



## PLANNING COMMISSION MEETING MINUTES

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

**DRAFT**

**Wednesday, August 26, 2015**

### **CALL TO ORDER**

The Planning Commission Meeting of August 26, 2015, was called to order at 7:00 p.m. by Chair Allen.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chair Allen.

### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Assistant City Manager; Gerry Beaudin, Planning Manager; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Mike Tassano, City Traffic Engineer; Steve Otto, Senior Planner; Eric Luchini, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, David Nagler, Greg O'Connor, Gina Piper, and Herb Ritter

Commissioners Absent: None

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

a. August 12, 2015

The Draft Minutes of the August 12, 2015 will be considered at the September 9, 2015 meeting.

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

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

#### 4. **REVISIONS TO THE AGENDA**

Adam Weinstein advised that 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.*

There were no items for consideration under the Consent Calendar.

#### 6. **PUBLIC HEARING AND OTHER MATTERS**

- a. **PUD-25, Greenbriar Homes Communities, Lund Ranch II**  
**Applications for (1) Planned Unit Development (PUD) Rezoning and Development Plan approval to construct 50 single-family, two-story homes and related improvements on the approximately 194.7-acre Lund Ranch II property located at 1500 Lund Ranch Road at the end of Lund Ranch Road; (2) Certification of the Final Environmental Impact Report (EIR) prepared for the project; and (3) Development Agreement to vest entitlements for the project. Zoning for the property is PUD-LDR/OS (Planned Unit Development – Low Density Residential/Open Space) District.**

Commissioner O'Connor recused himself due to a conflict of interest.

Brian Dolan presented the staff report, noting that this is a continued hearing from the June 24, 2015 Planning Commission meeting, where the four Commissioners present were unable to pass a motion, and the Commissioner's Handbook provides that when a motion results in a tie vote, the item would be re-heard at a future meeting with a full Commission in attendance.

Mr. Dolan stated that he would not be going through the long, comprehensive presentation made at the last meeting but would only be covering some new information specifically requested by the Commission at and since that meeting. He indicated that his presentation tonight would primarily be related to the impacts of potentially building a second access road up the hill to connect to Sunset Creek Lane, followed by a reiteration of staff's recommendation and the reason behind such recommendation, and ending with a few housekeeping items.

Mr. Dolan then displayed slides of a series of sections of the possible roadway across the side of the hill that leads up to Sunset Creek Lane, indicating that there is a Summary Sheet at the end of these options which gives some information about the quantities of grading involved.

1. Option A is a 32-foot roadway with an eight-foot wide trail and shows the existing as well as the proposed grade. There would be a substantial amount of fill on the

bottom side of this particular section of the roadway. Further along the road, the grading flips and ends up with grading above the road; and farther down the roadway, there is a cut above the roadway where the grading would occur.

2. Twenty-Four-Foot Wide Alternative is a narrower road. The standard roadway is 32 feet wide; and there is an opportunity here to narrow the roadway to 24 feet because there is really no need to provide parking on this street. The grading pattern would remain above in one location and below in the other, but the grading is not quite as extensive and would have a little bit less impact on the hills.
3. Option B is also done at 32 feet and reduces the amount of grading by using retaining walls. The grading is cut down a fair amount, but there is the approximately ten-foot high retaining wall, exposed above on one end and below on the other.

Mr. Dolan then presented and explained the Summary Sheet:

- Length of the Road. This obviously does not change in any of the options; the land area for the two Option A-Section A, Option A-Section B are over two acres; Option A without the retaining walls is almost three acres at 2.7 acres, which is almost cut in half with the retaining walls in Option B. He indicated that an estimate of an acre would be the size of a football field.
- Area to be Graded. The amount of area that would need to be graded within the 25-percent slope area is about the same for Option A and the 24-Foot Road Option at 1.7 acres and 1.6 acres, respectively. This goes down to 0.8 acre without the retaining wall.
- Fill in the Creek. The fill to be put in a culvert to cross the creek is generally about the same for the three Options.
- Heritage Trees. The number of Heritage trees to be removed goes down from about 20 to 12 with the use of retaining walls.
- Earthwork. The smallest amount of cut-and-fill would be in the 24-Foot Road; the others are roughly the same. This sounds like a lot at about 11,000 or 12,000 cubic yards, but this is relative and is not as much as was moved around in other projects, such as the Chrisman project.
- Number of Truck Trips. The intent, if the construction of the road is incorporated into a project approval, is to actually use this volume of dirt that would need to be moved on the site, that is, within the project, so there would be less of an impact than was first thought.
- Maximum Depth of Cut. This ranges between 12 and 9 feet. The maximum depth of fills is consistent at 18 feet.
- Maximum Height of Walls. Option A and the 24-Foot Road Option gives the height of a retaining wall at the culvert, about down into the creek surrounding the culvert; this retaining wall height is not going to be visible on the hillside because there are no retaining walls necessarily built-in along the length of the road, and so even though the average height looks pretty consistent, two of them do not really have walls along the length of the road; it is just down in the creek which will happen no matter what. Building this road will mean having a culvert and crossing the creek, so there will be some sort of retaining wall down in the secret part of the bank.

- Linear Feet of the Walls. This is really a very short distance at 220 feet and 187 feet for Option A and the 24-Food Road Option, relative to Option B at 1,185 feet as it is a proposal to have retaining walls almost the entire length, more than the length of the roadway.
- Average Wall Height. This is an average of 6 feet, 4 inches on Option B, where there is a wall along almost the entire length.

Mr. Dolan reiterated staff's recommendation to recommend to the City Council that the FEIR conforms to CEQA, that the PUD is consistent with the General Plan, to make the necessary findings to approve the PUD Development Plan, to approve the Development Agreement, and to approve Option 3 as outlined in the original staff report, the proposal to divide the neighborhood into two sections with the cul-de-sac off of Lund Ranch Road that would serve ten lots, and the remainder of lots in the development would go out the road across the creek to connect to Sunset Creek Lane.

Mr. Dolan then presented the reasons for recommending Option 3:

1. It honors the spirit of the previous agreements with Ventana Hills. A lot has been mentioned about whether or not those agreements are legally enforceable. The City Attorney's position is that they are not, but it was part of an ongoing dialogue that was incorporated into many of the City's planning documents over the years.
2. The Sycamore Heights and Bridle Creek neighborhood residents had prior knowledge there would be additional development connected to their streets. There was a fair amount of testimony about that and what their documents included when they purchased their homes and the signs that have been put up.
3. There has been the primary question here, which is: "*Wouldn't Measure PP prohibit that?*" Staff's conclusion is that the City Council has the authority to interpret Measure PP where it is not clear, and it is not clear that a road is prohibited by Measure PP. The City Attorney backs that interpretation that it is not clear and that the Council has the choice; and the City's outside counsel also comes to the same conclusion. That allows staff to make this recommendation.
4. The Option represents a compromise between the two neighborhoods who clearly disagree over this issue.

Mr. Dolan acknowledged that the EIR identifies this particular Option as having slightly more environmental impact, but these impacts are not extreme and un-mitigatable; they are fairly routine things that are done in development all the time to make these impacts less than significant, and that is the process that the applicant would have to go through in getting the various permits from other agencies to make that happen.

In terms of housekeeping things, Mr. Dolan re-alerted the Commission to a memo that was handed out at the last hearing that supplemented the staff report; the memo included minor amendments primarily to engineering-related conditions that would apply as a part of staff's recommendation tonight. He added that there is one other condition that staff is recommending. He apologized that this is so late in the game, but one of numerous emails and letters that came in over the last several days raises some issues

relative to the conclusions that were previously reached about the area of a man-made slope right down by the creek where the barn is. He indicated that staff went out in the field today to look at this again. He noted that this is not something that can be resolved this evening, but staff is suggesting that when the Commission gets to the point of making a motion, a condition be added which basically says that staff is going to take another look at the assumptions made on what a man-made slope is before it goes to City Council; and if staff determines that there is development proposed in an area that is a natural 25-percent slope and not a man-made 25-percent slope, then the project would have to be amended to work around that.

Chair Allen referred to the new staff report for tonight and requested clarification about what staff's recommendation is relative to the road access, if one were to be built.

Mr. Dolan replied that staff is recommending that the Commission opt for the 24-foot wide, narrower road without retaining walls.

Chair Allen inquired what the thinking was on that.

Mr. Dolan replied that the thinking was that the retaining walls do get fairly high, and it addressed the issue that there are some people who believe that Measure PP allows a road, but that a retaining wall is clearly a structure and would not be allowed under Measure PP.

Chair Allen inquired, for clarification, if all the road options presented tonight have a hiking/walking trail and that part of the cut is to support the trail and not just the road.

Mr. Dolan replied that was correct; it would be an eight-foot wide trail.

Commissioner Nagler inquired if the 24-foot road would also have a trail.

Mr. Dolan said yes.

Commissioner Nagler noted that it is not reflected on the drawing and inquired if it would be just a trail to the side.

Mr. Dolan replied that staff did not do the drawings; staff just did the summary. He added that the trail would be right next to the road.

Commissioner Nagler inquired if the 24-foot road would not have a sidewalk but would have a curb on each side.

Mr. Dolan replied that it would be a multi-use eight-foot trail on one side of the road and would have a curb and gutter.

Commissioner Nagler inquired if the 32-foot road would look like the 24-foot road, but just wider, with parking on both sides.

Mr. Dolan said yes, and it would include parking on both sides as it is a residential street.

Commissioner Nagler inquired if a 24-foot wide road can accommodate the car trips in the area.

Mr. Dolan replied that it easily would.

Commissioner Piper inquired if the trails would be dirt.

Mr. Dolan replied that it would be asphalt or decomposed granite.

Chair Allen addressed the audience and stated that everyone present has invested many months and years being involved with this project, and that each one's point of view is very, very important to that person, and that everyone has a strong commitment to seeing a solution here. She added that some among the audience have not had an opportunity to speak, but because she wants to make sure that each person in the room tonight has an opportunity to voice his/her opinion, she would ask a few questions and would like the members of the audience to raise their hand based on how they feel about the question. She then asked questions regarding what their greatest concerns on this project are to them personally and their family:

- Who is most concerned with traffic being a top issue?
- Who is most concerned about protecting the General Plan as it exists today in terms of the agreements that were made around the Lund Ranch access?
- Who is most concerned about the potential that Sunset Creek Lane connection might be a violation of Measure PP?

Chair Allen then asked the following set of questions regarding the preferred options in the staff report at the June meeting:

- Who would support approving the plan that Greenbriar proposed which is the plan which has Lund Ranch Road being the access point for traffic?
- Who would prefer to just solely have Sunset Creek Lane as the primary access for this project?
- Who would prefer staff's recommendation which was a blend of the two and having access through both roadways to distribute the traffic, using the staff numbers of 10 of the homes would have access through Lund Ranch Road with Middleton staying with Lund Ranch Road, and the remaining would have access through Sunset Creek Lane?

Chair Allen then referred to a final question in connection with new information on road options that Mr. Dolan raised regarding access through Sunset Creek Lane:

- Who would support the 32-foot wide road with the trail and no retaining wall?
- Who would support the 24-foot wide road with the trail and no retaining wall?
- Who would support the 32-foot wide road with a retaining wall?

Commissioner Ritter thanked everyone for coming. He indicated that he was out of town at the last meeting and wanted everyone to know that he did read every memo that was sent, he listened to the tape recording of the proceedings, and has been going through the stack of documents over and over so that he has heard everything that was said at the last meeting, just as his fellow Commissioners have. He added that he would value and appreciate any new or different input that would be brought up tonight.

Chair Allen noted that Commissioner Ritter was involved in the earlier meetings and Work Sessions on the EIR.

Commissioner Ritter confirmed that he was present then.

Chair Allen indicated that due to the number of speaker cards she has received, she would limit comments to three minutes and asked the speakers to help the Commission by being succinct and focus on new information. She noted that the audience has been fabulous at past meetings and requested that each one really respect the process and one another's input.

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

Chris Coleman stated that he noticed among the options presented that there was none to just not build. He noted that there were only four or five hands raised regarding the original proposal by Greenbriar, and in the meanwhile, this has pitted neighbors against neighbors who are otherwise friends and share walks in parks with dogs.

Bill Lincoln called the Commission's attention to his email that was included in the packet for tonight's meeting. He stated that he believes the 13 points he made supporting the use of Lund Ranch Road and not Sunset Creek Lane are strong ones and worthy of the Commission's vote tonight. He noted that throughout history, there are numerous examples of promises that were reversed, contracts that were broken, laws that were repealed, new laws that were passed, and City growth plans that were modified, and Pleasanton is one such City. He indicated that a voter-based mandate that is passed, such as Measure PP, is the strongest form of law and must be supported by all, now and in the future.

Jimmy Ko stated that he purchased his home four-and-a-half years ago and wanted to put a human face on what it is like to live in Junipero Street. He indicated that he was not aware then that there would be a development in Lund Ranch, unlike the people in the Sycamore Creek neighborhood. He stated that in the morning and evening rush hour, that street is full of traffic, and he believes that adding more cars on Junipero Street is a bad idea. He noted that they do not have the double-yellow line striping that exists in the Sycamore Creek area. He added that he understands the environmental concerns and Measure PP, but it is just a bad precedent to break the original agreement with the developer.

David Melaugh stated that as noted in his letters, she has canvassed all of the sources he could find, including the Measure PP ballot materials, the Pleasanton Municipal Code, and the code of many, many other communities, and they all support the notion that roads and retaining walls are types of structures. He indicated that what he has not heard from anyone, not from the staff, not from the audience, are any concrete reasons why roads or retaining walls are not structures; not one cited code nor dictionaries or ballot materials. He stated that to decide something this important, it is necessary to be able to point to something that supports the notion that roads and retaining walls are not structures. He noted that at its last meeting, the Commission found itself in a position that some walls are structures and some walls are not, that some roads are structures

and some roads are not. He added that people have learned since then that roads are structures, that walls are structures, and that thousands of truckloads of dirt are going to have to be moved. He stated that one of the proposals involves building 1,000 linear feet of 10-foot tall retaining walls, roughly two football fields worth of grading, and 20+ Heritage trees being removed to cross a creek. He stated that there is no doubt Measure PP voters voted against that.

Mr. Melaugh stated that looking at the traffic numbers from the report, it is very clear that his neighborhood is experiencing far more traffic right now than Ventana Hills is, and all of the traffic from this project is added to the Ventana Hills neighborhood, they would still be experiencing less traffic than Ventana Hills. He encouraged the Commission to act as a Community of Character and enforce the law and honor the role of the voters.

Carol Spain, a member of the Ventana Hills Steering Committee since its inception in 1991, stated that she spoke at the June 24<sup>th</sup> meeting and will not repeat what she said then. She indicated that she would like to address two specific items that did come up during that meeting that she believes warrant some clarification:

1. A statement made by the biologist working with Greenbriar Homes indicated that using Lund Ranch Road to access the Lund Ranch II development would simplify the permanent need for the Army Corps of Engineers, the Regional Water Quality Board, and the California Department of Fish and Wildlife. Greenbriar's current plan is mapped in the draft EIR in Figure 4.3-1A which shows the creek bed will need to be removed for the purpose of constructing seven to nine lots which would go over the existing creek channel. This construction will relocate the creek by approximately 243 feet with hundreds of linear feet of retaining walls that will back up to or over the former creek bed. The creek-crossing with bridge abutments on either side of the creek channel will pale in comparison to the wetland impact with this proposed lot layout.
2. The second item refers to the potential need for a small portion of a 25-percent slope to build a new connector road as well as the previously proposed retaining wall infrastructure to support this road. At the special City Council meeting held on June 26, 2008 which was prior to the vote of Measure PP, Councilmember Karla Brown, who is one of the Initiative sponsors, clarified that the intent of Measure PP was to control construction of residential and commercial structures and not roads that may be on 25-percent slopes. Given Ms. Brown's clarification in 2008 that Measure PP was never intended to include roads, the voter information statements that were in the ballot indicating that Measure PP would not apply to roads, the vote from the City Council in April 2013 that supported a road is not a structure, and the new 24-Foot Road Option proposed by City staff which does not require infrastructure retaining wall support, the Planning Commission move should forward with approving Option 2, which does not violate Measure PP since a road is not a structure, and it is the alternative that upholds agreements and understandings the City has made during the past 25 years.

Ms. Spain stated that moving forward with Option 2 is the right thing to do for Pleasanton to ensure that it be known as a community with character. She added that while she would like you to move forward with Option 2, she would support Option 3 as a solution.

Chris Markle stated that he works in the software development business and they have a law called Postel's Law which says "*Be liberal in what you accept and conservative in what you do.*" He indicated that being conservative means interpreting Measure PP exactly as it is written. He asked the Commission not to make a liberal interpretation and say roads and retaining walls are not structures, threatening not only the hillside above Lund Ranch II and Sycamore Heights but for to six other potential future Pleasanton projects. He further asked that the Commission be a Community of Character and obey the law voted in by its fellow citizens.

Steve Spinola stated that he is Pleasanton resident for 44 years, and Junipero Street did not go through then; the only egress was Mission Drive and Sonoma Drive. He indicated that Mission Drive was designed to be the main street; it had no trees on a parking strip so there was a clear visual shot. He noted that the cows would come to the corner from across the street and then go to the park with the big slide. He further noted that it was because of the big slide that Mission Street did not go through, and Junipero Street did. He added that Junipero Street was designed to go out towards Sunol Boulevard, and it went out the Mission Drive exit; Junipero Street was not originally designed by planners and builders to be an egress.

With respect to traffic safety, Mr. Spinola stated that he called Sgt. Leonardo to come out and have someone at the corner because the rectangular sign in front of his house is actually a stop sign, and normally they would monitor that at the first week because everyone is late getting their kids to school. He stated that when he moved to Pleasanton, no one thought then that there would be 50 houses at the end of the road. He asked if it would be at 50 and would it keep going.

Greg O'Connor distributed some documents to the Commission and stated that one of the documents is a fairly long letter written by Anne Fox, who was one of two authors of Measure PP. He stated that in the letter, Ms. Fox says that she used the word "*structure*," and what that means is all in that letter. He then made the following two points, the first being that the Lund Ranch II development with ingress and egress only from Lund Ranch Road as proposed by Greenbriar is the environmentally superior plan in the EIR. He indicated that he was also asked by someone if he could please explain to them why building a road up from Lund Ranch Road to Sunset Creek Lane would violate Measure PP, and in his opinion, there are four reasons:

1. Measure PP states that housing units and structures shall not be placed on hills 25 percent or greater or within 100 vertical feet of a ridgeline. "Structure" is defined in three key places: in Section 18.08.535 of the Pleasanton Municipal Code, which says that "*A structure is anything constructed or erected which requires a place or location on the ground.*" That would certainly include roads. The California Government Code, Chapter 4.5, paragraph 65927 says, "*Structure includes but is not limited to any building, road, height, flume, etc.*" and it lists other things, but "*road*" is spelled out. The California Building Code also defines a structure as "*that which is built or constructed.*" That includes a road.

Mr. O'Connor stated that people can keep searching for all kinds of definitions all over the place that will fit what they want it to be, but the key would be the Pleasanton Municipal Code, the California Code, and the California Building Code.

2. Roads built on 25 percent of slopes will generally require V-ditches or retaining walls which also fit those same definitions he just gave.
3. On March 14, 2012 and January 23, 2013 the Planning Commission at both times unanimously agreed that roads were structures. City staff and the City Council also unanimously agreed at its November 27, 2012 that roads were structures.

Mr. O'Connor stated that it is clear that a road is a structure and is subject to Measure PP. He added that, as mentioned by a speaker, when voters voted for Measure PP, they were looking to preserve the hillsides so they could look up and see pristine hills with no roads and no structures. He indicated that the Commission's decision tonight will set a major precedent going forward and asked the Commissioners to please support Measure PP.

Belinda Zhu stated that the bottom of the issue is that accessing Sunset Creek Lane is a clear violation of the intent and the written document of Measure PP. She urged the Commissioners to vote in accordance with the law to avoid any future potential legal liabilities.

Allen Roberts acknowledged that he did not need to say half of what he was going to say, which is about man-made slopes, because it was already addressed earlier by staff. He reminded the Commission to please condition any approval on getting the area of the man-made slopes corrected on any lots affected.

Mr. Roberts stated that he was here tonight to ask the Commission to respect the vote of the people to preserve Pleasanton's ridges and hills. He indicated that while the current project is not very visible to most of Pleasanton, decisions made on this project will affect future projects that will be very visible. He added that besides the issue of man-made slope, Lot 32 has a ridge leading up to it that exceeds 25 percent, and he asked the Commission that as a condition of its approval, Lot 32 be checked for compliance with Measure PP.

Mr. Roberts stated that unfortunately, nearly all the discussion on this project has been on its access roads and has completely ignored all the other merits and issues of the project. He indicated that while he completely understands that the existing Ventana Hills residents have been promised no more traffic for years, that does not change the fact that Measure PP was enacted, and despite what Measure PP writers might have had in their minds when they wrote it, it is now the law and the definitions in place are what matters now. He further indicated that trying to bend those definitions to allow Measure PP to be circumvented is doing a disservice to the voters. He reminded this Commission that a prior Commission and City Council addressed this issue and unanimously voted that a road is a structure. He asked them not to try to rationalize that a highway is a structure and a dirt road is not, and that a road is not a structure but

something called infrastructure. He noted that there is no reference to infrastructure in the California Building Code, and Pleasanton should not create such a definition merely to circumvent Measure PP.

Mr. Roberts stated that at the last Commission meeting, he watched the Commissioners agonize about their decision between upholding Measure PP and prior neighborhood commitments. He indicated that the Commission does not have to make that choice; it could instead approve 10 units and condition the additional 30 or 40 units to ask the voters who passed Measure PP if they want to have this road built to Sunset Creek Lane; and if the voters approve, then the full project can be built with those additional units connected to Sunset Creek Lane, but if they do not, then it is a 10-unit project. He pointed out that in this manner, the Commission could uphold Measure PP and prior commitments at the same time. He asked the Commission to please respect what the voters wanted for Pleasanton and not undermine Measure PP without their permission.

Kay Ayala stated that after the last meeting where the intent of Measure PP was questioned, she contacted Steve Brozosky, a former Councilmember and former School Board member who was part of the group that put the Measure PP together, as he is an IT person and asked him to search his emails that were exchanged during that time. She indicated that she was the focal point of the group and everything went through her; she printed out the Initiative and got the signers for the Initiative. She stated that Mr. Brozosky summarized the emails and sent it to the Commission; however, the Commission may have received it a little bit late, and so she wished to read it tonight:

*“In Measure PP, roads were never considered to be structures. This discussion came up during the writing of PP because of the golf course bypass road, and we wanted to make sure there was nothing in PP that would preclude that road from going in. Since Measure PP pertains to development greater than 10 houses, it was really equating houses, secondary units, and other above-ground structures to structures.”*

Ms. Ayala stated that it has been brought up recently that some dictionary definitions consider a road a structure; however, that was not the intent when Measure PP was developed. She indicated that she whole-heartedly has the same recollection as Mr. Brozosky, and this is backed by emails. She noted that when Measure PP passed, it did protect Pleasanton’s ridges, including the ridges on Lund Ranch II today. She added that the people who moved into the Sycamore area should appreciate all the history that went into their beautiful homes and accept their CC&Rs and 25 years of Pleasanton history. She pointed out that staff’s Option 2 would hold that 25 years of history, and Option 3 would yet again be compromising but would be acceptable. She added that she supports staff’s recommended 24-foot road.

Mark Priscaro thanked Mr. Dolan for his clear and nicely-stated presentation. He stated that Junipero Street was designed to be a residential collector, not a thoroughfare which is currently taking cut-through commuter traffic daily from Bernal Avenue via Independence Drive, ending at the intersection at Sunol Boulevard. He noted that it has become a major arterial roadway handling close to 5,000 car trips per day, and because of this, the intersection located at Junipero Street and Sunol Boulevard has deteriorated to a Level of Service (LOS) F. He added that the completion of the large 350-apartment

units/retail development at the corner of Bernal Avenue and Stanley Boulevard currently under construction will most certainly create even more cut-through traffic on Bernal Avenue through Independence Drive and Junipero Street to the Sunol Boulevard corridor, further adversely affecting their existing neighborhoods. He noted that City Traffic Engineer Mike Tassano never addressed this cut-through corridor at the time in 2013 when that project was being decided upon.

Mr. Priscaro stated that through various City Council and Mayoral administrations, including various City staff, over the past 25 years, his neighborhood was consistently promised that all traffic from any Lund Ranch II development would exit through Sycamore Creek Way in Bridle Creek. He indicated that Option 3 is a compromise whereby 40 homes would enter and exit via Sunset Creek Lane, Sycamore Creek Way, and Bridle Creek, and 10 homes would end in a cul-de-sac with immediate access via Lund Ranch Road. He stated that together with the Ventana Hills Steering Committee, he felt this is a fair compromise balancing previous commitments made by the City, previous plans adopted by the City, and the concerns of all affected neighborhoods. He pointed out that they are already suffering from cut-through traffic, will be suffering even more once the Bernal Avenue/Stanley Boulevard project is completed, and now the Planning Commission is considering that they take on even more traffic. He stated that that is neither fair not right or equitable, and is unacceptable to the residents of Ventana Hills and Mission Hills.

Mr. Priscaro stated that Councilmember Karla Brown stated back in 2013 with respect to the Bernal Avenue/Stanley Boulevard project, along with the additional high-density housing projects that were approved then and had collective effects on various neighborhoods throughout the City that *"we all have to share the pain."* He pointed out that the pain Bridle Creek residents should be sharing with the rest of the community with Option 3 is very little and not asking too much. He asked the Commission to do what is right and fair and ethical and opt for Option 3 as staff recommends.

Mike Edwards stated that Mr. Priscaro expressed a lot of his views probably more eloquently. He asked the Commission to consider reviewing the number of cars traveling on Junipero Street and Independence Drive. He expressed concern that although Mission Hills is a great park, the sight lines and driving speed past the Park on Junipero Street's S-curve and Independence Drive's downhill grade contribute to potentially dangerous conditions for people in the Park, especially when there's a practice or a party with cars park along the side of the road. He pointed out that by adding a minimum of 60 daily trips past the Park that projects an additional 20,000 cars and delivery trucks utilizing these two roads obviously increases the chances of a child, adult, or pet being injured while enjoying one of Pleasanton's best parks.

Mr. Edwards stated that he would like to make three additional points about the potential increase: (1) there is already a traffic-flow problem at the stop light at Junipero Street and Sunol Boulevard through the Raley's shopping center with I-680 commuters and Hearst and middle school traffic; (2) there are no crosswalks leading to Mission Hills Park from Hopkins Way; and (3) there are no stop or yield sign on the intersection of Mission Drive and Junipero Street. He asked the Commission to take each of his points into consideration in deciding the future of the Lund Ranch II project and to please keep their parks safe.

John Bauer thanked the Planning Commissioners for their public service to the community and City staff for conducting their research and confirming that a road can be built between Lund Ranch II and Sycamore Heights without traversing a 25-percent grade, which throws Measure PP out the window and still keep people happy.

Mr. Bauer stated that Scenario 6 of Figure 5.1 of the EIR named "Bonde Agreement" is not correct and is misleading, as Scenario 6 is the road to Lund Ranch which was part of the City Council's Conditions of Approval in its approval of New City Development's Sycamore Heights residential development. He noted that every homeowner in Sycamore Heights has been given a copy of the Conditions of Approval, and by moving forward with the purchase of their home, accepted the terms of those Conditions that a road would connect 16 Bonde homes into their neighborhood. He stated that a more accurate and appropriate label for Scenario 6 would be "2003 Sycamore Heights Residents' Road approval."

Mr. Bauer stated that many people will speak tonight advocating for a road connection regarding the questions that Chair Allen asked earlier. He further stated that looking at the paver stones between Lund Ranch and Sycamore Heights, it can come across that they did not abide by Measure PP; however, the additional question that should have been asked is how one feels about it going all the way up to Sycamore Creek Way which is by the water tower, which Commissioner Ritter brought up at the Work Session. He noted that it is the most logical option with the least impact on all residents, and as Commissioner Ritter pointed out, the road comes straight up the hill and goes straight down Sycamore Creek Way to Sunol Boulevard without the left/right/left/right turns. He stated that many people will advocate for a road connection to Lund Ranch into the Ventana Hills/Mission Park neighborhood, and many will try to convince the Commission to vote for a road connection to Sunset Creek Lane. He displayed the ballot that the Commission used during its last meeting and stated that the problem with this ballot in the EIR is that there is no scenario which would have this 50-unit development solely connecting to Sunset Creek Lane. He stated that not having the Sunset Creek Lane scenario on that ballot gives an unfair advantage to the residents of Bridle Creek and Sycamore Heights; the residents of Mission Hills Park and Ventana Hills have not been treated fairly in this process. He noted that Pleasanton claims to be a Community of Character: it is on all City vehicles; it is in the City's General Plan. He asked the Commissioners to ask themselves as they proceed what "character" is and what it means to them, and hoped the their actions will confirm that Pleasanton really is a Community of Character.

Linda Perricone stated that she has lived in the Junipero Street area for 12 years and feels like she represents the retired people, the dogs, and the little kids who cross those streets every day and sometimes have to run because vehicles are running the stop signs or are on their phones and not looking. She indicated that the road is already so crowded, and she cannot imagine having any more cars on that road. She asked the Commission to think of them, who have to run and scurry across their own streets so they do not get hit, and to please keep their street safe.

James Frost stated that Measure PP was an interesting exercise due to some people who were involved in it and have one view of what things meant, and several people he knows who were closely involved in it as well and have a different point of view. He indicated that there is clearly some contention here and noted that when he voted for Measure PP, he did not necessarily know those people and voted for having no structures on hills. He stated that he considered a road a structure and that he listened to a Commissioner a couple of weeks ago reading from Wikipedia. He recalled that at the last meeting, he mentioned that he was a very qualified engineer, and as the Commissioner read from Wikipedia, he was very happy because clearly the Commissioner would be defining a road. He noted that at the end of the reading, he was stunned that the Commissioner stated “*therefore, a road is not a structure.*”

Mr. Frost stated that the point he is trying to get to is how this problem should be approached. He noted that while Measure PP is clearly confusing because people do not necessarily agree on what its intent was, he was not confused when he voted for it, and he believes he represents a very large number of people in the community. He questioned what would happen if the Council chooses to make an interpretation of Measure PP because that would set a precedent that could compromise and cause a problem for future developments.

Mr. Frost stated that with all of this information in mind, he went to see a friend of his who is an outside counsel and actually takes great pleasure in suing municipalities when they contravene the rules of things that are written, and in their discussion, the very first words out of his mouth were, “*Well, in California, a road is a structure.*” He indicated that the problem the Commission is facing right now is if it says a road is not a structure, it will be taken to court one way or another and the Commission will lose; and if the Commission chooses not to develop, Greenbriar will say that it has a zoning that allows it to build on this site. He stated that he does not really know how to advise the Commission on how to go forward, but he does know that Measure PP and the way he and most voters understood it is that a road is a structure, and a structure cannot be built on that hill.

Sheila Cotter thanked the Commissioners for their service to the community. She stated that she has been a Pleasanton resident for 15 years and that she will speak to one issue: safety. She pointed out that Junipero Street winds by Mission Hills Park, a park with two playgrounds, a gazebo which could be used for children’s parties, and a field scheduled for use by younger sports teams. She noted that as she drove by at 5:00 tonight, there were teams of little girls and boys playing soccer, and with residents and visitors to the Park, there are often cars parked on both sides of the street with people opening car doors and crossing between parked cars, all in a section with many turns that limit visibility. She continued that as Junipero Street passes Mission Hills Park, the street is 40 feet wide, with approximately seven feet on either side being used for parked cars, which leaves 26 feet of road width with no bike lanes. She noted that the Minutes of the previous meeting and the City’s report state that there are at least 2,800 car trips per day on Junipero Street. She further noted that Sycamore Creek Way, which would feed into Sunset Creek Lane, is 37 feet wide, has bike lanes striped on either side, and “no parking” signs posted from the intersection at Sunol Boulevard to the current end, thus leaving an effective road width of 32 feet. She added that the City reports that the highest volume count on Sycamore Creek Way is currently 580 car trips

per day; Junipero Street already has at least four times the traffic volume of Sycamore Creek Way with less usable road width. She stated that putting significantly more traffic on Junipero Street would sacrifice the safety of their neighborhood, and no one wants to see kids get hurt.

Amy Lofland stated that she is an original homeowner at Ventana Hills since 1988 and a member of the Ventana Hills Steering Committee since its inception. She noted that Pleasanton is a City whose motto is "*The City of Planned Progress*" and "*A Community of Character*". She indicated that as residents of the area, they went to meetings and workshops sponsored by the City in the 1990's to be a part of and help create a feasible plan for developing southeast Pleasanton. She stated that there are 25 years of documented PUDs, Specific Plans, etc., which lay out the traffic flow for Lund Ranch II. She noted that traffic circulation was a large concern then, and the residents worked with the City to be sure that future development had a feasible route that would not overburden existing neighborhoods. She indicated that Greenbriar purchased Lund Ranch II knowing the traffic routing plans, and the developers of Bridle Creek and Sycamore Heights notified every buyer of these plans in their CC&Rs.

Ms. Lofland stated that although their first choice would be Option 2, they recognize that staff has taken two years to research their recommendation of Option 3 in order to balance previous commitments made by the City and consideration of concerns of affected neighborhoods, and the residents believe that staff would not make this recommendation if it were not legally feasible. She pointed out that by agreeing to accept Option 3, they would be compromising: keeping the 16 homes on Middleton Place, a new cul-de-sac with a maximum of 10 homes, and an EVA at the end of Lund Ranch Road will essentially mean that 260 to 286 car trips that would have exited Sycamore Creek Way will remain in their neighborhoods. She pointed out that The Vintage development under construction on the corner of Bernal Avenue and Stanley Boulevard will create 3,500 estimated car trips per day, and there is no question this will increase the cut-through traffic on Independence Drive and Junipero Street which are already over-burdened.

Ms. Lofland stated that they have never been against new development, but it is not more important than the residents in existing neighborhoods in this community. She pointed out that if the Lund Ranch II PUD cannot uphold previous agreements, PUD's, Specific Plans, and General Plan direction by finding a way into Lund Ranch II through a planned traffic route of Sunset Creek Lane, then the development should be reduced to 10 units. She added, however, that they believe that route can be found. She indicated that they support staff's recommendation of the 24-foot road alternative with no retaining walls for the Sunset Creek Lane extension, which would not be any different than what already exists road-wise in their neighborhoods.

Ms. Lofland stated that there are several points of documentation where the Measure PP Initiative sponsors both publicly and on record state prior to citizens voting that roads are not a part of Measure PP, and they did not find any documented information prior to the vote where roads were mentioned as part of Measure PP. She noted that what was communicated to the voters prior to the passing of Measure PP was that roads are not a part of what Pleasanton voters approved, and she was one of those voters.

Ms. Lofland stated that there is no other development in Pleasanton with this unique set of circumstances and such long-standing documented plans for circulation. She asked that the Planning Commission recommend to the City Council upholding previous agreements and Specific Plans, and voting for either Option 2 or Option 3 in the staff report. She indicated that they do not see that these interfere with Measure PP, and the City Council has already voted that a road is not a structure and that Measure PP would be applied on a case-by-case basis. She then asked the audience for a show of hands of people who support this and who have come here tonight for that.

Carolyn Lincoln read the following letter from the San Francisco Bay Chapter of the Sierra Club into the record:

*Honorable Mayor and Members of City Council and Members of the Planning Commission,*

*In past recent weeks, the environmental impact report was released for Lund Ranch II. It contained the results of a review of a number of options for the construction of a modest number of homes and an access road. The Sierra Club's local chapter, (which includes Pleasanton) has had members perform the review of this EIR, and they concur with the report's findings, and with the developer, that the Lund Ranch Road access is the preferred environmental approach to minimize impacts and avoid construction on high sloping ground.*

*However, it has come to our attention that the City of Pleasanton administration is proposing to overrule, and deviate from, the EIR and attempt to push a second road through the steep-sloped ground. This additional road is not the environmentally preferred solution, and it will also likely to run afoul of the Measure PP, which voters approved for the purpose of preventing the environmental damage and steep-sloped terrain.*

*It is therefore our earnest request that the City administrators use the EIR as the impartial planning tool and implement the EIR's preferred project configuration with the lower impact road that does not violate Measure PP.*

*Sincerely,*

*Rebecca Evans, Chapter Chair  
Sierra Club San Francisco Bay Chapter.*

Tim LaBarge stated that he is speaking on behalf of my wife, Vicki LaBarge, and read her notes as follows:

*"Junipero will take on an additional 500 plus cars a day on top of the 2,400 that already commute up and down our street. These are numbers that have been validated by traffic control, as they've been monitoring traffic over the last couple of years. As a matter of fact, there is no thought given to the additional cut-through traffic that will happen even if it had been about the Traffic Commission once the 350 apartments go up on the corner of Bernal and Stanley which are under*

*construction at this point. I'm certain there will be more cut-through traffic associated with those apartment complexes."*

*"The future development has always been planned via exit Sycamore, hence the signage and existence of the fire hydrant sitting in the middle of the field where a future road extension off Sycamore Creek will exist. Homeowners in Sycamore Creek and Sunset Creek have always been aware since the purchase of their homes, unlike Junipero homeowners who had no idea that parkland would force traffic down our street. The road was always intended to go through there. Change is okay, but when it is forced on one neighborhood, that is simply not okay. We're feeling the brunt of all the development going in behind us obviously."*

*"The developer can and should figure out a plan to exit via Sycamore Creek and Sunset Creek which avoids 25-percent slopes. There is a way. It is the developer's job how to build within the confines of the conditions that the Planning Commission dictates. It is possible that the slope connecting Sunset Creek is not 25 feet. Environmental impact by the developer questioned the homes that cross creek beds would be difficult to the environment as the road crosses a creek bed. Let's have the environmental community involved to figure out which has the more significant impact. I urge the Commission to vote staff's recommendation of Option 2. Do not connect the Lund Ranch Road. If you cannot see your way clearly to do this, please issue staff recommendation Option 3 which creates a cul-de-sac and a maximum of 10 homes exiting Ventana Hills and Mission Hills Park neighborhoods."*

Justin Brown, a six-year resident of Mission Hills Park, stated that at the last meeting, many different Commissioners stated that they agreed with the Mission Hills Park and Ventana Hills residents, but those comments of support were quickly followed by pause and dissipation. He distributed some materials to the Commissioners and stated that he would talk about a few things on the handouts. He noted that as previously mentioned, Sycamore Heights and Bridle Creek residents are clinging to an idea that either Measure PP or the EIR should be used to justify ignoring 25 years of solid and consistent planning. He indicated that the technical challenges are motivated by the CC&Rs which prevent a legal challenge to the well-known and well documented road connections with signs to purchasers of those homes.

Mr. Brown stated that the only factors in the EIR that are shown as significant are related to Table 5.2 of the EIR: both the existing proposal and any ultimate connections including Ventana Hills and Mission Hills Park increase the traffic noise by at least 4 dBA, which is considered significant according to the report, and only Scenarios 5 and 7 of the EIR do not represent a significant impact. He noted that the other important table in the EIR is Table 5.3, which describes all of the remaining environmental aspects including the alternatives as being mitigatable. He pointed out that if ultimately, the only significant item in the EIR is the traffic noise, then he suggested that the Commission look at Scenarios 5 and 7 in the EIR.

Mr. Brown stated that one of the things mentioned at the last meeting is that two of the Commissioners opted for Scenario 3 in the EIR. He pointed out that this scenario creates significant cut-through traffic from Sycamore Creek to get to Raley's, Safeway and other destinations. He added that this scenario would also open the door to more

vehicle traffic if the Spotorno Property were ever developed in the future. He noted that it is certainly not a compromise for them and would make things significantly worse for their neighborhood; so EIR Scenario 3 is not a winning proposal for anyone. He stated that Staff Option 2 is fully justifiable, and the EIR connection Scenarios 5 and 7 should be looked at for further mitigations.

Mr. Brown stated that on the topic of whether Measure PP should apply, as noted by Ms. Lofland, the Council has instructed that projects be considered on a case-by-case basis and those that are looking to use this project as an example are doing so on an opportune basis. He stated that he supports Option 2 and that he would be willing to support Option 3, knowing full well that the development has to have a path forward and a resolution needs to be made.

Joe Reed stated that he has lived in Pleasanton for 19 years but is not new to some of the words he has heard tonight. He noted that commitments were made to one community that no new traffic would be brought through their neighborhood, and a clear document was given to the other neighborhood that they would have to expect new traffic. He indicated that he cannot see why a compromise is even being discussed. He applauded everybody here tonight for at least looking for a compromise that does the best they can.

Richard Li stated that he wants to share three points: (1) The basic fairness of Ventana Hills, which clearly has a larger population, higher density, and much higher traffic. There is no good reason to introduce new traffic to this area. (2) As many people have mentioned, the safety around Mission Hills Park is really a grave concern. There are lots of sharp curves, and cars park on both sides. The visibility is very limited. There is strong concern about safety and heavier traffic in that area. (3) Measure PP is important, but in this case Measure PP is not in the position to trump safety and basic fairness. He stated that he supports Option 2 and does not think Option 3 is fair enough.

Matthew Templeton expressed concern about the safety of construction access. He indicated that he investigates traffic accidents and has been involved in about 180 fatalities in the last five years and primarily for about 40 of them. He stated that Sunset Creek Lane has some common characteristics and has roundabouts, and assumed that everyone has driven both access routes to the proposed development. He pointed out that construction vehicles are bigger than cars and drivers cannot see out of them as well. He noted that the view continually changes as one goes around a traffic circle, and one is not able to see pedestrians and children who may be there. He indicated that Sunset Creek Lane is a very dangerous way to handle construction traffic. He noted on the other hand that the Junipero Street access is a straight view and has stop signs. He indicated that he does not think either street is a good access point; however, one of them is actually set up a little bit better than the other.

George Albritten, a 27-year Pleasanton resident, stated that he has been on the Ventana Hills Steering Committee for 24 years and has worked with the current Commissioners' predecessors many times. He added that he also happens to be a 37-year Sierra Club member and does not agree with the Sierra Club's letter. He indicated that 17 years before Measure PP and Measure QQ, the Steering Committee

worked with Shapell and the Planning Department and others to try and make sure that the Shapell homes were built down in swales and not on the top of the hills. He noted that it required a lot of movement of earth, and being a Pleasanton resident during the 2008 timeframe, he did not want to see houses up on the hills.

Mr. Albritten stated that the community has the Commission as its representatives to interpret the laws. He indicated that the Commission has heard people tell it to force the laws, to apply the laws, but it is really simple: the Commission has to interpret the laws for the good of the community. He noted that Pleasanton is a Community of Character, a City of Planned Progress, and the Steering Committee has worked very hard over the last 25 years to work with the City and do the right thing; he asked the Commission to do the same.

Mr. Albritten stated his colleagues from the Steering Committee and his neighbors from Ventana Hills and Mission Hills have already done a wonderful job of which Options they are supporting. He asked the Commission to interpret the law for the betterment of the community and do what is right.

Christian Seebring, representing the Applicant, reminded the Commission that none of the documents relied on by the Ventana Hills group involved the owners of Lund Ranch or Greenbriar, that at the time that those documents were prepared, there were 150 homes proposed on the site and that the General Plan still shows 149 homes on the site. He noted that that is not what is proposed today. He also reminded the Commission that the EIR concludes there the project does not have any significant traffic impacts, but the project has nonetheless been conditioned to provide \$200,000 in traffic-calming that can be used at the City's discretion. He further reminded the Commission that the volume of project traffic with the proposed project being a single access to Lund Ranch Road would be about one car every two minutes on the AM peak hours and less than one car a minute on the PM peak hours; and on Junipero Street, the project traffic would be one car every two minutes during the peak hours. He acknowledged that that would be more than without the project. He then clarified that with respect to the nature of the roads that have been shown earlier, his understanding is that the 24-foot option would require a guardrail for safety reasons, which was not discussed earlier.

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

Commissioner Ritter stated that it has been brought up a couple of times that the Planning Commission or the City Council had an agreement regarding a road and a structure. He inquired if this has ever been voted on or if the Commission or the Council kind of agreed as part of their discussion points.

Mr. Dolan replied that the matter has been on the Commission agenda and the Council agenda at different times, and there was at least one time when the majority of the Planning Commission voted to recommend to the Council that they thought a road was a structure; however, the Commission's position has evolved over time and has not been consistent as this is a challenging issue. He noted that Council seemed to be heading in a certain direction at one point in time and then seem to be heading in a

different direction at another point in time, and he cannot recall exactly what the votes were.

Chair Allen stated that it is her understanding that when the Council and the Planning Commission voted on this previously, they were applying it to all projects, and those votes would have created a standard for all projects that could be impacted by Measure PP versus just one individual project such as is being considered today.

Mr. Dolan replied that was correct. He stated that the last time the Council actually took a formal vote was when it was considering implementing an ordinance, which would apply to all projects. He noted that the Council never had a second reading for that ordinance and so it did not go into effect.

Commissioner Ritter commented that it sounds like it has mostly been opinions and that there has not been any official vote from the Planning Commission or the Council with respect to a definition.

Mr. Dolan confirmed that there was nothing that ended up in completion on the City's discussion of the item.

Chair Allen stated that one of the letters the Commission received from one speaker today mentioned that there might potentially be another option for a roadway that did not access Sunset Creek Lane but had a lower connection down in the Sycamore area. She asked staff to address that question and if there is another road access that does not cross the 25-percent slope.

Mr. Dolan replied that was correct. He indicated that the connection to Sunset Creek Lane, as part of the approval of Sycamore Heights, requires an easement across that open piece of property, and that easement is available to the City to extend Sunset Creek Lane should the City so desire, and the road could be built farther down the hill onto McCutchen Court off of Sunset Creek Lane and connect where the land is much flatter. He noted that the road will still have to cross the creek, but the slope would not be as extreme. He added, however, that the problem is that the piece of property is owned by the Sycamore Heights Homeowners Association and would need its approval, which would be unlikely based on some testimonies given tonight.

Chair Allen stated that a comment was made tonight that whatever decision the Commission makes tonight sets a precedent for decisions on other projects that may be impacted by Measure PP. She indicated that it is her understanding that the Commission was instructed that this is not a precedent and that, in fact, the Commission is supposed to look at each project on its own and apply its best thinking about Measure PP. She requested staff to address that question.

Mr. Dolan replied that he cannot really say more than what Chair Allen said, which summarized what the Council's instructions were.

Commissioner Balch inquired if the three road options, the two 32-foot road and the 24-foot road, all crossed at a 25-degree slope, and that the B Option crossed it by approximately 0.8 acre.

Mr. Dolan said yes. He added that Option B's 0.8 acre would be the total amount of grading in the 25-percent slope area.

Chair Allen stated that she would go first tonight because her decision has changed based on the new information that the Commissioners all received, but her decision-making criteria which she shared with the other Commissioners at the last meeting has absolutely not changed. She indicated that at the last meeting, she voted for Option 1 of the staff report, which was to provide all traffic through Lund Ranch Road, and the reason for that was because she assumed that the Sunset Creek Lane connection would require a retaining wall on a slope over 25 percent, which she felt was a violation of Measure PP, and since Measure PP trumps the General Plan, she could not support building the Sunset Creek Lane connection. She indicated that new information tonight on the road connection that, in fact, because the preferred road design is a narrow road that does not have a retaining wall, her concern regarding the retaining wall is now moot.

Chair Allen stated that she wanted to share her perspective about the road as she did not comment at the last meeting about whether she thought a road was an issue or not and inconsistent with Measure PP. She noted that the question she asked Mr. Dolan earlier about precedent was only for the Lund Ranch project. She indicated that if she were sitting on the Planning Commission a couple of years ago and needed to vote on this, and the answer applied to every single project in Pleasanton, her answer to a road could be different, and she would look at every project uniquely as instructed by the City Council. She stated that she does not believe building a road for the Lund Ranch project, assuming there were no retaining walls, violates Measure PP for three reasons:

1. Measure PP does not specify whether a road is defined as a structure or not, and one can argue that if they were to be included, they should have been specified; hence, the Commission has the flexibility to do what it thinks is the right decision.
2. Roads are not consistently defined anywhere as a structure or not, and some of even the best engineers will define them as a structure, some will define them as infrastructure, and some as neither one of those terms. Therefore, since there is no definition, then the Commission's job is to look at the intent of Measure PP, which, as written, was to project the ridges and hillsides generally for the residents of Pleasanton to see the beauty of the hillsides, and then try to answer whether this road violates the intent of Measure PP.
3. The road is not in conflict with the intent of Measure PP for four other reasons:
  - a. The general public cannot see the road in most cases;
  - b. the primary people who can see the road are, in fact, the people that want the road, and those are the folks who spoke tonight in the Ventana Hills and Middleton Place area who are in support of the road and are the most impacted in terms of views; and

- c. at least two of the folks that were involved in writing Measure PP have said a road was never in; and
- d. involved parties on both sides of the Measure PP issue have told her that the intent of Measure PP was never to prevent the road access to Sunset Creek Lane; it was for visible roads such as for the Oak Grove project and roads that would go to the Hayward Hotel.

Chair Allen stated that with all of that information, she believes that having this roadway is not a violation of the intent of Measure PP, and, therefore, she can support the staff recommendation of splitting the traffic. She indicated, however, that if she were to make a motion, it would be to support Option 2 with 100 percent of the traffic going to Sunset Creek Lane because she believes strongly in the General Plan, the history, the traffic model that has been in existence for 25 years, and the promises that have been made. She added that it is clear that the homeowners who now live in the Sycamore and Sunset areas received disclosures, and there is a promise that has been made. She indicated that she was open to the compromise as well.

Chair Allen stated that she has a couple of other items just for consideration, and the first refers to a question that came up at the last meeting relating to Option 3 on whether there should be a cul-de-sac design in Lund Ranch II, whether that road should be blocked in the middle, or whether through-traffic should be allowed. She indicated that she strongly believes the road should be blocked because of the traffic issue, and if it is opened up to through-traffic, there could be a lot of cut-through from many neighborhoods; then all neighborhoods will be at traffic levels that are two to three times what they would otherwise be, and no one wants that because everyone wants to reduce traffic.

Chair Allen stated that she would like to recommend removing Lot 32, independent of whether the slope is an issue or not, as it is almost 70-100 feet higher than the other lots, and the house that will be built there will be very visible even to hikers.

Commissioner Balch stated that his position has not changed in terms of the road/structure element and that he is still supportive of a road being built. He commended staff for the three options, which was extremely helpful to get a concept of the volume of earthwork that would need to be done. He noted that he has been grappling since the last meeting with regard to which option he would go with because his original position was to connect the two communities to mend the community, but after being heavily lobbied, it does not seem to be a good choice. He indicated that he is still leaning more towards the Option 3 because of the graciousness of the Ventana Hills residents to accept 10 additional units with kind of the finality of a cul-de-sac and completion. He added that he still stands with his prior comment that the deal they mentioned that the community promised them is not necessarily the deal that is now on the table: that deal was for 150 homes, which is three times the traffic of the 50 homes of the current deal.

Commissioner Nagler commented that this has been a terrific discussion and remarkable effort, and he cannot imagine a group of volunteers putting more time into trying to make a good decision than this Commission has, and the sincerity of staff

trying to find a resolution to this. He noted that one of the comments made was that an option of simply not building this development was not discussed. He pointed out that one could make a very convincing argument for not going forward with it, but the fact is it is in the General Plan, and the developer has done everything the City has asked. He indicated that this is fundamentally a well-designed development and that he supported it going forward.

Commissioner Nagler stated that the comments he made at the last meeting, which very much mirror what Chairman Allen and others have said, absolutely stands pat. He indicated that fundamentally, what is most important is the weight of all the prior discussions and agreements and direction that has been given to this over the course of many meetings and many years. He added that what has changed for him is exactly what Commissioner Balch was talking about: an attempt to further refine the compromise just maybe was not well-founded logic, and so he supports Option 2. He stated that he believes, as he explained last time, that this road that could be built without a retaining wall, is completely plausible, appropriate, allowed under Measure PP, and as Commissioner Balch said, the amount of traffic being discussed now going through the Sycamore neighborhood is substantially less than has ever been considered before, such that, in fact, the neighborhood comes out much better under this current development plan, which the Sycamore residents agreed to allow when they acknowledged the CC&Rs for each of their home purchases. He noted that Option 2 holds true to those agreements and recognizes that the level of traffic is not ridiculously burdensome to that community. He further noted that the option of building the connector road without a retaining wall speaks to all the issues and is the right position for the Commission to take.

Commissioner Piper stated that her position has changed a bit and that she feels so very strongly that Ventana Hills should not take the burden of this traffic for so many reasons that have been touched on many times tonight. She indicated that she feels so deeply about this and is so distraught over this because she also feels like it was the intent of the voters at the time Measure PP was passed that a road was a structure. She added that she has to take into consideration what the voters would think today if they were asked to approve another 50 homes, and she did not feel the voters would approve building any more homes.

Commissioner Ritter stated that his thoughts have not changed from the Work Session dates. He pointed out that Greenbriar bought this site in 1998 and has been working on it ever since, going from 149 homes down to 50 homes. He indicated that he understands what Commissioner Piper is saying about not to build, but the Commission does not decide who builds what; the Commission's job is to zone and to make sure the zoning fits the application and the need of the community, and to see if a developer makes it feasible or not.

Commissioner Ritter stated that he thinks Measures PP and QQ were measures everyone believed in as the actual Save Pleasanton Hills and Housing Cap Initiative; the concept was no hilltop mansions, and the word "road" is not mentioned anywhere in the Initiatives. He indicated that he still personally believes this was the intent of the voters, that they were not thinking of roads as a structure, and that it is still his opinion that a road is not a structure. He added that this is a hard one because this can be

interpreted in so many different ways, and the most important thing is how it was presented to the people of Pleasanton.

Commissioner Ritter stated that in an excerpt of the Minutes from the June 26, 2008 Council meeting, Karla Brown spoke on behalf of all three authors of the Initiative saying that *“The Initiative is not Kay Ayala’s alone, but that Ms. Ayala was one who wanted to protect Pleasanton’s quality of life. She clarified the intent of the Initiative was to protect hills from development, direct development away from lands in generally sensitive features or with primary open space and to make the General Plan’s definition of housing unit consistent with the federal and state definitions.”* It continues that *“Councilmember Sullivan confirmed with Ms. Brown that the intent of the Initiative was to control construction of residential and commercial structures and not roads, and that may be on a 25-percent slope and leads to the conclusion that the intent of the Initiative is not to preclude construction of the Happy Valley Bypass.”* He stated that from the Minutes, it appears that the authors were out promoting it as “no hilltop mansions.”

Commissioner Ritter stated that the only part that was a concern from Commissioner Balch was the bridge, but the 24-foot wide road minimizes that issue. He indicated that he still believes the road should come out Sunset Creek Lane. He noted that the prior elected officials had great intentions, and that vision needs to be honored and supported. He added that the other big thing is the CC&Rs of the Sycamore Heights and Bridle Creek developments, which the developers did a good job of communicating, and those residents knew what they were getting when they moved in there.

Commissioner Ritter stated that he is leaning toward Option 2 but would be willing to work with Option 3. He indicated that he liked Commissioner Balch’s idea of joining the neighborhoods and wishes something could be done somehow to get the neighborhoods to all work together again.

Commissioner Balch asked staff if a motion to approve or deny the project would have to address the elements of the conditions.

Mr. Dolan replied that the motion should indicate which of the options the Commission recommends and should also address the issue of Lot 32 that was raised; it should acknowledge inclusion of staff’s supplementary memo that was distributed at the last meeting and also take action on the additional condition presented tonight regarding the man-made slopes.

Commissioner Nagler inquired if Lot 32 needs to be addressed before the motion is made.

Mr. Dolan replied that if the Commission will take out Lot 32, the motion should include something to that effect as that is not part of staff’s recommendation. Commissioner Nagler stated that he appreciates the point made about Lot 32 being an extraordinarily large lot going up a hillside, with a house which appears to be situated at the top of the lot. He asked the Commissioners if relocating that home site to the bottom of that lot as opposed to the top as a condition of approval would change the Commission’s opinion about whether a home could be put on Lot 32.

Commissioner Balch stated that he did was not in favor of removing the house. He proposed a compromise of restricting the house to a single story in its current pad instead of relocating it on the site.

Commissioner Ritter agreed.

Commissioner Nagler and Chair Allen stated that they could support that.

Commissioner Balch asked if the Commissioners have an opinion about access to construction. He indicated that he was in favor of letting the condition stand that the City Engineer would make that determination. He added that he believes the Commissioners are all supportive of the 24-foot wide road.

Chair Allen stated that she supported the amendments staff made earlier, including re-looking at what the natural slope of that valley area was. She asked the Commissioners if they did as well.

Commissioners Ritter, Balch, and Nagler stated that they did

Commissioner Balch stated that one of the additional conditions staff has in the memo is that if the City is under a declared drought condition during construction, all water use for dust control shall be recycled water unless otherwise approved by the Director of Community Development. He stated that he was inclined not to let the Director of Community Development dictate otherwise and that it be changed to "All water for dust control shall be recycled water."

Commissioner Nagler stated that he agrees that the use of recycled water be mandated.

Chair Allen and Commissioner Piper also agreed.

**Commissioner Balch moved to: (1) Find that the Final Environmental Impact Report (EIR) conforms to the California Environmental Quality Act (CEQA); (2) Find that the proposed PUD Rezoning and Development Plan, and the Development Agreement are consistent with the General Plan; (3) Make the PUD Findings for the proposed Development Plan as listed in the June 24, 2015 staff report; and (4) Recommend approval of: (a) the Development Agreement, as shown in Exhibit B of the June 24, 2015 staff report, to vest entitlements for the project; (b) certification of the Final EIR as complete and adequate; (c) the CEQA Findings and Mitigation Monitoring and Reporting Program; and (d) Case PUD-25, the PUD Rezoning and Development Plan, as shown in Option 2, Require the project to be redesigned to access only to Sunset Creek Lane, as described on page 34 of the June 24, 2015 staff report, with the 24-foot road option without retaining walls, subject to the Conditions of Approval listed in Exhibit A of the June 24, 2015 staff report, with the following modifications:**

- **Modify Conditions of Approval Nos. 14, 55, and 105 and add two conditions as set forth in the staff memo dated June 24, 2015, with a modification to one of the new conditions to mandate the use of recycled water for all dust control;**

- **Add a new condition regarding areas of man-made slope as presented by staff at the August 22, 2015 meeting; and**
  - **Add a new condition restricting the home on Lot 32 to be single story.**
- Commissioner Ritter seconded the motion.**

Commissioner Piper stated that she does not know how to vote on this as she is very much in favor of Option 2; however, a road is not mentioned anywhere in the motion.

Mr. Dolan clarified that Option 2 includes a Sunset Creek Lane connection.

Commissioner Piper stated that she should then vote in opposition because she believes that a road is a structure, and therefore it would be a violation of Measure PP.

**ROLL CALL VOTE:**

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

Resolution No. PC-2015-26 recommending approval of the Development Agreement to vest entitlements for the project; Resolution No. PC-2015-27 recommending certification of the Final EIR as complete and adequate, together with the CEQA Findings and the Mitigation Monitoring and Reporting Program; and Resolution No. PC-2015-28 recommending approval of Case PUD-25, the PUD Rezoning and Development Plan, were entered and adopted as motioned.

The Commission took a break at 9:20 p.m. and, thereafter, resumed the regular meeting at 9:30 p.m.

Commissioner O'Connor returned to the dais.

- b. PUD-109, H, James Knuppe  
**Work Session to review and receive comments on applications for Planning Unit Development (PUD) Rezoning and Development Plan approval to rezone an approximately 0.39-acre site located at 273 Spring Street from the C-C (Central Commercial), Downtown Revitalization, Core Area Overlay District to a PUD, Downtown Revitalization, Core Area Overlay District and to construct a new 2,204-square-foot, two-story commercial/office building and five new 2,104-square-foot, three-story attached townhouses****

Eric Luchini presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner Ritter noted that the retail site is built in but it did not look like there is any parking proposed for the retail allotment.

Mr. Luchini replied that the applicant is not proposing any parking at this time.

Commissioner Ritter referred to the Regional Housing Needs Allocation (RHNA) slide and requested clarification that the City is getting a housing credit for this.

Mr. Luchini replied that the City is getting a credit of five units under the Above-Moderate Income category. He added that the project basically expands the City's overall market-rate housing.

Chair Allen requested clarification as well that the City has met its RHNA requirements for this cycle. She requested further clarification that if the City were to build additional residential units now, the City would not get any credit from the State for this cycle and would not help the City numbers in the next cycle either.

Mr. Weinstein replied that was correct. He stated that the City has met its RHNA requirements and has a certified Housing Element. He explained that the State Department of Housing and Community Development (HCD) is not really concerned about above-market-rate housing, which is the type of housing that would be built as part of this project. He noted that the benefit of building more market-rate housing in the community is it provides more options to people who can afford them.

Commissioner Ritter noted that the staff report states that the Pleasanton Downtown Association (PDA) said it would prefer more retail than residential in town. He inquired if that meant there is need for more retail and less residential and what staff's opinion is of that balance.

Mr. Luchini replied that the PDA is not opposed to some form of residential in the Downtown, but more retail would be its preference in some capacity, and its general sentiment is that it would definitely like to see retail start to creep down the side streets as much as possible.

Commissioner Ritter inquired whether retail or residential brings more parking need.

Mr. Weinstein replied that it would depend on the amount of residential or retail, but retail would have a higher demand for parking. He indicated that retail generally would require one parking space for every 300 square feet, while a single-family unit or a townhouse would require a minimum of two parking spaces.

Chair Allen stated that in reading the Downtown Specific Plan (DTSP) and talking with people who were involved with this, it appears that the Plan was really revolving around trying to turn some of the Downtown side streets from what had been residential and apartments to more commercial to create business and extend the Downtown for vibrancy. She asked staff if they had any background on the PDA's goal to increase the ratio of commercial over residential.

Steve Otto stated that the Downtown Commercial Land Use category in the DTSP is actually a mixed-use category, which allows commercial as well as residential, but the DTSP does say that commercial should be on the ground floor with residential above the ground floor. He indicated that the PDA is definitely hoping to see more lively

activity on the side streets, so it is encouraging more commercial square footage, but it is still not objecting to having some of the ground floor residential in the back of the lot.

Commissioner Balch requested a brief recess to consult with staff.

After a three-minute break, Commissioner Balch apologized that he needs to recuse himself from the Work Session due to a potential conflict of interest. He then left the meeting, and Commissioner Nagler took his position at the dais.

Commissioner O'Connor noted that one of the slides shows the open space or deck space per unit. He indicated that he did not see that in his packet.

Mr. Luchini stated that the second-story balconies on the front and the back of each unit total 156 square feet and that there is an approximately 160-square-foot open space/backyard behind each ground-floor unit.

Commissioner O'Connor inquired if those were requirements of the Overlay District. He noted that under Permitted and Conditional Uses, Section 18.44.090(b) of the Municipal Code states that dwelling units not located above the permitted non-residential use space, which these are not, are subject to the requirements for useable open space per dwelling unit for the RM-1,500 District. He indicated that he does not know what that RM-1,500 District requirement is.

Mr. Luchini replied that he would look into it and clarify it in a few minutes.

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

Galen Grant, Principal at FCGA Architecture, stated that Mr. Luchini did a good job at introducing the project so he would not repeat what was already said but would like to speak to a couple of the issues. He indicated that the design of their project has undergone a number of iterations and that they are proud of the quality project they are bringing before the Commission this evening.

Mr. Grant stated that one of the key issues is the use in the Specific Plan and how it relates to what is being proposed. He noted that the project site is off of Main Street; Spring Street is very close to Main Street, but at the same time, is not a strong retail street. He further noted that they did want to respect what this site could be and that is why the end cap that fronts on Spring Street can either be office or retail, which was confirmed by the Director of Community Development Brian Dolan. He added that they also inquired at that time if they could eliminate the tuck-under parking space that was initially on the plans and replace it with an expanded footprint on the ground floor, and that was approved as well.

Mr. Grant stated that what they have here is an office or retail end cap and two stories. He indicated that the access would have to be tweaked to address what would happen if the ground floor was retail and the second floor was office, and their proposal in that regard is to reverse the run of the stairs in the back so it does not require any corridor to get to the stairwell. He then presented a slide of the ground floor plan one level down, showing the back side of the office in the retail portion with mailboxes and a rear exit.

He indicated that they were going to make more of that area so the stairwell can be accessed directly from within or on grade, and this would work equally well if those two floors are not rented together.

Mr. Grant stated that five of the six ground floor spaces are residential; one is retail. He indicated that if all six spaces were converted to retail, there would be only one in business after about three months, and that would be the one fronting on Spring Street. He explained that the reality is that the site is not really connected to the Downtown and not visible from Main Street; it is around the back and not on a travel path to other retail. He added that he appreciated the Commission's understanding of that and recognized that the better use for this site is to provide a place for pedestrians to literally live Downtown and patronize it. He explained that the intent has been to create five side-by-side bungalow-style executive townhomes where there's a common ridgeline for each and dormers that provide the head room in what otherwise would be attic space of the third floor.

Mr. Grant stated that they received comments from Gerry Beaudin yesterday and will make those happen. He noted that a couple of things have been mentioned: the overall scale of the trash enclosure will be reduced by a foot to a foot-and-a-half to lean that up a little bit; and the architectural-style, traditional chimney stacks are not active, and they are fine with deleting them. He added that they love the idea of the mission tile and the natural wood doors, both the man doors and the garage doors, which play beautifully against the white walls.

He then introduced Jim Knuppe, the property owner; his wife Kathy, and his son, Mike. He added that Charles Huff, project architect, is also present tonight.

Commissioner O'Connor referred to the comment made that if all six units were retail, only one would be in business. He inquired if they considered taking one of the residential spaces and making the building bigger where it fronts on Spring Street and splitting it down the middle to create two spaces downstairs that were twice that depth as opposed to just one with a smaller square footage.

Mr. Grant replied that they did look at that. He stated that as predominantly retail architects or mixed use architects, they study tenant spaces all the time and what seems to work best. He noted that in this case, because the tuck-under parking space at the retail building was eliminated, the resulting 850-square-foot area was a relevant building space for retail with a reasonable depth of 31 feet. He indicated that retail takes about 2.5 times more parking than residential, and they really felt the mix in terms of providing the residential and still providing the retail fronting on Spring Street was a good blend. He added that there is an appropriate or a successful depth of retail spaces – 50 feet is good, 60 feet gets a little too deep, and 70 feet is marginally successful in terms of the rentability of that back area – and this is another supporting document for the retail being the size that it is on the ground floor, fronting on Spring Street.

Commissioner Nagler asked the applicants if they already had a sense of who might occupy the retail office space.

Mr. Grant replied that both floors have been spoken for as a law office.

Commissioner Nagler commented that, in fact, they do not anticipate this being a retail space.

Mr. Grant said no, at this time. He noted, however, that as mentioned earlier, they want to ensure, in response to the request made in the event that it does eventually become retail, that it works that way separately without an interior corridor.

Commissioner Nagler stated that his assumption would be that it is less critical for a law firm to have street visibility than for a retail operation because lawyers presumably do not rely on foot traffic to get their clients. He referred to Commissioner O'Connor's earlier question and noted that it is theoretically possible to meet the desire of the Downtown business district by having an office where the first living unit is currently located, and the street unit really be marketed for retail as a way to try to bring retail operations off of Main Street.

Mr. Grant replied it is absolutely theoretically possible. He added, however, that the question still remains about how viable, how strong that space would be to a retail tenant, and their feeling is that it would not be really strong in that location.

Commissioner O'Connor noted that the office now is buried behind the two-story retail building. He noted that right now there the office is roughly 2,000 square feet, and the building behind gives about the same space another 32 feet and the first one is 31 feet, for a total of about a depth of 60 feet. He suggested that the law office could be 2,000 square feet on the second floor, and the bottom could still be split from the front to be 50 feet to 60 feet deep and have two tenants.

Mr. Grant replied that it is possible to do that, but it would change the project, and he does not know if that would make it a better project.

Commissioner Nagler inquired, in the context of looking at the overall evolution and enhancement of the Downtown, if there is good reason to want the Downtown to spill over into side streets as a way to increase the retail activity. He noted that this building is a perfect opportunity to test the idea.

Mr. Grant said yes, but they have to look at the other tenant next to them, which is a pest control office. He indicated that one has to get pretty close to First Street before one finds more retail. He added that if he were a retailer he would not go there.

Commissioner O'Connor stated that the whole point is to try and spread retail down the side street. He indicated that somebody has to start at the corner which is fairly deep, and this site is the first one in line to start that process. He noted that they are buried in between a couple of pest control guys, and right next door is a food market.

Mr. Grant stated that they designed it so that the exposure of that building corner is really significant and stands out.

Commissioner Nagler inquired why no parking is provided and how they think the building is viable without providing parking, given the challenges of parking Downtown.

James Knuppe replied that parking is obtained up the road from the railroad property, which is available for lease for additional parking if needed.

Mr. Beaudin stated that staff had some questions about the viability of doing a parking agreement, which is not part of anything staff has seen as part of this application. He added that staff would need to fully understand that as a solution with retail, and it would also be helpful if the applicant can do that.

Michael Knuppe stated that he is a 30-year resident of Pleasanton, and they have just recently completed a very similar infill project Downtown on Peters Avenue and Angela Street: the 1906 house owned by the first blacksmith in Pleasanton, a gentleman by the name of Downing Trade. He indicated that they have done their best to try to faithfully recreate and restore that 1906 house, and he believes that they have done a pretty good job. He noted that he just wants to come from the family's perspective that they are domiciled here, that Pleasanton is their life blood, and that they are going to do the best job they possibly can.

With respect to this project, Mr. Knuppe stated that this is a very narrow piece and that they have done a lot of compromising in relation to the structure itself. He noted that they have already lowered the roof ridge because the Fire Department could not get its hook and ladder in there to get to the top.

With respect to the retail, Mr. Knuppe stated that they have owned retail shopping centers for over 35 years as a family business, and the successful ones are those that have frontage. He noted that they are not going to get pedestrian people walking down an alleyway, and it is not wide enough to get parking in there, so part of the issue is trying to draw retail traffic. He indicated that they have also been very successful with executive leasing as well as housing in the Downtown area, and there is a demand for that. He further indicated that they have over 15 people waiting to lease these houses as soon as they are done. He stated that they are trying to invite vibrancy and bring income back to the Downtown area. He added that people are downsizing, and this is new housing people seem to want.

Mr. Knuppe stated that losing a unit to further retail would be problematic, and they would have to crunch those numbers to see if it would make this site viable. He added that they could actually use that office as retail above and below, and they would be happy to do that if they needed more retail.

Mark Kearns, owner of 261 Spring Street, stated that he owned an inspection company, "Specialty Inspections," not a pest control company, and they do home inspections, termite inspections, roof inspections, and things of that nature. He indicated that he has five full-time office staff, and his inspectors come in the morning, generate their reports, and go out in the field all day; they do not return until the next morning. He stated that he bought this property as a residential home about 10 years ago and developed it, and he was pushed to go to commercial. He noted that it is a 1,100-square-foot building

with an approximately 40-foot setback. He added that his driveway is to the far right, and he provides his own parking.

Mr. Kearns stated that he feels these commercial buildings at two stories right on his property line totally excludes Spring Street altogether. He further stated that to make it a viable commercial street like the original plan was, that structure would need to be reduced in height. He added that he would really like to also see this building not on his property line, three stories right on his driveway. He stated that he was a former member of the PDA Board of Directors, and the goal then was to try and make this more of a commercial street, with a ratio of 20 percent commercial to residential. He noted that he thinks this proposal is currently 2,100 square feet of commercial and five 2,000 square feet of residential. He stated there are not too many sites like that have the ability to bring commercial to the side streets. He added that there are arrow signs on Main Street pointing to side streets for additional Downtown shops.

Commissioner O'Connor asked Mr. Kearns how many parking spaces he has on-site.

Mr. Kearns replied that he has whatever is required by the City, about five or six spaces, with handicapped parking space.

Charles Huff stated that this is one of the very last sites near Downtown on Spring Street that keeps bringing people in over the past 15 or 20 years, and he has represented probably five or six of them, all seem to have a grand plan to develop this in some different way with houses or commercial on one side or the other side of the lot, but they seemed to not have a business plan.

Mr. Huff stated that when the Knappes came along and purchased this property, they had a vision of developing it in a way that would be not only aesthetically pleasing but something that worked out on paper, and they have done this many, many times not only around the Bay Area but also in Hawaii. They have gone the extra mile to accommodate staff and people that come to the podium to make all of their projects work, such as that on Peters Avenue and Angela Street. He noted that the proposed project is something that is aesthetically pleasing and also accommodates the request from staff to put a certain amount of commercial space on the front of the project.

Mr. Huff stated that this neighborhood is historically one of our oldest subdivisions ever in town, built in 1925 or so; it started out to be a residential district, and somehow or another, the idea of commercial has crept into it. He indicated that he is on the PDA Board and understands these things, but the need to have a certain amount of commercial space facing right on the street is always interesting, and there have been some staff requests to have even more commercial space. He pointed out that the City is trying to bring diversity to Downtown, putting them in some type or form of housing Downtown, whether townhouses or condos. He stated that he believes that this project addresses all of those issues and meets all the criteria.

Robert Byrd stated that he has lived in Pleasanton since 1952 and owns both commercial and residential buildings Downtown. He indicated that he does not personally know of anybody who wants more ground floor residents in the commercial district. He noted that the Knuppe project on Peters Street is very nice, but it is in a residential section, not in a commercial section of the Downtown.

Mr. Byrd noted that the applicant stated that this project will be a real success, but a successful project by itself does not make Downtown a success. He agreed that there would be no problem leasing these units. He asked, however, if the Downtown really wants another automobile-oriented office with no parking. He added that there are offices Downtown that are currently vacant and asked if there is a need for more offices Downtown with no parking. He noted that Downtowns are designed for commercial and retail vitality, not for houses. He asked if the Downtown really needs residents on the ground floor in a commercial area.

Mike Carey, a Pleasanton resident since 1974, talked about the history of some of the buildings and site in the Downtown in general, and those that have been proposed for the proposed project site. He stated that a lot of dreams on this site have not made it to the finish line and he would just like to see something approved here that is supported by the City. He encouraged everyone to work together to approve and accept the project as the Downtown and the City need it.

Michael Knuppe addressed the question on whether cities want more residents living Downtown. He explained that their proposed project is residential over retail and another free-standing building behind it that has garages and apartments over. He indicated that there is a need for that, and people are looking for the beauty of living Downtown and being able to walk to the grocery store, to the restaurants, and to places to shop. He added that this is the trend and it is appropriate for this site.

Commissioner Piper asked Mr. Knuppe if there is a reason why they did not put this whole structure on the west side of the lot because it does sound like a good idea.

Mr. Knuppe replied that the site actually slopes down from east to west, and it does not work from a grading standpoint and drainage to move the building to the other side. He indicated that the other reason is that there is a beautiful view looking west from the site to the hotel and Main Street and back. He added that it is their front door, the decks, all of the articulation of the architecture facing west.

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

Before proceeding, Chair Allen asked Ms. Harryman what the Commissioner's Handbook says about time limits for meetings.

Ms. Harryman asked Chair Allen to continue the discussion while she checks the Handbook.

Commissioner O'Connor inquired how the Fire Department weighed in on accessibility this deep in to come in without a hammerhead or a turnaround.

Mr. Luchini replied that the Fire Department is fine with the concept. He stated that in one of the last iterations of the plan submitted, the buildings were actually taller and would have required a wider access drive of 25 feet, and in order for Fire Department to buy in on a 25-foot wide drive aisle, the applicants were required to reduce the building height to 30 feet or less. He indicated that the Fire Department would not pull their rig

into the site but would park on the street, and would, therefore, not require a turn-around.

Mr. Knuppe stated that all of the units will be sprinklered too.

Mr. Weinstein referred to Commissioner O'Connor's earlier question about open space and replied that this site is being rezoned to Planned Unit Development, so staff can establish whatever regulations they want related to setbacks, open space and so forth.

Commissioner O'Connor stated that he understood that the Overlay should be followed for the area.

Mr. Weinstein replied that the Central Commercial District, of which this is a part, would normally be required to have 150 square feet per unit of private open space. He indicated that this project has about 160 square feet.

With respect to the procedural question brought up by Chair Allen, Ms. Harryman stated that per the Commissioner's Handbook, by 11:00 p.m., the Commission shall determine by vote which agenda items if any it will take up that evening with the intent of completing those items by 11:30 p.m. She indicated that this is the last public hearing item, but there are still some other housekeeping items that follow, and she does not know if there is anything to discuss there. She stated that the Commission should decide if it to try and vote whether it will complete action on the agenda by 11:30 p.m. or continue it to a future meeting.

Chair Allen advised that the Commission would continue and address the Discussion Points.

- A. *Is the proposed commercial/office building adequately sized and designed for either a retail or office tenant to allow the Planning Commission to make a finding or consistency with the intent of the Downtown Specific Plan land use designation of "Downtown Commercial?"*
- B. *If so, are residential uses appropriate for development on the remainder of the subject parcel?*
- C. *Does the Planning Commission support the proposed building setbacks and building positioning?*

Commissioner O'Connor stated that he does not know the size of each building that goes down that street, but the ones sitting up front seem to be somewhere between 1,000 and 2,000 square feet, which is the size of this building with two stories. He indicated that he does not have a problem with size with respect to the Mission style; he finds the design beautiful and thinks it fits. He agreed with one of the speakers, however, that this big structure would bury at least two or three of the little bungalows and will be hidden from view when looking from Main Street. He added that the street is so narrow that he would rather see the building sitting back a bit.

Commissioner Ritter stated that he thinks it seems just a little large for that size lot for parking and it looked like you could park two cars in the garage and then two cars in front of the garage and still have people driving in and out. He noted that it seemed tight for the space and should be set back a little to match the building that it is going to be sitting next to, or swap it to the east side. He indicated that the building fits in the DTSP use, and there are other residential buildings Downtown with apartments above retail.

Commissioner Piper stated that she is very comfortable with both commercial and residential; she likes that idea and thinks that it supports what Downtown is looking for. She indicated that she also likes the residential units being so close to Downtown and does not have a problem with it. She added that the drawing is very attractive and that she loves all of the windows; however, she does not like the three-story idea in the Downtown, although it does not appear to look like a three-story the way they have designed it. She noted that she is very much in favor of pushing the building back; it feels like Mr. Kearns' property is dwarfed. She stated that looking down that street, it feels like the vitality will be cut off right there and will not go farther into the Downtown than that particular project.

Commissioner O'Connor stated that he did not address the residential portion of the project and said that it is appropriate for the remainder of the site to be residential. Like Commissioner Piper, he indicated that he is not a big fan of three stories; it is taller than the commercial building and appears like it actually rises from the street.

Commissioner Nagler stated that the commercial space is exactly what the DTSP is asking for: a creative expansion of retail, especially on the side street; a mixed-use that is also interesting and brings a sort of additional intriguing personality to the Downtown. He indicated that he thinks the idea suggested of relocating the retail to the other side of the property would not work only because in order for this retail to work, it has to be pretty visible to Main Street or it would take away from the viability of it as a retail space.

Commissioner Nagler stated that setting the building back some would absolutely help the rest of the visibility of Spring Street and including the building on Main Street that comes up Spring Street. He indicated that it would still be visible to Main Street, but would also create a better view of the rest of the street.

Commissioner Nagler stated that the residential building itself is gorgeous and interesting; however, the massing is actually too much for this space.

Chair Allen stated that she likes the commercial office building design and agrees with the setback. She indicated, however, that she had a different feeling than others about the residential and the degree of residential, and that is because after reading the DTSP, it struck her that a PUD application is being created to provide relief from a site development and parking standards that are prescribed by the underlying CC zoning District in the Pleasanton Municipal Code. She indicated that she is open to creating PUDs in certain cases, such as the Ponderosa project in the old trailer park, but this does not feel really right to her to break the standards because it is right next door to Main Street, and if it were on Main Street, it would be under even more guidelines.

Chair Allen stated that the bottom line is to try and get more commercial in there. She indicated that she completely supports the goals of the DTSP and vitality to try and move some of the service businesses that are not really retail-oriented, such as the yoga studio and the beauty salons, the law offices and the insurance agencies, right around the corner as they do not really need a retail storefront. She added that she does not like to give up this piece of property that is the closest thing to Downtown to almost all residential and would like to see a different ratio of commercial and residential. She added that she is not into retail in the back, but a little bit of a different commercial would be fine. She stated that she is open to commercial on the lower level and maybe an artist's studio on the top level. She acknowledges that it will be more challenging for the developer to lease, but it is not unreasonable and totally fits with the Downtown goals.

Commissioner Nagler asked Chair Allen if she is suggesting that the retail go to the back.

Chair Allen said no, indicating that she is fine with the business building on the front and the commercial building, but she is not fine with the five townhouses, independent of whether they are one story or three stories, being 100 percent residential.

Commissioner O'Connor asked Chair Allen what she would propose for the rest of the lot.

Chair Allen replied that she would not propose that much with that much FAR on this whole site, but she would go with some more service-oriented businesses with perhaps what looks like a townhouse, a two-story design that has a service business, business on the bottom level and residential on top.

Chair Allen stated that she walked the street several times, and most of the homes that are there are single story: remodels and renovation, has band of service in the front and many of them are putting and tucking a home, maybe even two homes, in the back. She stated that she would like to see a little more commercial, although she is fine with not wanting to put more commercial there. She added that she is also fine with going higher on the floor area ratio (FAR) if there's more commercial, but if there is not more commercial, then she would rather just remain with the standard that has been set along that street, which is retail/commercial-like design and one or two residences tucked in the back.

Chair Allen stated that in general, she thinks the Downtown guidelines should be followed; she does not see anything so unique about this that the rule for a unique PUD should be broken, when this is closest to Main Street and one can see almost half the property from Main Street.

Commissioner O'Connor stated that when he talked about setting this building back a bit, he thinks there is room to make the lower floor a little bit bigger than what it is so that instead of the building being 2,000 square feet, it may be 3,000 square feet. He indicated, however, that parking should be provided on-site, which can be accomplished if the building is moved back. He recognized that it will take up some space away from the residential, so the number of units could be reduced from five to three. He stated

that he is looking at the dimension to see if they actually could fit three units, but probably they could get only two across at 30 feet wide. He indicated that it would give less density if it were residential; it would give room for parking, and down the road, if the City supplied parking Downtown somewhere, it could always expand with more commercial

*D. Does the Planning Commission support the proposed grading and retaining wall plan?*

Chair Allen stated that was more or less fine with that. She noted that it is an engineering question and would look to the experts to define what is needed.

The Commissioners agreed.

*E. Does the Planning Commission believe the proposal is consistent with the Downtown Specific Land Use policies related to height, design, massing, etc.?*

Chair Allen stated that the Commissioners discussed that quite a bit.

Commissioner Ritter stated that he does not feel that the current zoning has worked for 15 years. He indicated that he does not know what is in there right now so he is not opposed to letting the developer trying to come up with some proposals that will pencil out; they have come up with this design and it sounds like it is close. He stated that he definitely thinks it is time to make a change that there be something nice down there versus just a blank lot with some trees and weeds in it. He added that he would like to make sure it ties in with the DTSP.

Commissioner Piper agreed. She indicated that she is extremely supportive of this property being developed in general.

Commissioner Ritter stated that the building is three stories because the first story is parking under the residential area.

Commissioner Nagler stated that it is an attempt to make use of what would otherwise be an attic, so it is not truly a third story.

Commissioner Piper stated that it is a third story but they are not making it have that feel.

Chair Allen inquired if the third story can be seen by pedestrians on Main Street.

Mr. Beaudin replied that he is not certain if a pedestrian on Main Street would be able to see people on those balconies or in the third-story windows. He indicated that there are a number of trees, and the sight distances and the angles will not give a direct view of Main Street at the pedestrian level.

Chair Allen noted that people would be able to see the rooflines of the home that is designed right now.

Mr. Beaudin stated that the street slopes up, and there currently are buildings proposed at about 30 feet above the existing grade. He indicated that the top of the ridge may be visible but not in the windows; and it will still not be visible from Main Street because of the angles. He added that looking at the retail space and the residential development behind it, the applicant has proposed a design that is consistent with the height of a two-story retail structure, and the retail plates are a little higher.

Commissioner Piper inquired if story poles will be required at some point.

Mr. Weinstein said yes; staff would require story poles at the Planning Commission's next meeting.

Commissioner O'Connor stated that one of the suggestions the architect had brought up was removing the false chimneys that are sticking up. He indicated that if those chimneys came off and the massing was reduced, he would be fine with the height. He recognized that it is just fairly taller than the retail building, and he would be fine with that if the building is tucked farther back and the density was reduced; there would then be some room for a garden.

Chair Allen stated that it could all work for her as well if the density is less and they are tucked in the back. She indicated that these are going to be individual parcels, and it was the idea that the density was so high, they were all along the side, potentially having the rooftop showing from Downtown. She added that moving them to the back would also be more consistent with the other homes in the neighborhood where there is a business in the front and a home tucked in the back.

Commissioner Nagler agreed that however the buildings are configured on the lot, the windows that create a third story give the building, if it were in a different location, some sort of interesting articulation, but on this site it just makes it too massive. He indicated that the presence of especially the residence in the back dwarfs the rest of the houses on the street. He noted that one of the buildings that was just recently built two doors up is a modern house with a large structure in the back, which is a business of the family that lives there. He indicated that there is a separation between buildings, and it seems to be an appropriate size for the next door neighbors.

*F. Are the proposed building designs, area, massing, number of stories, heights, and colors and materials acceptable and compatible with the surrounding area?*

Chair Allen stated that the color white felt a little stark to her compared to the toned-down tans and beiges and light earth tones that all the other homes being remodeled in that area have. She indicated that it felt more Barcelona and Spanish and not more historic, and felt like the wrong category of Spanish for this great professional job. She added that it looked great in a number of places, but just not on that street.

Commissioner Nagler stated that this project needs to pencil out in order for it to be built, and there has been some good ideas, but for one reason or the other, they have not been built, and one mostly can assume it is probably not the economics of it. He stated that he hopes the guidance the Commission is providing is towards a project that could actually be built, and if everything needs to be tucked to the back or however it is

configured, that would be great. He added that if they only end up with only three units and they need four units for it to pencil out, then the Commission should be cognizant of that.

*G. Does the Planning Commission support granting a parking credit?*

Commissioner O'Connor stated that the Commission went down this the last time and stated that it would not do that anymore.

Chair Allen agreed and recalled that the Commission said it has to be really protective of that.

Commissioner O'Connor stated that what is being done here is taking a very small building that has a very large parking lot and completely building out the parking lot and leaving no room for parking. He said that he is not in favor of this and that parking that is required for the retail building should be provided.

Commissioners Ritter, Piper, Nagler, and Chair Allen all agreed.

Commissioner Nagler recalled that there is a possibility that they come back with a very concrete plan as was suggested to create parking that is accessible.

*H. Does the Planning Commission support the in-lieu proposal for the commercial/office building?*

Chair Allen stated that this is the concept of credit for the proposal. She indicated that the Commission wants appropriate parking for the site.

*I. Does the Planning Commission support the use of the 20-foot deep driveway approaches as parking for the townhouses?*

Chair Allen stated that she understands the normal rules for apartments also generally apply to townhouses. She inquired if that is for parking or for guest parking.

Mr. Luchini replied that it is for guest parking.

Chair Allen inquired if the new rule is one guest parking spot per seven units or seven bedrooms.

Commissioner O'Connor replied that it is for seven units.

Chair Allen commented that rounding-up, it would require one guest parking spot.

Mr. Weinstein stated that what staff is asking for is the Commission's level of comfort on dimensions of the guest parking in the context of a sedan being approximately 14 feet long and a big SUV being 18 feet long or so. He indicated that the issue here is that the driveways are a little bit on the tight side, but staff thinks it can work because it is a Downtown site, and cars and even SUVs can actually fit in these driveways.

Commissioner Ritter stated that he is comfortable with it.

Commissioner Piper inquired if staff is considering the guest parking as the parking space right outside the garage.

Mr. Weinstein said yes.

Commissioner O'Connor stated that he is comfortable with that if there is a condition of approval somewhere that the garages will be used for parking. He indicated that he has seen too many places where people cannot get into their garage because they are using it for storage, and the people living in the units are parking in the driveway, leaving no parking place for anybody else.

Mr. Weinstein stated that could be a condition, which staff has worked on for other projects as well. He noted that enforceability is sometimes difficult, but it is a condition that is often imposed on rental projects.

Chair Allen stated that she supports that.

Commissioner O'Connor stated that the Commission hopes to make this a better commercial area, and parking on the street is needed for everybody.

*J. Does the Planning Commission believe the proposed landscape plan, green screen, and tree removal and replacement plan are adequate or should they be modified?*

All the Commissioners stated they were good with the proposal.

*K. Does the Planning Commission believe the applicant should contribute to the City's Urban Forestry Fund to mitigate the removal/loss of the existing Heritage Trees?*

Chair Allen said yes. She stated that she is on the Heritage Tree Board of Appeals and this is consistent with how the Board handles this for others, and this ought to be treated like any other project for which the City asks for compensation in return.

Commissioner O'Connor stated that he is on the same Board and that he agreed with Chair Allen. He inquired how many Heritage trees were coming down.

Mr. Luchini said nine trees were to be removed.

Mr. Knuppe stated that they will be bringing 22 new trees onto the site.

Chair Allen clarified that it would be Heritage trees versus new trees.

Commissioner Ritter inquired if nine Heritage trees is a normal amount to take out for a lot of this size.

Mr. Luchini replied that the question is unique to every single site. He explained that sometimes trees can be accommodated on site based on the site plan, especially if the site is bigger, but these are pretty tight Downtown sites and a lot is trying to get accommodated on site.

Commissioner Ritter stated that it all goes back to what pencils out for the developer, and he is fine with paying into the Urban Forestry Fund.

Commissioner O'Connor inquired what the total cost to the Urban Forestry Fund would be.

Mr. Luchini replied that staff would have an arborist brought on board to determine the value of each of the trees, and the fee would then be determined.

*L. What other information would the Planning Commission wish to see to assist its decision on the proposals (e.g., color and material board, photo simulations, etc.)?*

Chair Allen noted that story poles is a given.

Commissioner O'Connor commented on the colors, which was brought up earlier. He noted that there are a couple of different renditions and agreed with Chair Allen that bright white is too stark, although the photo on the front of the plans is not quite as bright and looks a little more of a cream color. He indicated that he does not mind if it goes light tan either, so long as it comes off of the bright stark white.

Chair Allen agreed and noted that the front of the commercial building looks a lot softer.

Mr. Grant stated that the color looks brighter than the actual paint chip and that it can be softened. He added that they can also use tan.

Commissioner Piper stated that she likes white; she likes diversity and thinks it looks good.

Commissioner O'Connor stated that when Phil Blank was on the Planning Commission, he would refer to the "Pleasanton look." He continued that he would like to get more definitive numbers about how expensive Heritage trees might be because he would like to know what trade-off's the City can have on some of those and maybe save a few dollars.

Chair Allen asked staff to get input from the PDA or any other appropriate groups regarding service kinds of businesses or other uses where Main Street might be too expensive but might be appropriate on a side street, should the commercial element of this project were to expand a little.

Mr. Weinstein replied that can be done. He indicated that staff has already had relatively informal conversations with the PDA, and staff expects PDA to issue some sort of written response as well regarding the project before it comes back to the Planning Commission.

Chair Allen asked staff if there were any questions on matters that the Commission has not covered or addressed.

Mr. Beaudin stated that he would like to touch on a couple of the higher level points the Commission has made tonight that substantially affect the project, and he wants to make sure staff is onto the direction from the Commission:

- Stand-alone retail space that:
  - gives a little more visibility to the rest of the street;
  - is set back more than it currently is;
  - maintains a pedestrian-friendly presence;
  - gives more visibility to the rest of the street but not necessarily hiding other buildings.
- Additional retail space
- On-site retail parking behind the new retail space

Mr. Beaudin stated that what he is envisioning is at a really concept level: a third retail, a third parking, and a third residential in terms of how this site would lay out from going from the front of the project to the back. He indicated that he understood that the idea is that there be a larger retail component; a parking area for that retail, whether it meets the parking requirements or gets close to the parking requirement, depending on penciling in and the amount of land available; and a residential portion towards the back.

Chair Allen said yes.

Commissioner Piper clarified that she is not looking for more commercial and that she is fine with the proportion of far more residential as well.

Commissioner O'Connor stated that his understanding is that the Commission would not be opposed to having a larger presence of commercial if it fits.

Commissioners Ritter and Nagler agreed.

Chair Allen stated that she is not fine with more residential than commercial because she believes it is inconsistent with the DTSP and utilization of this space.

Mr. Beaudin stated that he wants to make sure that staff leaves this Work Session with a good starting point for the next conversation with the applicant. He indicated that the last piece he heard was to the density, the number of units, that the residential component can get smaller especially, particularly if on-site parking is being incorporated into the project.

Commissioner O'Connor agreed that if the building is moved back and parking that is not there today is provided, the project will have to be re-invented.

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

No discussion was held or action taken.

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

### **a. Future Planning Calendar**

No discussion was held or action taken.

### **b. Actions of the City Council**

Mr. Weinstein talked about the handout on the results of the City's Community Survey, a copy of which staff had provided to the Commissioners. He stated that the Survey, which is done every couple of years, is a statistically valid survey of Pleasanton residents that encompasses many different topics, including how they feel about different community issues, whether they are happy with City services, and other similar things. He noted that generally speaking, residents are pretty happy with the services the City provides. He pointed out that there were some interesting results about how residents feel about things like growth and development, water and drought, their attitude towards City government, and one result in particular that suggested or indicated that 35 percent of residents believe that long-range planning in the City should be a top priority. He added that the Survey also compares the results to past Community Survey results over previous years. He encouraged the Commissioners to take a look at the document as lots of things related to Planning.

Chair Allen thanked staff. She stated that the Survey provides really great information and hoped that the Commissioners make and take the time to read it.

### **c. Actions of the Zoning Administrator**

No discussion was held or action taken.

### **d. Matters for Commission's Information**

No discussion was held or action taken.

## **9. ADJOURNMENT**

Chair Allen adjourned the meeting at 11:30 p.m.

Respectfully submitted,

Adam Weinstein, Secretary