loss for us by the time we do the paperwork.

Chair Ritter: This is the third time I've heard this presentation but It's actually good because I'm looking forward to hearing, I think Pam might talk about the Permit Pleasanton Open Counter, so what we're trying to do is get all of our data in line so it fits in this great tool that's logical as an applicant comes and that's where we're going with this, so we've got to get through this so we get on to the next step. That's why I'm trying to keep us moving.

Bonn: So lastly, I think it's substantively that determinations of CUPs is not listed. Right now, this section of the code specifically calls out the Planning Commission or charges the Planning Commission with that responsibility but in practicality when people come in with new ideas and new concepts, the Zoning Administrator makes a determination for a use that may be similar to a use that's already called out. This really just makes it clear that that's possible and feasible.

I alluded to this earlier—we have done some public outreach recently so EVC heard this topic on the 18th. We've been to the Chamber, Downtown Vitality Committee heard it last week, and we're obviously here tonight and planning on taking it to the PDA Board in September. So overall, staff feels that the proposal makes the code more navigable, transparent, more accessible, there's the Minor CUP process and the protections against potential land use and compatibility are still in place if not strengthened in some instances.

So in conclusion we've identified some questions to guide the discussion of the Planning Commission. These were identified in your staff report. The last one, again, and you're welcome to discuss it if you'd like but it was really intended to focus on the first floor non-retail, non-restaurant uses so again, we're proposing to table that for now and the first 3 really deal with the meat of the rest of the proposed amendments.

Chair Ritter: Great. Should we hear from our resident before 6:00 a.m.? Brad Hirst. Thank you for staying late and we value your opinion and you have five minutes.

THE PUBLIC HEARING WAS OPENED.

Brad Hirst: Thanks for taking so much time going through the line by line. Let me say first of all that this is a huge, huge step forward. The staff is dealing with the same zoning code that I dealt with in 1969. Things change. Gerry probably has a better handle on the importance of the zoning code than anybody that's been in City planning since 1969 that I know of, so he is in my opinion really guiding you in the right direction. And the right direction is to simplify and save time. It's going to save the staff time which in turn directly affects the City budget which is kind of important. It's going to save you time. It's going to save property owners time and very importantly, it's going to save business owners time who want to get in. So saving time is hugely important.

With that, there are a few other things I would like to say. Just for historical information, the 1,000 foot notification came about because the City used to follow the state statutory requirement of 300 feet and then around 1970 people obviously were never notified. They get 25 different cards but they never got a notice, so the City Council at that time said okay, we'll go 500 feet. Well, the same people still weren't getting notified so they went to 1,000 feet. So that's really how it happened was because people said they never got notified. So that's just for historical information.

One thing I would like to mention that Commissioner Brown brought up about the time. The two categories of people that are not being considered in those comments are the property owners and the businesses that want to locate. It may not seem like much time to somebody at the City if they have to wait 60-90 days to find out whether or not a business can locate, but if you own a vacant property on Quarry Lane or you're a machine shop trying to lease that property on Quarry Lane and you have to wait 45 days, that makes a big difference. A classic example in Pleasanton is the Kolln Hardware Building. It came within less than three hours of being foreclosed on by a bank because they didn't have a tenant. Fortunately, Community Bank stepped up, made them the loan and time went on and they could sign the loan with the bank. And speaking of banks, I would like to just mention to you that when you see a lot of banks in town, do you know what that means? There's a lot of money. There's a lot of money. I was in downtown Lodi one time and I couldn't figure out how many banks there were. I did a little community research and I found out why there were so many banks in downtown Lodi. There was a lot of money there.

Okay, having said all of that, I'm not taking up all of my 5 minutes which I appreciate. I would like to, and I think that all of you probably have gotten the email that I sent in and just to paraphrase a couple of things, I would like to encourage you not to delete the LI professional district. Maybe you could do some consolidating into IP, but the reason—I think there are a couple of LI districts now; one on Sonoma Drive and one on Old Santa Rita Road. I think those are both LI....well, Santa Rita might be IG, but IP is an industrial park. When you're dealing in LI, you're usually dealing with one or two parcels of property and it frankly is kind of ludicrous to do a landscape plan with botanical names for a machine shop and that's what's been happening. So anything you could do to speed up the process would be good, and I would encourage you to make cell sites permitted uses in all of the commercial and office districts. Julie Harryman did a cell site ordinance and brought us into compliance with federal law and I can assure you that there's going to be a lot more cell sites in the coming years. We're just scratching the surface. Data transfer is the elephant in the room. There's going to be more and more of it. There's going to be more and more cell sites that are going to be camouflaged.

Flagpoles look a lot better than the fake trees, and things are going to get better, so I encourage you to do that and I would encourage you to find some appropriate districts for conference centers and event centers. There's going to be more of those. And I'll close with one final prediction. I-580/I-680 is going to change the face of this city more in the next 20 years than it has in the last 50 years. That's my prediction. Thank you very much for your time.

Commissioner Nagler: May I ask a question of him? Mr. Hirst?

Hirst: You can call me Brad. I'm still for 3-story parking in the civic center.

Commissioner Nagler: I know. We fought that battle. We did well on that one, thank you very much. So on your table or comments of the table, are there any particular ones here that rise to a higher level of importance for you that you want to highlight?

Hirst: I'd like to defer answering that question at the moment. I'm sure if I sat down and gave it some thought I'd come up with some. In fairness to staff, they just got those the day before yesterday or maybe yesterday and I don't know if they can even read my handwriting which is a challenge, but I'd be happy to answer that question if I could....

Commissioner Nagler: ...Okay, an invitation to answer the question. Prioritize. Okay, thank you.

Hirst: Thank you very much.

Chair Ritter: All right, we'll close the public hearing and bring it back.

THE PUBLIC HEARING WAS CLOSED.

Chair Ritter: Okay, let's go through the questions. Number 1:

Does the Planning Commission find the proposed land use categories acceptable?

Weinstein: So just for clarification, we're talking about primarily the really broad categories that we used to organize the uses in the table. Under the existing code we had these long laundry list of uses, so what we're doing is consolidating them into these broader categories like office, business service, industrial, retail, instead of listing out every single type of retail use...candy shop, clothing shop, etc.

Chair Ritter: So I guess instead of asking that--Which ones do we not....?

Commissioner Balch: Are these on pages 12 and 13? Are these the ones we're talking about specifically? And just as a general comment on the table, I'm just horrible at remembering all of the definitions of the IP and I think you guys should rotate that 90 degrees and write them out frankly at the top of your table, like 'Commercial X' because a user....

Commissioner Brown: You read my mind. It's one of my points too.

Commissioner Balch: You know, and I think different cities have different secondary needs for commercial that I work with, so which one is this city's versus a different municipality does matter and it makes it a little easier. It's a little complex, but I think the question I had is 12 and 13 you're asking about, right, Mr. Weinstein?

Weinstein: The best place to look is the attachment actually. It's Table 18.44.080.

Bonn: It starts on page 22.

Commissioner Allen: 22?

Commissioner Balch: I know that but where does this conversation come up? This is page 12 and 13.

Weinstein: Number 2.

Commissioner Balch: Okay, I'll move on.

Commissioner Allen: Okay, retail I thought seemed good. Are we together? All right, so I was comfortable with collapsing the retail and I thought it made sense. The one that I was a little concerned with was on the personal services that got collapsed. As I look there are a lot of personal services and I see personal services in two buckets. There's one kind that would be the potentially nuisance services and that could be massage parlors, maybe adult entertainment, maybe a child care center with an outdoor area. Those could be nuisance related personal services that today are generally conditionally allowed where they're allowed, and that is contrasted with the other personal services like beauty salons, or the general personal services you think of, and most of those where they are allowed are permitted. So my thought is we need to be careful about that category so we don't end up permitting things that might be general nuisances potentially and have two buckets under personal services.

And my final comment is, I do like the way you....and this is back to retail, I do like the way you broke out retail into the under 60,000 square feet and the over 60,000 square feet. In general, I like that concept but I noticed that you only excluded over 60,000 feet. I'm in the detail on this one, but on the over 60,000 feet retail like Safeway or Home Depot, you said they would not be allowed in CN. They were excluded from CN. I would propose they also be excluded from CC or downtown for two reasons; one I don't think we have a lot of space downtown and I'd rather see it be used for pedestrian vital retail and/or residential where it's appropriate and not be a big Safeway. I'd rather see a New Leaf Market or a smaller kind of boutique Gene's Fine Foods downtown rather than a Safeway or a Home Depot because we have a very limited amount of space. Let's really maximize it for a vital pedestrian area. Those are my comments.

Commissioner Nagler: Clarification on that, right, so you're saying the greater than 60,000 feet permitted?

Commissioner Allen: No, be excluded.

Commissioner Nagler: Oh, I see, removed conditionally.

Commissioner Allen: Just so we're all looking at the same thing, what table....

Beaudin: Page 22, Table 18.44.080.

Commissioner Nagler: So to your point Nancy, look on page 23.

Commissioner Allen: Okay, I'm on page 23.

Commissioner Nagler: And there are those personal services listed.

Commissioner Balch: Could we go by section rather....

Commissioner Allen: It says 2,000.

Commissioner Nagler: I'm sorry, continue....

Commissioner Balch: Maybe I could suggest we go by retail and then we move to page 23 and go by personal?

Chair Ritter: We've got an hour to go through 4 questions and how do we do this most efficiently? That's what I'm asking. So staff, what do you really need from us is I guess what we need to know.

Weinstein: Commissioner Allen's comment was really helpful. I think if you have problems with any of the categories, then let us know.

Beaudin: This isn't your only opportunity. We will be back, so if you're looking at this two days from now, send us an email and we'll keep iterating on this as we take it around and show it to other people as well and when we come back, we'll try to capture all the changes for you in a staff report.

Chair Ritter: Just like Brad did with his email.

Commissioner Brown: Before we move onto the 60,000, when I looked at Table 1, approximate square footage of retail venues and I looked at the size of Lucky's, Macy's, Safeway, both the Pleasanton Gateway and Amador Center and when I think about the Johnson Drive EDZ and the Measure MM or whatever it is coming up in the fall, that's set at 50,000. Would 50,000 not be a more appropriate number based on the examples in Table 1 versus 60,000?

Weinstein: One of the authors is sitting in this room right now, he'll admittedly say that you know, 50,000 square feet is a somewhat arbitrary breakoff in terms of regulating uses above that differently than regulating uses below it. So again, we're open to different suggestions on the appropriate square footage for the breakoff, but in looking at uses here in town that exist right now, it seemed like uses above 60,000 square feet had slightly different use patterns than uses below that, but the breakdown could be anywhere really; it seemed like 60,000 was about the right number.

Chair Ritter: So a question. You came up with all of these. Is there some city that we're mimicking that's done it really well that we're trying to figure out how it works best?

Commissioner Balch: No, that's why we're here.

Chair Ritter: Okay, let's make it better than the other best city. How did we start with this? That's what I'm.....

Beaudin: ...Maybe I'll just try and pull back to the definition of you know retail and larger footprint retail. We've done a lot of work with Amy Herman Economics as part of the Johnson Drive work and she's been really helpful in terms of characterizing different scales of a different size of retail footprints and what that really means in terms of actual vendors. I don't have her table with me tonight, but I would say that anything 80,000 and larger is large footprint retail. That's a pretty common threshold and it's used both in planning terms and by economists to define "big box" and so I think what we said is the scale and character of Pleasanton is a little bit different and smaller than elsewhere, and so we pushed down to 60,000 using this table. So that's where we started. It is a start and we're happy to adjust it, but we think 60,000 is appropriate.

Chair Ritter: So my question was a little higher level. All of these, from energy to government to educational, how did we come up with all of the broader categories? Did this come off of a template that Open Counter created for us or is it a template we created based on the past history of use?

Beaudin: Shweta and Adam and I appreciate Mr. Hirst's comment about my involvement, but really this is an effort that we've been looking at best practices, and it's the "Royal We". Everyone that's still in the room here tonight has been looking at best practices for the zoning code so this is an effort that's usually undertaken with consultants and what we thought is, let's go out and look at the latest and greatest examples of zoning code updates that have been done and Shweta did that legwork to make sure we were starting with a framework that's commonly used and successfully used in other jurisdictions. So the broader classifications you see here and some of the grouping that's been done as well as some of the definitions we included are all coming from what we would call best practices for zoning.

Commissioner Nagler: Could I ask a similar question. On the specific listing of uses under the broad categories, does that reflect what the community actually is? Or, does it reflect sort of a general template of categories that appear in zoning ordinances. How did you come up with that particular detailed list under the broad categories?

Beaudin: It's really all of the above. It's taking what we see in Pleasanton and it's consolidating into terms that are commonly used in cities to regulate land use. And so, what we try to do is create broad enough categories to have an umbrella over the range of uses we expect to see in Pleasanton without being overly broad because we didn't want to kind of invite new permitted uses without thinking them through. And so, do you want to add to that Adam or Shweta?

Weinstein: Yeah, I mean, Shweta talked a little bit about some deletions like the famous one is Blacksmith, right? So we're getting rid of blacksmith as a specific use but in fact

that is actually now encompassed under a different or broader category. It would be under the industrial category, so it's not like we're getting rid of blacksmith uses or other uses that were struck from the list, we're just making this list a lot simpler in the form of this table.

Beaudin: And actually I say this in a lot of presentations. It was actually difficult because we had a blacksmith in town. You know there are probably folks who would really appreciate that and metal work and things like that.

Hirst: We had hitching posts until the 70's.

Commissioner Allen: Okay, so where are we?

Commissioner Brown: We're still on retail.

Chair Ritter: Do we want to just go through each one?

Commissioner Balch: You're back to my initial suggestion.

Chair Ritter: Well, we've got until 11:30 p.m.

Commissioner Balch: Honestly, I don't know what qualifies us to say that laundry ought to be included or not included. You're sitting on the Planning Commission. What do you think your job is?

Chair Ritter: I don't want to rule from the dais. Staff's made the recommendations. What have you heard or what's changed from your outreach of things that should be changed? Or have you already made the modifications?

Commissioner Allen: Are we copping out by asking that?

Chair Ritter: No, I'm just trying to get

Beaudin: To be honest, no one's gotten head long into the long list into uses. People have generally appreciated the broader categories. I think that the comments tonight and if there are others like it, you know, with personal services or, you know I think the other....

Commissioner Allen: ...the 60,000?

Beaudin: ...the 60,000; that was a great comment and we can continue to kind of bolster those kinds of decisions.

Commissioner Balch: Let's go by section if I can recommend. I want to touch on the 60,000 myself, so I recommend we go by category.

Chair Ritter: So we're doing retail.

Commissioner Balch: Right, retail. So for my 60,000 and I definitely agree with staff's recommendation that there's got to be a larger group and kind of the smaller group. I

challenge that in how you're going to craft that because I think of the list you provided in Table 1 which is excellent to demonstrate it, and I think of a Ranch Market or I think of if a Whole Foods was on this list, and the traffic generated from them. Or, if you simply look at the two Safeway's, right? The Safeway on Amador Center versus possibly the Raley's or the other Safeway, just where it's at in town and the artery streets and kind of how that sits, it's a challenge for the Amador Center Safeway much more so than others by the way that retail center is laid out. So, you know, if you think of the old Nob Hill which is now the Wal-Mart Neighborhood Market down the street and it's just a different feeling shopping center because of the retail center itself. So while I agree there's two large categories, 60,000 is a fine starting point—don't get me wrong—unfortunately, there's probably going to be people below that but will generate more traffic and that's a concern. How you handle it I'm not sure, but I see that potential. I'll just say it like that.

Beaudin: So maybe there are three categories here rather than two....you know, it's hard because we've really tried to scale it down and curtail it, but for me there's retail that kind of fits into the typical downtown spaces, there's retail that might be what you just described as kind of in a middle range that has the potential to generate some additional impact, and then there's things that we know at a different level and different scale and will necessitate a different level of input and consideration from the City. I think just hearing your conversation tonight has got me thinking a little more about a middle range that we might be able to put some additional scrutiny or public process around.

Commissioner Brown: One other possible thing you could consider if it has its own dedicated parking as delineation. So I mean, a center of stores could have their own dedicated parking which presumably is sized to meet the needs of that store hopefully whereas like a shopping center, it's going to share. It's going to be pulled parking. Anyway, it's just something to consider as part of that.

Beaudin: And typically when we see any kind of parking arrangement that needs a public process, it'll be here. It will be a CUP and we'll look at the whole thing comprehensively.

Commissioner Brown: Similar comments on 60,000, how did you arrive at the 11:00 p.m. definition of a bar? The reason I say that is on the weekend you mentioned to consider the kids and we ended up at the new, what I consider a bar across from...next to the old Stacy's. I forget the name of it....

Bonn: Pairings.

Commissioner Brown: Pairings. I mean, that's Pairings Cellars and that's actually a bar. We were there at 7 o'clock. I don't know what time it closes. I think it closes at 11:00 p.m., but I don't know. But, it just seemed that a retail business whose primary mission in life is to sell alcohol I think should be a bar versus something that stays open after 11 o'clock. I thought it was a bit arbitrary. That's just my own view.

Commissioner Balch: Especially in Pleasanton because not much stays open.

Commissioner Brown: Yeah, exactly.

Beaudin: So we're thinking that it's the current definition of a bar and there's no reason we couldn't adjust the timeframe. I think what we might want to do in that case and I'm not sure a bar is a conditionally permitted use or not.

Bonn: Yes.

Beaudin: It is a CUP? And so you can always adjust the hours in a CUP process.

Bonn: If I could just add too that the 11:00 p.m. was actually amended from 10:00 p.m. as part of the downtown hospitality guidelines so it used to actually be a threshold of 10:00 p.m. which was extended to 11:00 p.m. to encourage pedestrian activity and vitality in the downtown specifically.

Commissioner Balch: This might also be hard to bring up about the light industrial that the speaker commented out and reduction or removal of it, so given I am a building owner at Quarry Lane, you know, that business park is an old one and it is under a PUD as you have wisely said. It is not in this zoning because it's just not needed. It's already got its PUD and it's already been here. But as I think about it, it does make sense, and in fact when we define it internally in my company we do define it as light industrial because that is a pretty synonymous term with what it's at versus what one would consider heavy industrial. Heavy industrial typically means you can do way more. It has heavy power in the area. Livermore has a very large, heavy industrial space near Greenville Road. You attract a different clientele from that area than you do to a multi-tenant light industrial, kind of almost mixed use, bordering on mixed use between that and other uses. I get that it might not be technically necessary yet, but we have that use. It's just hiding under a PUD umbrella in my opinion at this point.

Commissioner Brown: One thing to clarify, I mean, there was light industrial as a district and the comment in the staff report is that there's nothing zoned in that district and therefore we should delete it. Yet, when you go under definitions and you look at the table, light industrial is defined and it's within the table. So I guess my question as well was.....

Commissioner Nagler: It's actually in the table and we're deleting the table....

Commissioner Balch: It's on page 12.

Commissioner Brown: But it was defined on 18.080.15.

Commissioner Balch: It's defined, but if you look at the table....

Commissioner Brown: No, the top of the table is crossed off, LI as a district; however, if you look on page 24 under Industrial, it is defined there so LI is deleted as a district but it's still defined as a category if you're using the right terms under Industrial. Therefore, it showed up in the definitions on 18.080.015 and does that.....I have public comments about it, but I don't know if that satisfies Mr. Hirst's concern or not.

Commissioner Balch: But then the concern is that you might not like this medical office building right above it and it theoretically can't go in a light industrial area because....it's permitted in this case obviously, but industrial G or an industrial park, right?

Weinstein: So what we're saying is that we think it's okay in the absence of any LI districts in town; we think it's okay to delete them from our zoning ordinance because light industrial uses are allowed in other districts, right? We don't need that LI district anymore to accommodate light industrial uses because light industrial uses can be accommodated elsewhere, so that's the concept here. If we think there's a need for LI districts, we'll need to rezone existing districts to that district so that would, in itself, require a rezoning, I just want to point that out.

Commissioner Brown: I was confused at first, but I'm okay with what you did personally.

Commissioner Allen: Me too.

Chair Ritter: Okay, any other comments on the categories?

Commissioner Balch: I do like it.

Commissioner Brown: I don't know where it fits in these questions but the....on page 8 when you have, the planning division occasionally receives requests from prospective owners opening a business type which is not specifically identified in the zoning code as a permitted or conditionally permitted use, you're essentially suggesting that the control moves away from the Planning Commission and goes to the Zoning Administrator unless they feel it's necessary to bump up. I'm not sure if I'm particularly comfortable with that.

Beaudin: We're looking at people who own property in the room, so when you come in with a business what happens right now, and I feel comfortable saying this publicly because I've only been here for a year, for years what's happened is the Community Development Director or Zoning Administrator, someone at the City has been deciding...if somebody comes in and says I want to put in a laser tag facility, that's substantially similar to an indoor community recreation use or an indoor public recreation use and those uses have gone forward without coming to a broader public hearing with a staff report explaining the rationale for that. I mean, this is the first time that I've seen a City have it come to a public hearing to make those kinds of determinations in the code and just practically it hasn't happened that way in a very long time. And so what we're trying to do here is just daylight the whole thing. These decisions get made all the time. People come in and try to figure out whether their business works or not in Pleasanton and then somebody makes the call that it's substantially similar or not to an existing use. And in the case of the categories, you couldn't leave everything as vague as: let us take it to the Planning Commission to make sure it fits into one of these broad categories. It just wouldn't work for us. It's just like too much glue in a process that's already cumbersome.

Commissioner Balch: Having been a person who just did a PUD Minor Modification for the business park that I mentioned in town in 2014, you know, it amazes me the number of uses we have explicitly and painstakingly detailed out that just are burdensome to even find out if you can facilitate anything. And just a few nuances in your use versus that can cause such delay for nothing. So I know this is going on and I personally think it's got to make the process work, and I think the nuances....the business park that I'm talking about is 40 years old or so, or getting close to it, and it has smelting on it. It has

the blacksmith. It has some of these uses that are permitted uses and to get that off in this case a PUD Minor Modification, and that's where I kind of come back to this. When I look at this, I think this is much better, and that's why a Minor CUP process that we kind of shot holes in a little bit earlier, I do want to say I support the idea as he was saying, how do you get that segue to do what I'm going to say which is, I don't want it to be a serial approval. And what I mean by that, like I mentioned earlier, I don't think a serial approval of a Zoning Administrator action to change a condition and then on top of it a Minor CUP mod to get it through staff level at both levels, I don't think that should be allowed. I think that is where just like on Brown Act items, how is a serial meeting conducted? How is serial approval conducted? So you get one and then you get your second without going up again, that's where I get concerned more so than trying to clarify laser tag is the same as indoor recreational. I hope staff understands what I'm trying to point at.

Beaudin: Can I paraphrase that a little bit just to make sure I'm clear? So what you're saying is, if you need to amend a PUD to enable a use and then a couple of weeks later you need to do a CUP for that, what you're saying is you need maybe a Zoning Administrator approval for something, your concern is that you get an approval which kind of is the first domino in what you need to get to the end and that's happening maybe not as publicly as you would like. Is that the concern?

Commissioner Balch: Don't get me wrong. We see it because we see Zoning Administrator actions, and the one I have is the coding school. Not that we said 'no' to the coding school at the Safeway there on Bernal, right, but that one had and correct me if my memory is incorrect, as it is late in the hour, but the PUD for that had a PUD Minor Mod the first time though. That got approved at the Zoning Administrator level and then they came in for a CUP which is a very minor CUP, very customary, which was a Consent item. I would like to see that because that means one of those is coming here.

Beaudin: I understand, and you will continue to see those things. What happens in those scenarios is, essentially, there is a decision made to allow a particular use even if it's a conditional use. It still has to come to hearing, but what you're essentially seeing is step 2 when step 1 was really the enabling act on that use.

Commissioner Balch: When we put in place the Minor CUP process.

Beaudin: Understood—you want to make sure the full CUP comes back in scenarios where things are....

Commissioner Balch: ...initially on the premise of a Zoning Administrator action. If no Zoning Administrator action is first, meaning you're just a Minor PUD straight up, I have no problem with that concept. I think the noticing that you do, and that was where we were talking about—I'm jumping around pretty good, but the radius of the notice and the time—that's where I challenge you to figure out what you can facilitate but not make too overly burdensome. I don't think I personally have a problem with the 10 and I do know that we could deal with it here knowing that you guys do excellent work to kind of keep us informed of that, but it's the serial meeting. At least that's my biggest sticking point.

This we're kind of in with the Community Development Director basically doing similar uses—that I think is just the reality of a changing world.

Beaudin: Just to maybe clarify how that's helpful with some of these really old PUDs. We have a lot of Planned Unit Developments in town and when they have that established use list, what you find is that even if a use is really clear that that's exactly what you're doing there, it's just not defined that way in the PUD or it's got an old term or definition and to have to, by strict reading of the code, come to a public setting and say that's what it is, is something we haven't been doing and we'd like to get clarified in the code.

Commissioner Brown: I retract my reservation then, but with those types of examples, I'm good.

Beaudin: Okay. I'm sorry. I was trying to find a fun example. My other favorite is doggy day care which is a great example of a minor use permit where you know, you have to have your dog on a leash, and you have to figure out the dog waste. There's a whole host of things that go with every dog day care application that you could probably, with noise and the right setting. So, as I think about other uses and things that we have to process in the City, I'm sure there will be a handful of uses we get regular requests for.

Commissioner Balch: I have a perfect example for you. So, business park again. It's an old PUD, very old, as I said 40 years as I said earlier, and it did not have the trades; trades being HVAC contractors, electricians, general contractors, as a permitted use in the PUD. This is the Valley Business Park. As a result of that every application was basically a minor PUD modification Zoning Administrator action here, and that delay, although they have been trying, it just doesn't follow current logic when you think about that business park and what its intent was. It's a 40 year old PUD and those uses were not in. So what we did was we did a broad PUD mod, minor mod as I said, to add the particular uses in a group versus the a la carte as the applications came. So it provided a lot of knowledge as to how this is working for the delays that these people saw because you're an HVAC contractor, you just want to store your material there and go install it at a person's house in Pleasanton. You are not allowed, either because of warehousing, right, without a retail element or you're a trade because maybe you were doing a little bit of sheet metal formation work in the warehouse area. You're running 2,000 feet and you've got to go and get a minor PUD mod, you know, to get in and let's say it does take 7 day or 10 day notice period....

Commissioner Nagler:Okay, let me just ask you this in your example, where specifically—because it's following the definitions, right....

Commissioner Balch: I already found out it was okay.

Commissioner Nagler: Okay, so how does this address that?

Commissioner Balch: So on page 12 when it talks about light industrial, contractors is just listed as contractors. It's on the third line from the bottom, and then you go over to here right, and you say, light industrial—it's a permitted use. Done. Right? I did it correctly, yes? And its things like as a business owner or property owner, it's things

where the uses are uses that support our local economy with people who are moving into the Valley Business Park or other similar business parks here. Hacienda is a great example. You know they support here with the jobs and depending on their size, dictates how long they can wait, and I think the Minor CUP process you're proposing is excellent. I just don't know how we bifurcate out those versus others. But other than that, I think this is excellent.

Beaudin: And that's a good example. It's one of those no harm, no foul kinds of scenarios, right? You make a permitted use to do light industrial uses in a light industrial business park.

Commissioner Balch: But because of its old PUD, you're trapped up.

Beaudin: Right, and that's a major reason we're doing the work we're doing now. We were stumbling around on these and they take a lot of staff time, right? You start to write staff reports and you start to have the City Attorney's office involved and everyone's looking at these things and we're saying they want to pre-fab some sheet metal in a large warehouse. It wasn't working.

Commissioner Nagler: So let me just ask a related question. Back to the point to Commissioner Brown raised—you've created for purposes for ease of administration the ability for the Director of Community Development....

Beaudin: I think it's the Zoning Administrator...

Commissioner Nagler: Staff level. It says the Director of Community Development but it doesn't matter. For community facility, financial institution, governmental facility, right? Governmental facility. Under personal service, the definition needs to stand on its own and be broad enough to encompass what would interpreted to be all personal services, right? So my question really is pretty straight forward. Why allow for the sort of in-office interpretation on one category, because some of these are pretty obvious right? You're an office business professional—that's pretty obvious. But, something like personal services back to Commissioner Allen's question—why would....you know what I'm asking? Why would that not be....

Beaudin: I'd actually rather pull out "as determined by the Director of Community Development" in the definition and have that as an over-arching possibility for determining the uses are substantially similar. I don't think you need to say that in the definition because most of our definitions say "including but not limited to" and so it's a redundant catch if you have a catch-all that says kind of the rules of use for the code that the Director of Community Development or the Planning Manager—however we want to put the responsibility—can make those kinds of determinations based on definitions.

Commissioner Nagler: Okay, that makes sense.

Commissioner Brown: The only other real comment I had was I was a bit confused when I looked at the definitions on page 12 and 13 from a numbering perspective. I assume you're going to clean it up because otherwise all these other definitions are

under these convenience market—I assume that will be cleaned up. But, for consistency sake, you modified 18.080.375 on nursery schools. You kind of take out five or more, etc. but you left in the 13 or more at the bottom. I had presumed you were trying to come up with general descriptions of things without limiting them to certain numbers, but you took out five or more but you didn't take out 13 or more.

Beaudin: Because it's a state law. There's a threshold for large family daycare and so we were trying to get consistent with state law in that definition.

Commissioner Nagler: It's a licensing thing, right?

Beaudin: Yes, it's small family versus large family day care.

Commissioner Balch: Can I ask another one about that while we're on that page is the laundry plants that's still under light industrial. I was trying to look and I didn't finish it, but laundry plants versus laundromats. Laundromats can be considered retail? Personal service? Where do you put a laundromat versus a commercial laundry plant, I would consider putting a commercial laundry plant instead of that because I know that a laundry plant is where the commercial cleaning of hotel linens and whatnot takes place versus the corner store.

Bonn: Yes, so maybe I can clarify that. So in the table on Page 23 there's actually a separate category for laundry. So laundries and dry cleaners are permitted uses in the commercial districts and that's really intended to address the coin machine single person type use of laundries versus laundry plants which are more industrial in nature.

Commissioner Balch: Okay, personal and general services. Okay, so the definition on page 13 should correlate to general services to include all these types of things, right? That's the concept we're working with.

Beaudin: Yes.

Commissioner Balch: Okay, not that a change is needed. I was just reading it. When I read personal services, I didn't know if laundromats are allowed in it because it is a little bit more unique and different given the nature of that versus the ones that are in that example. But, it's not....

Weinstein: Yeah, what we did, again, we were moving away from these long lists of uses and to replace those we had these broader categories and wanted to make sure the broader categories are useful so we felt like we needed to provide some examples of those uses in the definitions, but we didn't want to put every single potential use in the definition, so that's what you're seeing.

Commissioner Nagler: Also if I could just as a general comment, I appreciate the utility of going through the specific lists. The real sort of action though of this table is what's conditional and what's permitted, right?

Commissioner Balch: And what's out. Prohibited uses is anything not one of those two.

Commissioner Nagler: Right, and so I don't know...tonight is not the night, but I think that even though we're all supposed to use it, I think this conversation's been very illuminating and that what we all ought to take as assignments after the meeting is to go back to this table and review what is permitted and conditional, and as Mr. Hirst has done really makes specific recommendations about whether they're categorized properly because that's....

Chair Ritter: ...I think that's what Gerry was saying. Send them a note and let them know. I see bed and breakfasts. Does that include VRBO if people wanted to do that or Airbnb?

Weinstein: So VRBO's and Airbnb's and the like are sort of in a grey area in our code right now and are not explicitly listed as allowed so they are theoretically prohibited, but we acknowledge that Airbnb's and the like can be good things for our local economy so we're trying to tread pretty lightly on those right now until we have more resolution in terms of what our actual City policy should be. So we're dealing with them on a code enforcement basis as people voice complaints about them.

Commissioner Balch: So I apologize—you're updating the zoning and you're saying we're excluding looking at the zoning for this. What would be the normal process to kind of bring them in as a whole?

Beaudin: So cities are approaching this in all different ways, right? So right now it's conscience. We've considered it and we're keeping our hands off of it, and you know, the funny but real example is Ruby Hill used as a bridal shower or event center and that was shut down. It was problematic in terms of how that home was being used. So if there are complaints from residents about things happening like a house being rented out for VRBO, we're getting involved. You can go on those websites and you can see the options available in Pleasanton and we've taken a hands-off approach so far and it's been conscious. So if it becomes an issue in Pleasanton, I would expect it to come through the City Council work plan and it may even come out of this process if somebody wants to elevate it to that level. It does require a lot of study. There's a lot of legal time that goes into it and there are cities that are currently collecting hotel tax and trying to work that out. It's the larger cities who are doing that and there are a lot of cities who have taken a completely hands-off approach which is what we continue to do.

Weinstein: And just to be clear, we're dealing here primarily with commercial office and industrial districts and the VRBO's and similar shared self-rental type of places are in residential districts.

Beaudin: And I don't know if we said this at the start but we did break this into a number of phases. We've got a minimum of three pieces of zoning work to do and this is our first. So we'll come back with other modules and pieces of the code as we go. We really wanted to hit what we thought were some of the efficiency and really updated pieces of the code first and there's some state law issues we wanted to clean up as well, so that's what we're doing in the first round.

Commissioner Brown: And Mr. Hirst pointed out cell sites. Is that in here?

Beaudin: Julie's our expert.

Harryman: It's not. We have a separate wireless ordinance altogether so that's what would need to be amended.

Commissioner Brown: Okay, all right. I'm just being selfish. My cell always drops out on Santa Rita.

Chair Ritter: I concur.

Commissioner Balch: And commercial and event centers as Mr. Hirst mentioned, you're probably going to take a look at that?

Beaudin: We've got Mr. Hirst's email and we're going to make sure we address it as we go through the staff report process. I think Shweta characterized it correctly. You know, we've heard really...this is probably the strongest reaction we've had to our original zoning code and the reaction has been there's this fundamental tension between local government regulation, particularly in downtowns, but in general, and property owner rights. And the feeling is that downtown ground floor is something unique and it's something very important to maintain vitality. We visited other jurisdictions recently. They've talked to us about some of the things they regret doing, some of which are putting non-active uses in on the ground floor and not being able to get them out. We've seen a few examples of that in Downtown Pleasanton recently so we did draft code language that does attempt to require a process for owners and businesses that want to put non-retail, non-restaurant uses on the ground floor. And the idea there was that it was a check, right? What kind of use are you trying to put into a ground floor space in a downtown and it was going to be the minor use permit process so it was quicker and cheaper but it was still a check and a public process and it let us vet it in a more comprehensive way. Pretty strong reactions on both sides and what we ultimately have come to the conclusion is that the Downtown Specific Plan update is probably a better conversation to have. This would have been a middle step if it gets taken at all, and so it's not off the table. It's up here tonight. You've got the language in the materials and we're happy to take comment on. If it's something the Planning Commission wants us to pursue, then it's on the table.

Commissioner Allen: So I will just say I totally agree with the other comments that are coming through. I was going to recommend that we take that off of the table and bring it in the DSP, not only just the item you mentioned in terms of ground floor but also you had some other modifications specific to downtown in your write-up on page 8. Those include an addition to the first floor. It also included a definition of multi-use, and I think we need to think about...because you say something about allowing multi-use or mixed use. And I think it's appropriate in the downtown to begin thinking about what is mixed use. Is 5% office or retail and 95% housing on a site? Is that mixed use? Are we together here? Gerry, do you follow me?

Beaudin: Yes.

Commissioner Allen: I think that whole question of what's mixed use, we really need to define it and define maybe one area downtown that might even have a different ratio

potentially of mixed use than another. One could be more heavily residentially oriented mixed use and another one could be more heavily oriented commercial retail.

Commissioner Nagler: Or it could be that you're more granular in defining.

Commissioner Allen: Yeah, where it's important, where you'd want to drive certain pedestrian flavor or not.

Commissioner Nagler: So you have different labels for different....you know, like the Carey project across the street from City Hall versus....

Commissioner Allen:downtown Main Street.

Commissioner Nagler: Exactly.

Commissioner Allen: Right.

Chair Ritter: We probably ought to get onto the other agenda item here. I'm not sure we have a presentation if it matters.

Commissioner Balch: Did Shweta get what she needed?

Chair Ritter: Did you get what you need from us? I just wanted to keep us moving.

Bonn: Yeah, I think we did, thank you.

Harryman: The Commission is supposed to take by vote what else we'll cover tonight if anything. So, do you want to proceed with the next item or wrap up this item or not, but the Commission should vote.

Commissioner Balch: Can I make a recommendation? I recommend that we continue that item but that we complete the other items because I wanted to mention something on 8. Well, I guess it might be 7, but I'm not sure.

Chair Ritter: Permits, so who is presenting?

Beaudin: So it will be Jennifer Hagen presenting tonight and it's about a 10 minute presentation and essentially it's covering some new software and a permit website that we've set up to make it a one-stop on-line permit experience.

Chair Ritter: I think it's really cool and I think we need to spend more than 10 minutes.

Commissioner Balch: Yeah, and we need to remember it tomorrow. So I move to continue the item but handle everything else.

Commissioner Balch moved to continue the presentation on the redesigned city permitting and zoning website - pleasatonpermits.com, including the launch of two new online tools - ZoningCheck and OpenCounter.

Chair Ritter seconded the motion.

ROLL CALL VOTE:

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

Chair Ritter: Okay. Sorry Jennifer. You'll be first next time.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Commissioner Balch: I would like to specifically point out that the construction going on at the corner of Stanley and Bernal; the Vintage Center—is this the appropriate spot to mention such items?

Beaudin: Let's hear what you have.

Commissioner Balch: I'll make it a comment, how about that, with no action necessary. I will say that the construction has been shutting down lanes during peak hours and while it might be within the direction or authority granted by the Director of Engineering, I would strongly suggest they consider not shutting down lanes during peak traffic hours. That being said, I also want to point out a few other issues. The covered fence that they have now placed approximately three feet into the street is creating blind spots on that street, especially right as you pass the new Starbucks there and you're trying to navigate. So, combined with the shutting down of one or two lanes that kind of rotates, you're creating a traffic hazard in my opinion where you cannot see over, and in fact, it's over six feet because I measured it and I do know that you're not allowed to have greater than that type of fence at the intersections and certain things because we don't allow that.

The other thing is that the Starbucks traffic, and maybe this is just....I wasn't on the Commission at that time when this was approved, but I will say they've opened the retail Starbucks element while the construction is going on, but before they've completed the construction in that immediate adjacent area, and as a result, we have the Starbucks traffic ingressing or egressing the new center with all of the construction trucks also ingressing and egressing at the exact same time. So the volume of traffic trying to get through when it's one lane is just choking this intersection already. So I really think we haven't thought through when we allowed the occupancy permit for the retail to be granted in light of the construction completion.

The next part is the lanes closure as I mentioned. I would like to point out that when the intersection of Bernal and Valley; the same road but just at a different location, when that repaving project has been going on, they've been doing it at key times to not impact traffic. I know that when they did Hacienda and recycled water, they did it at key times to be very careful about the impact to traffic. This one is happening at 8 o'clock to 8:30 in the middle of the day at morning commute, with a major backup all the way to the New Leaf shopping center this morning at 8:30. And what we're creating is the Vineyard traffic from Ruby coming through trying to make the left on Bernal and exit out

is clashing with the traffic trying to come down Bernal to go onto Stanley or continue onto Valley, and so my concern is that it needs attention please.

Hagen: We'll definitely take those into consideration. I can let you know the phasing plan they submitted for Starbucks is supposed to restrict any construction traffic from going into that same entry that is supposed to be for customer entry only. All construction traffic at this point should be going through Nevada. So if there's any construction traffic at that intersection we will definitely take care of it and make sure they're aware they shouldn't be co-mingling customer traffic with construction traffic.

Commissioner Balch: And it may not be at any fault, and I don't want to say it's like egregious, and I get it. They have a sweeping truck because they're paving. The sweeping truck's kind of moving around. He's in and out of the coned off lanes as well as the passing vehicular lanes and this morning was just...I'm done! I'm done.

Hagen: Yeah, and that's the other thing. We have been having some issues specifically yesterday and today with our Public Works Department and Engineering regarding some of their lane issues. So, I can tell you we know and are very aware of the issues yesterday and today. Previously to that we hadn't really received any comments, but we are aware of some of the lane issues that they have and we are in the process of addressing them.

Commissioner Balch: I'm going to go slightly further just because you're eating this up. The fact that the Fire Station 1 is there. I'm sure that the service level to those residential neighborhoods in close proximity or those areas has declined because of the jam. The fact that where they're blocking the lanes which is particularly between Vintage is the new street name and Stanley is the only way out for that fire truck to get out. Otherwise, it has to crawl back to California Street and get out Utah, California, all those state streets, to get onto Stanley further down. And so I'm sure the fire department has planned that, but that needs attention.

Hagen: We'll definitely take care of that for you.

Chair Ritter: Okay, any other matters initiated by Commissioners?

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

Weinstein: So there's just one thing I want to mention. The next meeting we'll be doing the appointments to the Downtown Specific Plan Task Force so you don't want to miss that.

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

- (1) Presentation on the redesigned city permitting and zoning website - pleasnatonpermits.com, including the launch of two new online tools - ZoningCheck and OpenCounter.

The item was continued to the September 14, 2016 meeting.

9. ADJOURNMENT

Chair Ritter adjourned the meeting at 11:08 p.m.

Respectfully submitted,

Adam Weinstein
Secretary