



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, March 14, 2012
7:00 p.m.

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

CALL TO ORDER

The Planning Commission Meeting of March 14, 2012, was called to order at 7:00 p.m. by Chair Jerry Pentin.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner Greg O'Connor.

1. ROLL CALL

Staff Members Present: Brian Dolan, Community Development Director; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Natalie Amos, Associate Planner; Marion Pavan, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Jerry Pentin, Commissioners Phil Blank, Greg O'Connor, Arne Olson, and Jennifer Pearce

Commissioners Absent: Commissioner Kathy Narum

2. APPROVAL OF MINUTES

a. February 8, 2012

Commissioner Blank requested that the first sentence of the first paragraph on page 5 be modified to read as follows: "Commissioner Blank stated that he is a security, risk, and fraud analyst...."

Commissioner Blank further requested that sentence on the ninth paragraph of page 9 be modified to read as follows: "Commissioner Blank inquired if the scanner is hooked up to the GLEF California Law Enforcement Telecommunications Systems (CLETS) system, which checks for outstanding warrants or anything similar."

Commissioner Blank moved to approve the Minutes of the February 8, 2012 meeting as amended.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Olson, O'Connor, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Commissioner Narum

Commissioner Pearce commended staff for a great set of Minutes.

b. February 22, 2012

Commissioner Pearce moved to approve the Minutes of the February 22, 2012 meeting as submitted.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Olson, O'Connor, Pearce, and Pentin
NOES: None
ABSTAIN: Commissioner Blank
RECUSED: None
ABSENT: Commissioner Narum

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 Planning Commission.

4. REVISIONS/OMISSIONS TO THE AGENDA

Ms. Stern advised that there were no changes to the Agenda.

Chair Pentin requested confirmation that Item 8.c., P12-0113, Angela Joe-Willmes and Linda Martin, Appellants (Kathy Wooley/Harris French & Associates, for WalMart Neighborhood Market, Applicant) has been moved.

Ms. Stern replied that was correct. She noted that, as stated on the Agenda, it will be heard at a Special Meeting on Monday, March 19, 2012.

5. CONSENT CALENDAR

- a. **P11-0953, Centerpointe Presbyterian Church**
Application to modify the approved Conditional Use Permit for Centerpointe Presbyterian Church located at 3410–3450 Cornerstone Court to allow a Kindergarten through 8th Grade private school to be located in a previously approved but unbuilt 13,968 square-foot building. Zoning for the property is PUD-LDR/MDR/HDR/P&I and Mixed Use/P&I and MDR (Planned Unit Development – Low Density Residential/ Medium Density Residential/High Density Residential/Public & Institutional and Mixed Use/Public & Institutional and Medium Density Residential) District.

Chair Pentin stated that he had one speaker card for this item and asked staff if it should be pulled from the Consent Calendar.

Brian Dolan replied that the Commission would typically do that.

Chair Pentin advised that Item 5.a. will be moved as the first item under Public Hearings and Other Matters.

6. PUBLIC HEARINGS AND OTHER MATTERS

- Item 5.a., P11-0953, Centerpointe Presbyterian Church**
Application to modify the approved Conditional Use Permit for Centerpointe Presbyterian Church located at 3410–3450 Cornerstone Court to allow a Kindergarten through 8th Grade private school to be located in a previously approved but unbuilt 13,968 square-foot building. Zoning for the property is PUD-LDR/MDR/HDR/P&I and Mixed Use/P&I and MDR (Planned Unit Development – Low Density Residential/ Medium Density Residential/High Density Residential/Public & Institutional and Mixed Use/Public & Institutional and Medium Density Residential) District.

Natalie Amos presented the staff report and described the scope, layout, and key elements of the proposal.

THE PUBLIC HEARING WAS OPENED.

Sandy Farrell, President of the Ironwood Homeowners Association, representing the residents of the Ponderosa Ironwood Development located adjacent to the church site, stated that they are not challenging the permit for the Kindergarten through 8th Grade school. She noted that for the past four years, the Ironwood Homeowners Association

has paid all the expenses to maintain the landscaping along Valley Avenue, Busch Road, and Ironwood Drive, which includes the area adjacent to the church property. She recalled for the Commission that when Ponderosa requested Commission approval for its adult community, The Villages on Bradford Drive, the Ironwood Homeowners Association asked and received approval from the Commission to have a shared landscape agreement between The Villages and the Ironwood Homeowners Association as a condition of the project's final approval.

Ms. Farrell stated that the Association is now asking the Commission to require the same shared landscape agreement between the Ironwood Homeowners Association and the Centerpointe Presbyterian Church prior to the Commission approving the Church's Conditional Use Permit. She stated that the Association has been talking with the Church but they have not been able to bring a signed agreement to tonight's meeting. She noted that quite a few figures were required, and the Church has indicated its willingness to share in the landscape maintenance for the property adjacent to its facility. She indicated that the Association would like that to be part of the Conditions of Approval to ensure that the shared landscape maintenance will take place before the Church opens the school.

Commissioner Olson inquired if the parties have determined what the relative sharing will be and if it is 50-50.

Ms. Farrell replied that it is not 50-50. She explained that the Association is actually talking to the management of the senior apartments, The Gardens at Ironwood, because the apartments have not been sharing in the landscape maintenance either and have now agreed to talk to the Association about it. She indicated that the Association's expense for the area is a little over \$40,000 a year, and the Senior Active Adult Community is paying the Association \$5,000 a year. She added that the Association has requested \$5,000 a year as well from the Church with the option of going back in future years when the expenses increase.

Commissioner Olson stated that it would likely be a three-way split.

Ms. Farrell replied that it will be like a four-way split with the Homeowners Association paying about 60 percent of the costs and the others paying about ten.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to make the required conditional use findings as described in the staff report and to approve P11-0953, subject to the Conditions of Approval listed in Exhibit A of the staff report, with the addition of a condition requiring a shared landscape agreement between the parties. Commissioner Olson seconded the motion.

Brian Dolan stated that this is a new issue and that staff has not participated in any of the discussions. He indicated that his immediate thoughts are that this was set up

differently to begin with and the burden was distributed the way the City thought fit at that time. He noted that staff has always known there was a Church there, and the Church is now asking for an extra entitlement that does not seem completely unreasonable. He explained that it is difficult to know what the details would be without really having been involved in the matter.

Chair Pentin stated that he was not intending for staff to negotiate the details but just to state that an agreement had to be in place as a Condition of Approval. He added that he does not mean to speak for the Commission, but one of the things the Commission could do is vote to put this item on hold until the next meeting so staff can have the chance to study the shared agreement.

Mr. Dolan replied that he thinks the Commission's condition is fine and that he would like to hear the applicant's response to it.

Commissioner O'Connor noted that the Association had the same request of the Senior Adult Community and inquired how this has handled with that group.'

Mr. Dolan replied that he does not recall.

Commission Blank inquired if the item should be continued.

Ms. Amos advised that the applicant is present.

Mr. Dolan stated that if the applicant has no opposition to the condition, there would be no reason to continue the item.

Commissioner Pearce inquired if there is a problem with attaching that condition to a Conditional Use Permit, specifically regarding the school. She indicated that the only thing the Commission is looking at tonight is the school and not the Church as a whole.

Mr. Dolan replied that he did not think it would be a problem. He indicated that staff knew there was a dialogue going on, which would be a private agreement, and it appears that decision time has come and that agreement did not come to fruition.

Commissioner Olson inquired if the Commission could simply say that they have to deliver an agreement, with the City staying out of it. He stated that it could be just a requirement for the approval, with the parties negotiating it and delivering a finished agreement, but without the City's involvement in any negotiation.

Commissioner Blank suggested that the Chair consider reopening the Public Hearing to hear from the Church, and if the Church is amenable to putting an agreement in place, this would be a non-issue; but if the Church objects to it, then it would be a different discussion. He explained that what he is interested in is whether or not the applicant is interested in negotiating an agreement, as opposed to getting into whether it is \$5,000, or \$6,000 or \$4,000, which would be a matter between the parties.

THE PUBLIC HEARING WAS RE-OPENED.

Rian Gamble, representing the Applicant, stated that there have been some conversations between the Church and the Homeowners Association. He indicated that the intent was to have the agreement in place prior to this meeting, but the Church did not get the information it needed on time. He stated that the Church is more than willing to enter into some type of agreement with the Association and that the Association has not approached the Church about the \$5,000 mentioned earlier. He noted that the Church's Stewardship and Operations Committee, which is its Finance Committee, is actually meeting right now to determine the dollar amount. He added that he is unable to confirm the dollar amount at this time.

Chair Pentin stated that it was fine.

Commissioner Blank indicated that the Commission is not interested in the amount.

THE PUBLIC HEARING WAS CLOSED.

Mr. Dolan stated that Commissioner Blank's motion was fine.

ROLL CALL VOTE:

AYES: Commissioners Blank, Olson, O'Connor, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Commissioner Narum

Resolution No. PC-2012-12 approving P11-0953 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

- a. PUD-85-08-12D and PUD-81-30-86D and P11-0856, BRE Properties**
Applications for: (1) two PUD (Planned Unit Development) Development Plan approvals to construct: (a) a mixed-use high-density residential/commercial development containing 251 residential units, 4 live/work units, and approximately 5,700 square feet of retail space at the property located at the southeast corner of Owens Drive and Willow Road (PUD-85-08-12D); and (b) a high-density residential development containing 247 residential units, 4 live/work units, and a .55-acre public park at the property located at the northern corner of Gibraltar Drive and Hacienda Drive (PUD-81-30-86D); and (2) an amendment to the Phase I and Phase II Development Agreements between the City of Pleasanton and Prudential Insurance Company of America to: (a) extend the term of the Development Agreement to five years from the date of approval of the two Development Plans referenced above; and (b) incorporate

approval of the development standards and design guidelines of the Hacienda Transit Oriented Development (TOD) Standards and Guidelines (P11-0856). Zoning for the property is PUD-MU (Planned Unit Development – Mixed Use) District.

Also consider the Initial Study and Mitigated Negative Declaration prepared for the projects (Site 1, PUD-85-08-12D, and Site 2, PUD-81-30-86D).

Brian Dolan stated that his staff report will be brief and that he will not go through the details of the projects as they have already been presented twice in the past. He noted that one of the remaining issues that resulted from the Joint City Council/ Planning Commission Joint Workshop involved the depth of the live/work configuration. He indicated that a lot of suggestions were made at that Workshop, and the applicant responded to that issue in a way that was discussed at the Workshop, essentially extending the live/work space forward out to 40 feet, thereby creating additional square footage in front of the live/work spaces without removing parking behind them.

Mr. Dolan stated all the slides on the projects' location, architecture, setting, and site plan are available but that it would not be necessary to go through them as the Commission is already familiar with those issues. He indicated, however, that he would like to address one critical graphic submitted by the applicant on the revised plans offering the 40-foot depth.

Mr. Dolan stated that in one location, Building A, the setback from the diagonal parking along Owens Drive would go down to 14 feet. He indicated that staff consulted with urban design consultants, who thought that might be getting a little tight. He added that instead of accepting the full 40 feet on the depth of the live/work space, staff mistakenly stated in its recommendation that that this applies to both Buildings A and B. He noted that this applies only to Building A as there is plenty of setback on Building B. He further noted that this is the only change from the projects that the Commission has seen in the past. He stated that the same thing is proposed on Site 2 and that staff is accepting the full 40 feet on that location.

Mr. Dolan stated that in one corner on Building A, the setback would be at least 16 feet instead of 14 feet, giving up two feet of depth in the live/work space. He indicated that it is acceptable to have a 38-foot depth in this live/work space as staff believes it can be converted to retail should the market demand.

Mr. Dolan stated that the only other matter he wanted to alert the Commission about was some modifications made to the conditions, which staff was not able to provide to the Commission earlier than tonight. He indicated that some of the conditions from the standard conditions of approval were deleted because they do not apply here. He added that two changes were of substantive nature: (1) Condition No. 16: Staff and the applicant have been operating under the assumption that Livermore Amador Valley Transit Authority (LAVTA) was agreeable to the elimination of the bus stop, so until very recently since the conditions were produced for the Commission's packet, staff had

written the condition in certain way. He indicated that this had to do with a change of staffing at LAVTA, and there is a difference of opinion. He added that staff will need to continue to work with LAVTA and is optimistic that this can be ultimately resolved.

(2) Condition No. 84 regarding the photovoltaic systems: This condition is written as if staff is requiring the roofs of the residential projects to have full photovoltaics on them. He indicated that is not the intention and is not a requirement. He added that the applicant is putting a photovoltaic system on the common building areas, the leasing center, and the recreation center, which would meet the City's solar requirement. He indicated that this condition is incorrect and will be eliminated.

Commissioner Olson referred to page 20 of the staff report regarding school impacts and inquired how this would be funded and if whoever is responsible for this funding has been determined.

Mr. Dolan replied that there was a conversation between the applicant and the School District and that it was his understanding is that there is an agreement between them.

Commissioner Olson inquired if there was already an agreement as he did not want this to be something that will bite the developer sometime in the future in terms of funding.

Mr. Dolan replied that he was not certain it was in writing but that this is not required until later in the project. He noted, however, that the applicant and the School District have reached an agreement.

THE PUBLIC HEARING WAS OPENED.

Bob Linder, applicant, stated that Mr. John Wayland from BRE and Mr. Irwin Yau, project architect, are present tonight, and they would be happy to answer questions. He indicated that he agrees with staff's report and that they have submitted revised plans.

Mr. Yau stated that he has the same PowerPoint presentation he has shown in the past and that other than the slide requested at the Workshop that shows elevations with and without trees, there is no new information that Mr. Dolan has not already covered.

James Paxson, General Manager of Hacienda Business Park, stated that on behalf of the Park, he voiced very strong support for these two projects. He indicated that he has been working with BRE for some time and was very pleased with what BRE has brought forward. He noted that he has sent an approval letter to the City for BRE's projects. He added that he is commending BRE, who was given quite a task of converging a lot of divergent requirements, and has done it very well, resulting in two beautifully designed projects. He stated that he was proud of BRE, was pleased to have its projects come to the Park, and hopes that BRE breaks ground soon.

THE PUBLIC HEARING WAS CLOSED.

Commission Blank moved to find that the projects would not have a significant effect of the environment and that the exceptions to the Hacienda Transit-Oriented Development (TOD) Standards and Design Guidelines as listed in the staff report are appropriate for the two sites; to make that PUD findings for the proposed Development Plans as listed in the staff report; and to recommend approval to the City Council of (1) the Mitigated Negative Declaration prepared for the projects, (2) the Development Agreement Amendment to extend the term of the Development Agreement to five years from the date of approval of the two Development Plans, Cases PUD-85-08-12D and PUD-81-30-86D, and to incorporate approval of the development standards and design guidelines of the Hacienda TOD Standards and Guidelines, Case P11-0856, (3) Cases PUD-85-08-12D and PUD-81-30-86D Development Plans to construct two mixed-use, high-density residential/commercials developments, subject to the Conditions of Approval listed in Exhibit A-1 and Exhibit A-2 of the staff report.

Mr. Blank made a comment to the public that the Commission has seen these projects extensively in two previous very detailed Workshops and that the Commission is not going through these projects lightly.

Commissioner Pearce seconded the motion.

Chair Pentin requested that the changes to Exhibit A-1 and Exhibit A-2 as listed in staff's memo be incorporated in the motion.

Commissioners Blank and Pearce accepted the amendment.

ROLL CALL VOTE:

AYES: Commissioners Blank, O'Connor, Olson, Pearce, and Pentin
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Commissioner Narum

Resolutions Nos. PC-2012-13 recommending approval of the Mitigated Negative Declaration, PC-2012-14 recommending approval of the Development Agreement Amendment, PC-2012-15 recommending approval of Case PUD-85-08-12D (Site 1), and PC-2012-16 recommending approval of Case PUD-81-30-86D (Site 2) were entered and adopted as motioned.

Commissioner Blank thanked BRE for going through the process and asked that it make Mr. Paxson's request come true as quickly as possible.

- b. **PUD-25, Mike Meyer and Carol Meyer, Greenbriar Homes Communities, Inc. Work Session to review and receive comments on an application for Planned Unit Development (PUD) rezoning and development plan 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, generally located east of the present end of Lund Ranch Road. Zoning for the property is PUD-LDR/OS (Planned Unit Development – Low Density Residential/Open Space) District.**

Marion Pavan presented the staff report and described the scope, layout, and key elements of the proposal

Commissioner Blank noted that one of the questions on the Discussion Points asks whether manmade slopes that exceed a 25-percent grade should be allowed to be developed or be excluded from development. He indicated that he was trying to understand how demonstrative Measure PP was and inquired if it was 25-percent grade or more or if it allowed exemptions.

Mr. Pavan replied that the 25-percent slope is a nominal value, which means 25 percent up the slope is the limit. He noted that the exemptions that Measure PP speaks of refer to developments of less than 10 lots or 10 units.

Commissioner Blank stated that Mr. Pavan's definition of "ridgeline" made a lot of sense to him, but he was a little fuzzy on how the definition of "25 percent" was arrived at. He inquired if there could be some discussion following the public testimony on how that definition was arrived at and what its basis is.

Mr. Pavan replied that in discussions on the application of Measure PP, staff made a comment that slopes over 25 percent typically become inherently more unstable for geotechnical or other reasons.

Commissioner Blank inquired how one can determine when a slope is more than 25 percent, given that it is not expressed in degrees which can be measured in an absolute fashion.

Mr. Pavan replied that it can actually be measured because a 25-percent slope is another way of expressing a one-unit increase in height over a four-unit change or increase in distance.

Commissioner Blank inquired what those units that are being used are.

Mr. Pavan replied that they can be feet.

Commissioner Olson added that it can be miles too.

Commissioner Blank stated that this is exactly his point. He inquired what units the City is using to make this determination. He noted, for example, that one might get a different answer using centimeters versus kilometers.

Mr. Pavan replied that it was based on a review of the applicant's grade and slope analysis map, which was expressed in two-foot contour lines.

Commissioner Blank inquired if the City has done any independent work to corroborate this.

Mr. Pavan replied that staff did.

Mr. Dolan concurred. He stated that before the applicant did the map, they asked what staff would recommend; staff thought that would work, and the applicant followed through and did the work, which staff then checked.

Commissioner Blank inquired if there was any consideration given to having that work peer-reviewed by an independent third party other than the City, given the sensitivity of this whole issue.

Mr. Dolan replied that it could be done.

Commissioner Olson noted that in Exhibit D, City Council staff report on the "Analysis of the Impacts and Effects of the 'Save Pleasanton's Hills and Housing Cap Initiative,'" the first paragraph of page 1 refers to slopes greater than 25 percent, and the second paragraph refers to slopes of 25 percent or greater. He indicated that there is a slight difference between the two and that needs to be cleared up.

Commissioner Blank stated that that is a good point and inquired what Measure PP states.

Commissioner Olson replied that he did not know and was going to ask, but it is either one or the other; it cannot be both.

Commissioner Pearce stated that Measure PP says 25 percent or greater.

Commissioner O'Connor referred to the areas within a lot that are over 25 percent and inquired what the reason was for wanting to include those within the homeowner's ownership, particularly on the two large estate lots, if there is a condition on them that they cannot be graded.

Mr. Pavan replied that he would defer to the developer to answer that question.

Commissioner Pearce stated that the 2008 analysis of Measure PP indicates that a methodology needs to be established to define a measure of slope. She noted that the only other discussion the Commission has had regarding this was the Hana Japan

application, which she quite frankly recalls punting and not making a real clear determination. She inquired if staff believes that through this application, the City has now established a uniform methodology by which to define a measure of slope.

Mr. Dolan replied that Hana Japan was a small commercial project in an area that not a lot of people were concerned about and probably was not the type of project that Measure PP was intended to address but did. He noted that this project at hand is really the first test on a piece of property that people were thinking about when they voted for Measure PP. He indicated that it does not establish a methodology although he believes staff used the exact same method. He added that there are other methodologies that could be used, some of which do much for averaging of slope which would mostly likely result in a more generous buildable area. He stated that in this case, staff went a little more conservative and used a very defendable, reasonable, relatively conservative methodology to implement what is in Measure PP as the Measure does not specify the methodology to be used.

Chair Pentin inquired if staff is comfortable that this particular methodology would withstand a legal challenge that the City is violating Measure PP.

Mr. Dolan replied that ultimately, yes. He added that he did not know if he can think of a more reasonable methodology.

Mr. Dolan stated that he wanted to address one other issue that has come up several times and has become important in this project and certainly in others, including some potential City projects: whether roads are prohibited by Measure PP. He pointed out that Measure PP does not say that they are, but again, staff is taking a conservative approach to interpretation and is concluding that they are.

Commissioner Blank stated that he agrees with staff's position. He pointed out that the exact language of Measure PP is "no grading to construct residential or commercial structures shall occur on hillside slopes 25 percent or greater or within 100 vertical feet of the ridgeline." He noted that it could be very easily argued that streets represent a commercial structure and, therefore, should be included. He added that while Measure PP may not say that streets are included, it just seems that streets do not normally serve just a purely private purpose, especially in a development like this.

THE PUBLIC HEARING WAS OPENED.

Mark Meyer, President of Greenbriar Homes Communities, Applicant, stated that their philosophy at Greenbriar is to build homes and communities that we would be proud to live in and we are certainly proud to visit. He noted that over the past decade, Greenbriar has created or helped create six neighborhoods in Pleasanton: the Chateau and Bordeaux communities in the Vineyard Avenue Corridor, Pheasant Ridge, and Carlton Oaks in the Bernal Property area, and Bridle Creek and Bridle Creek Estates in the Happy Valley area. He stated that Greenbriar is proud to be a community partner and has given the City of Pleasanton more than 300 acres of land, including the Bernal

Community Center, for open space, parks, and other recreational purposes. He noted that members of the Greenbriar family have been involved with and donated to various local organizations, including the Pleasanton PTA Council's Reflections Program, the Tri-Valley Community Foundation, and the Pleasanton Partnerships in Education Foundation.

Mr. Meyer stated that they are pleased to be in front of the Commission this evening to bring forward this new community at Lund Ranch. He noted that things had changed since their original application way back in 2003, and they wanted to know what the community was thinking; so in 2009, they began community outreach by hosting a pair of community meetings, mailing invitations to 900 households including Sycamore Heights, Bridle Creek, Ventana Hills, Bonde Ranch, and everywhere in between, including all the Junipero area. He continued that from that feedback, they created a site plan of 53 homes and hosted an open house in 2011 to show the community a plan that reflected the neighborhood comments of preserving open space, minimal development, pre-determined house sizes, and respect for the Hillside Ordinances. He added that they sent another 900 pieces of mail inviting the community to the open house, and based on the feedback of the first meetings, also placed ads in the Pleasanton Weekly. He noted that at that time, they promised another meeting to show the house designs themselves so the community could see that the very-high-quality homes being proposed would fit within their neighborhood. He indicated that they also created a virtual open house on the Web showing the same exhibit so that anybody who was unable to attend the meetings could see them anytime.

Mr. Meyer stated that in August 2011, they held yet another open house showing the 53-home plan again along with the house designs; and again they placed an ad in the Pleasanton Weekly and dropped off flyers at the homes in Ventana Hills and Bonde Ranch. He added that since those meetings, they have met in smaller groups with the Middleton Place neighbors, the Ventana Hills Steering Committee, and with individual neighbors directly adjacent to Lund Ranch. He noted that the vast majority of the comments received have been positive, specifically commending them for their communication and outreach efforts, the small development footprint, the large amount of open space and publically accessible trails, and the beautiful homes.

Mr. Meyer stated that the plan before the Commission tonight is now down to 50 homes, a substantial reduction from the original plan of 149 homes. He indicated that it was the original concern they met, the passage of Measure PP, and the feedback from the community meetings that led them to rework the site plan and street connections to create an environmentally sensitive plan with a small footprint that would preserve most of the land for open space and publically accessible trails, building on the flattest part of the property that is currently accessed from Lund Ranch Road, the historical entrance to the property for about 90 years.

Mr. Meyer then addressed a few issues that have been raised by the Ventana Hills Steering Committee regarding access. He stated that on page 21 in the staff report, it states that Shapell Homes agreed in the early 1990's to use its best efforts to secure

right-of-way on the Lund Ranch property in order to meet an agreement they made with the neighbors at that time. He noted that this right-of-way was never secured, and in the applicants' meetings with neighbors in Bonde Ranch, the neighbors have indicated their preference to continue their access to their homes through Ventana Hills. Mr. Meyer indicated that they support this request. He then pointed out that on page 22 of the staff report, it states that Lund Ranch II was never part of the North Sycamore Specific Plan area.

Mr. Meyer then introduced Carol Meyer, co-owner of the company, and several professionals who are available to answer questions: Chris Kinzel from TJKM, project traffic engineer; Mark Falgout from RJA, project civil engineer; and Chris Cebrian, project attorney.

Commissioner Blank noted that Mr. Meyer mentioned the high quality of the homes that Greenbriar would be building and inquired how much the homes would sell for.

Mr. Meyer replied that he did not know for sure, given the market since 2005 or 2006 to today, but he could give a reference point. He stated that the Greenbriar homes, with their lot sizes, compared to a house of the same size in the immediately adjacent neighborhood, would likely sell for at least 10 percent more.

Commissioner O'Connor commented that with reference to Greenbriar's list of outreach, there appears to be about six community meetings, not counting the private meetings with the Mayor and Councilmembers. He indicated that he attended the first meeting and signed up to receive any correspondence on any future meetings, and he received information for only one additional meeting, which he attended and at which he again signed up for notification of future meetings. He asked Mr. Meyer to pay closer attention to how Greenbriar's outreach is done because he knows he was not invited to the other four meetings although he was on the notification list.

Mr. Meyer apologized and indicated that he certainly thought Commissioner O'Connor was invited.

Commissioner O'Connor stated that having attended two of the meetings, he believes he had enough input, but there are probably a lot of people in the community who signed up and did not get invited as well, which would be a concern.

Greg Cordtz stated that his property backs to the proposed development and that looking out of his backyard, he can see at eye level, a 15-foot cut into the hill in the Ventana Hills development. He noted that Greenbriar is proposing both single- and two-story homes and expressed concern about having a 45-foot wall behind his home. He asked if his understanding is correct that Measure PP provides that areas where there have been man-grading are exempt.

Commissioner O'Connor replied that he thinks that has not yet been determined.

Mr. Cordtz proposed that a barrier be installed, like the rest of the developments have had, which are due to the man-made cuts from those developments. He indicated that he does not care to see the two-story, 4,700-square-foot houses on the lots right behind his going 40 feet up in the air. He asked the Commission to take that into consideration.

John Bauer stated that he lives in the Ventana Hills community and works in the industrial portion of Sonoma Drive. He indicated that he often walks to work, so he is very familiar with his neighbor's comments regarding the existing traffic going down Junipero Street. He noted that of the 32 comments received by staff, 30 related to existing traffic, and he did not see in any of the presentations where the City Traffic Engineering weighed in on the subject. He pointed out from the information he requested and received from Traffic Engineering staff that data points were collected right by the stop signs at San Antonio and Junipero Streets, using a benchmark of 33 miles per hour. He emphasized that approximately 100 feet from the stop sign, 225 vehicles out of 1,500 trips per day, or 15 percent of the traffic, exceed 33 miles per hour, which is 30 percent greater than the posted speed limit.

Mr. Bauer stated that, as his neighbors have attested to in their comments, there is currently a total disregard for the two stop signs in the area, the one at a controlled intersection and the S-turn going through the park where he lives. He noted that he believes the problem is not necessarily the number of cars but the disregard in this behavior of cut-through traffic as well as the current people using the street. He added that he would not have a problem if the homeowners of the proposed homes come through Junipero Street and in front of his house, all travelling at 15 miles per hour and stopping at the stop signs. He suggested that Traffic Engineering Department weigh in on this subject and possibly look at alternatives, such as at the Bernal Avenue/Sunol Boulevard intersection. He questioned why people are coming through their neighborhood, making a left turn from Bernal Avenue onto Independence Drive, and racing down Independence Drive and then down Junipero Street.

Commissioner O'Connor asked Mr. Bauer if he is experiencing this amount of traffic and these speeds where he lives, and if it is greater in the morning when the cut-through traffic would be happening.

Mr. Bauer replied that as he sits in his front yard with his dog in the morning with a view directly across the park, he sees people racing down three or four cars at a time, so obviously they are taking a left off of Bernal, racing down Independence Drive, probably running the stop sign at Independence Drive and Junipero Street, racing through the S-turns at an exceedingly aggressive speed in front of his house, and racing down Junipero Street.

Commissioner O'Connor inquired if this is a bigger problem and more profound in the morning with the cut-through traffic as opposed to the rest of the day.

Mr. Bauer said yes. He noted that he sees the people driving their kids to school and running the stop signs. He added that almost 1,500 cars go down Junipero Street, and he wonders if the street is designed for that.

Chair Pentin called for a break at 7:25 p.m. to allow staff to fix the technical problem with the sound system, and thereafter, reconvened the regular meeting at 7:37 p.m.

Patricia Long stated that her property backs onto the proposed project site and she wanted to formally register concerns over grading in the back because that hill has already been cut in. She indicated that they have a pool and a retaining wall in place and is very concerned about what goes in behind them; she would also like to make sure that grading is carried out properly so that there is no damage to their site. She added that she would like to maintain their quality of life and would like to have a legitimate amount of space, such as a greenbelt, between their properties. She also requested that a single-story house be placed behind her home to maintain privacy.

Ms. Long expressed concern about the traffic coming through her area. She indicated that as it was mentioned that traffic through Junipero Street and Independence Drive grows in the morning, it also grows in the evening. She added that a lot of residents in the neighborhood traveling through those streets have taken to slowing down to try to keep that traffic at bay.

Justin Brown stated that he has lived in Pleasanton for about two-and-a-half years and that his primary concern, as some have echoed, is traffic. He indicated that he does a lot of walking around the neighborhood and sees people in the evening rolling the stop signs and running up Junipero Street to Independence Drive to get to Livermore, and doing the same in reverse in the mornings. He noted that he sees excessive speeding, and the residents of the streets obviously tend to be the ones that stop at the stop signs, and the non-residents tend to be the ones blowing through the stop signs.

Mr. Brown stated that he generally supports the position of the Ventana Hills Steering Committee that the solution is not to discourage the use of Mission Hills Park, which is always very well occupied. He indicated that there is a lot of safety concerns with a lot of parked cars along the road and lots of kids walking across. He added that he has a two-and-a-month old baby and he wants to make sure that he can preserve his access to the park and not have to worry about an increase in traffic. He stated that another major concern of his is the past agreements to route the traffic to the east in order to access the highway and the increase in traffic down Junipero Street to go to Safeway and Raley's. He added that he finds it deeply concerning that traffic really was not mentioned in the staff report, especially since it is one of the primary concerns of the general public and all the neighbors behind him.

Vicki LaBarge stated that she has lived in Pleasanton for 28 years and watched the development in Ventana Hills go up. She indicated that Ventana Hills was never supposed to come down Junipero Street but it does, and Mission Drive was supposed

to be the primary route; Junipero Street was never built as a through street, and now it will be subject to more cars.

Ms. LaBarge stated that she never received any notice in the mail inviting her to attend a meeting where they could express their concerns about the traffic. She encouraged the Commission and staff to come to her house and have coffee with her at 7:00 a.m. to see the traffic that comes down her street until about 9:00 a.m. when all the moms have dropped off their kids; and then come back between 3:00 p.m. and 6:00 p.m. to have iced tea and dinner and again watch the speeders come down her street. She stated that she has taken her own test movement, purposely backing out of her driveway and drive 15 miles per hour down her street during busy times in an attempt to try and slow down the traffic. She added that she has summoned the Police Department to come and sit on Junipero Street to monitor the traffic and issue citations. She noted that the problem is that the Police Department has decided that the best place to park is at the stop sign, but people tend to not speed up when they approach a stop sign.

Ms. LaBarge stated that they do not need more speeding traffic on Junipero Street. She indicated that they have some options: (1) Speed bumps, which they have discussed with the City Council about ten years ago. She indicated that they do not want to put speed bumps as it is a hazard to the Fire Department, and they do not want to have any kind of restriction with the Fire Department trying to get to their homes. (2) Additional stop signs. The two stop signs on Junipero Street, which was a dead-end street years ago and was never even supposed to intersect with Sunol Boulevard, were installed because of the Junipero Street residents' complaints about the speeding traffic. (3) Junipero Street could be made a non—through-traffic street like Dolores Drive. She requested the Planning Commission to take a serious look at the traffic on Junipero Street and come up with an alternative solution.

Andy Albritten stated that he has been a Pleasanton resident since 1988 and an original member of the Ventana Hills Steering Committee, was part of the negotiation in 1991 with Shapell Homes and the City in connection with the Bonde Homes development process, and a signee to the letters in 2003 and in 2011 to the Planning Commission. He indicated that the majority of concerns they have are that the traffic coming through their neighborhood was never intended to go through there. He stated that he has been receiving communication from the developer, as Mr. Meyer said, but it has all been unilateral. He noted that when the residents said that there has been an agreement with the neighbors, Mr. Meter replied that was then and this is now; and when the residents said there is a problem with traffic, Mr. Meyer said it does not matter. He expressed concern that there is a unilateral communication going on, that this is the plan, this is the way it is going to be, and this is the way we are going to push it through.

Mr. Albritten stated that he has neighbors in Sycamore Park, Mission Hills Park, and down Junipero Street who have expressed the same concerns. He indicated that it is like a funnel, with all the traffic from his neighborhood going through Junipero Street down to Raley's, to the Middle School, and to the Elementary School. He added that that the traffic coming down Junipero Street through Independence Drive and Lund

Ranch Road is really unacceptable. He noted that nothing like this was conceived in 1991 and yet traffic has been routed over the east/west collector on the Sycamore area.

Mr. Albritten stated that the other thing he wants to make sure is that there is a greenbelt around the neighbors from an existing standpoint. He indicated that the Bonde development residents are above his home, and they were very successful in negotiating a compromise with Shapell Homes that was a win/win for the existing neighborhoods and the City and for the developer. He added that he does not have too much trouble with the traffic coming down from that development. He noted that the development Greenbriar is proposing has no park. He indicated that while Mission Hills Park does not have formal athletic fields, it is used very extensively as practice fields for soccer and soft ball games by all of the neighbors. He added that the S-curve there as Junipero Street comes around the Park is very, very dangerous that he has to slow down to 15 miles per hour. He noted that there are continuous open-ended traffic, children, and pets, especially on a Thursday or Friday afternoon, and it is not acceptable to take additional traffic down that street.

Mr. Albritten stated that the Sycamore Creek Way and Sunset Creek Lane neighborhood already have traffic-calming devices in place: there are roundabouts, the streets are wide, and the streets are completely deserted in the morning and afternoon and around the evening commute time. He recommended that the Planning Commission take a close look at the traffic and route it around the Ventana Hills neighborhood.

Wayne Strickler handed the Commissioners copies of photographs describing what Mr. Albritten was describing regarding the condition of traffic around Ventana Hills Park. He indicated his support for Mr. Albritten's comments. He then gave the Commission a brief background on the Ventana Hills Steering Committee, which was were formed 20 years ago by the City Council, consisting of five residents living in different sections of Ventana Hills.

Mr. Strickler stated that he has reviewed all the letters that were submitted and they sound pretty uniform as far as what their issues are: children , traffic, rural streets, heritage oak with brick pavers, and endangered animal species. He added that he thinks the main issue is included in the letter submitted by the Ventana Hills Steering Committee on October 27 describing the agreements that they negotiated with Shappell Homes and were put in place regarding what the Committee's positions are and what should take place in the future. He noted that the Committee's position is to negotiate with the developers in order to avoid these kinds of confrontational issues, and in spite of their attempts and those of the Meyer family, they have had only one meeting, and would obviously like to be able to get together more frequently to work on issues, including the building of the east/west collector.

Mr. Strickler stated that he has documentation from the CC&Rs from the original builder's packets that were furnished to all the people who have purchased in both the Sycamore and the Bridle Creek area, which substantiates the Committee's position

regarding what should have been taken into account. He added that he also has pictures of signage which will also support their position and which will clearly demonstrate that these signs have been in place for years, showing that both Sycamore and Bridle Creek are the designated areas, and that there is absolutely no signage along Lund Ranch Road indicating that this is to be a connection to Lund Ranch II.

Randy Harris, representing the Foley family, stated that the Foley family's 540-acre property abuts Lund Ranch. He indicated that they were in discussions years ago, prior to the passage of the Measures, to work with the City to locate a park on the Foley property. He noted that there is to be a limited development on the property, and the Foleys would still like to work with the City to help locate a park in a very nice location within their property. He requested that the Commission take that into consideration as the City moves forward with this development.

Laurie Saxton stated that she totally agrees with everybody from Junipero Street, that everybody cutting through Independence Drive during morning, afternoon, and evening traffic is a nightmare. She indicated that she is directly impacted by this upcoming development that might go through Ventana Hills because the road that goes up to Bonde was supposed to be a temporary road. She added that it is a very steep road and when she is trying to back out of her driveway, she looks back and before she can pull out, somebody comes flying down Hopkins Way, and drivers slow down because it is a steep hill but they do not stop at the stop sign between Hopkins Way and Independence Drive. She indicated that these people are not part of the neighborhood and they totally disrespect the neighborhood laws in terms of speed limits and stopping at the stop sign, so it is quite a dangerous situation even for the people who live there. She also indicated that Lund Ranch Road was never supposed to be the access road and was never ever in any previous plans; in fact, it was totally taken out of the picture. She noted that it is a very steep hill and is an emergency access road.

Jay Hertogs stated that he lives in the neighborhood but does not know anything about the Lund Ranch development because he has never received any cards about the development. He indicated that the City's traffic study of their street states that 2,400 cars go by daily, and he expressed concern that this development would definitely drop another 300 to 400 more cars going by their house, which is ridiculous. He noted that there is so much traffic in the morning between 6:00 a.m. and 9:00 a.m. that his wife cannot even back out of their own driveway; and in the evening, they cannot even sit in the living room with the window open in the summertime when it is a nice evening because there is so much noise that they cannot even read or hear the TV. He asked the Commission to really consider having the traffic go somewhere else.

Scott Shafer stated that he has lived in Pleasanton for about 25 years and in the area for the past nine years. He indicated his support for Mr. Albritten's statement about the Committee and noted that there is a traffic concern, but he would like to bring up other issues specific to his property.

Mr. Shafer stated that he owns the land that has the existing creek that actually bisects the two properties and wants to make sure that the water is handled correctly. He noted that with the development that went in behind them, he has the water level go up and down, and he is not sure that is supposed to happen. He indicated that he believes the speed of water getting off the Lunch Ranch II property and actually getting to the creek is going to increase substantially, and obviously, that's when erosion occurs. He stated that he was aware that the other developers have tried to do certain types of procedures to actually slow the water down, and he has actually walked up the creek and nothing has been done. He indicated that he would like to see what the developer is proposing to help with the speeding water and the erosion that is potentially going to occur because of the development.

Mr. Shafer stated that within the first week of their moving in, the developer of the property came to his house and put out the plans for about 149 homes and the road up around where it was supposed to go. He indicated that he talked to the City planner at the time and was told that that is the way it was going to go. He noted that if the developer did put the road up to Bridle Creek or Sycamore, it almost sounds like this 25-percent grade could be going on for miles. He further noted that it does not appear like there was any explanation given as to how much that road would be violating Measure PP, and he asked how much of that road would actually be impacted by Measure PP, if it is over ten feet of the road or the entire road. He added that he thinks at some point, that decision has to be made

Mr. Shafer stated that there is a standing agreement that was done before Measure PP and inquired if Measure PP just supersedes any agreement that was ever made. He further inquired why that agreement does not supersede Measure PP even though the Measure was voted in. He indicated that he voted for Measure PP but assumed that it would apply to houses and not necessarily roads because he never assumed that a road would actually go up on a hill.

Chris Coleman stated that he has lived in the area since 1999, and the proposed development is just behind his neighbors' homes. He indicated that his principal concern is traffic and that he is not surprised to hear some pretty compelling comments here tonight. He added that as a family, he, his wife, and his 16-year-old daughter who just got her driving permit, collectively will be driving down the road and the S-curve at least six to ten times a day. He noted that so many speakers have talked about how that is already a problem, and with 50 more homes, it will be much, much more.

Mr. Coleman stated that a second issue is what Mr. Shafer referred to regarding how they can avoid putting over these agreements and just set them aside. He noted that Sycamore Creek Way is much more accommodating to traffic than Lund Ranch Road or Independence Drive. He requested the Commission to please look very carefully at these two issues and try to honor the former Commission members, the City Council, and the residents who have been there from the beginning.

Lastly, Mr. Coleman stated that while staff feels good about some of the assumptions, he would support an independent and pure review of the analysis and methodology regarding the 25 percent slope, given the circumstances and the traffic impacts here.

Jimmy Ko stated that he is a new homeowner in the area and wanted to give his personal perspective. He indicated that his children go to the park all the time, and with the cars coming around the curve, it does seem like a ticking time bomb. He stated that he drives around that curve when he drops his son off to pre-school, and he finds that even going the speed limit is too fast. He expressed concern that with the existing traffic, plus any additional cars, and all the children in the park, that road is an accident waiting to happen if no changes in the traffic design or speed mitigation is made. He noted that the City staff did a speed detection there for a few days, which helped. He added that he wholeheartedly endorses what the Ventana Hills Steering Committee members have stated regarding the traffic, the park, and the green space.

Doug Whistler stated that he did not know about these meetings until two days ago when someone brought him a flyer and that he was not planning to speak until he heard some of the issues being raised. He indicated that he lived for 20 years by Amador Valley Boulevard in Dublin which had a horrible cut-through traffic and speed traffic issues, and he did not realize that Independence Drive and Juniper Street has that much of a cut-through problem as well. He added that they had to go to the City Council also under many circumstances, just as these folks are doing here, to talk about their cut-through traffic and speed problems. He urged the Commission to listen to the residents and not just to the people who have an interest in this project.

Mr. Whistler noted that Mr. Shafer raised an interesting point about water problems and drainage. He indicated that there is a drainage channel that runs between Junipero Street and Mission Drive which leaves his yards squishy especially during a wet winter such that he cannot even walk on them. He noted that additional drainage coming down the hillside resulting from additional paving and new homes up there would cause an even greater problem. He urged the Commission to take that into account as well.

Matthew Nelson stated that he has lived in Pleasanton for 18 years, and three years in the property adjacent to Mr. Shafer, on the other side of the stream that comes through, the one with the old oak tree with pavers in front. He stated that the pavers are there not for decorative purposes but because of the tree's root system as the tree is extremely close to the street and may be harmed based on the amount of cars, pollution, and traffic accidents on the street. He indicated that the tree is irreplaceable and is the primary reason he picked that house. He asked the Commission to check on the traffic counts because he believes that was done during a bike-to-school or service day, which may have caused some of the numbers to be artificially low. He added that there have been two occurrences of car-versus-tree accidents in the area the past year that he is aware of.

Mr. Nelson raised the issue of construction traffic coming right by the playground at Mission Hill Park, as well as the ecosystem in the area where he has encountered animals such as a wolf, raccoons, possums, bobcats, feral cats, alligator lizards, tarantulas, cows, turkeys, and hawks. With respect to the issue of water run-off mentioned by Mr. Shafer, he stated that his house is located where Lund Ranch Way actually deposits a ton of silt and rocks in front of his house due to the elevation change between the Lund Ranch II property and his own. He expressed concern about the absorption rate and indicated that water rushes down where his house is and he has to go out there every winter with a wheelbarrow and actually pick up probably a half-inch thick of silt. He added that when the new development puts in gutters and drains lines feeding to the street, there would be a huge amount of water-runoff coming through and ending up either in the stream adjacent to the property or right in front of his property.

Julie Lewis stated that she has lived in the area since 1981 and has seen a lot of changes with new stop signs and has had her share of trees and intersection accidents in that area. She indicated that there is another slight curve by her house, and she is now at the point that when she tries to back out of her house she can look and think nobody is coming, but by the time she is backing out, people are racing around that curve. She added that she has actually had people not slow down or stop for a moment to wait for her to come out of her driveway; they try to get around her on either side instead. She stated that most of the things she has heard tonight reflect everything she wanted to say. She indicated that she really appreciates the opportunity to bring these issues to the Commission's attention and hopes that the Commission will really give this traffic issue great consideration and do whatever proper studies need to be done to route the traffic in the right way.

Kay Ayala stated that she is here to say that every agreement that was made previous to this plan coming forward should be abided by, and that entails the agreement with Shapell Homes and with those neighbors, and the agreement with the voters for Measures PP and QQ. She indicated that she saw an analysis of Measure PP in the staff report but there was none on Measure QQ. She noted that the City Council, in all its wisdom, put a competing measure on the ballot, and it was agreed upon that Measure PP passed with the most votes. She added that, not to be argumentative, they said that Measure QQ could be put in there if they wanted to because it basically said that all of the protections of slopes in the General Plan were embedded in that and should be abided by. She noted that the staff report did not mention those parts of the General Plan that revolve around slopes and indicated that she thinks this is a plan that the Commission should slow down and take its time with as it has multiple implications with the neighbors' traffic and the voters of Pleasanton. She stated that she heard someone mention an independent peer review and thinks that is an excellent suggestion. She added that she also liked the Foleys' comment about a park and is hopeful it will be a 541-acre park.

Marty Inderbitzen stated that it is stunning that of all the speakers tonight, there was only one who talked about Measure PP and nobody really talked about Measure QQ. He indicated that it strikes him that the overwhelming concern staff and maybe the

Commission has over how they are interpreted may be misguided as it appears like people are more concerned about the project's direct impact on their neighborhoods.

Mr. Inderbitzen stated that in relation to the discussion questions in the staff report, residential and commercial structures mean streets. He noted that it is not obvious to him, but he suspects that it is also not an obvious interpretation by a lot of people in the lay public who would read that Initiative. He added that he frankly does not think the Commission has to make that interpretation, that it is just as open to the interpretation that it does not apply to streets, and that it gives the Commission an opportunity to avoid a lot of potential missteps and unintended consequences as this property and maybe others come forward in the future.

Mr. Inderbitzen stated that he thinks the overall intended purpose of Measure PP, at least the way the public would have interpreted it, is that it had to do with views of the ridgelines, and there are lots of roads and trails and access ways that can be put across properties that have no impact on the views of the public throughout the City. He noted that getting to the Foleys' 500 and some odd acres behind the Lund Ranch will require a road or a trail, and if roads are prohibited because of Measure PP, that may not be possible; it may even not be possible to get to a park that somebody might choose to improve on some other piece of property. He continued, however, that just to allow a roadway to get to either a developable residential site or a commercial site or to a park and to have to get there through some strained interpretation that relies on a ranch road that somebody put in 20 years ago or 200 years ago is unnecessary.

Mr. Inderbitzen stated that another point he would like to make is that he finds it interesting that the approach taken to try to interpret these guidelines is one that looks solely at this piece of property and, to a large extent, ignores Measure QQ which was also approved by the members of the public. He indicated that he thinks the Commission has the mandate to reconcile the policies in both those Initiatives as well as the other policies in the General Plan. He added that his view would be that when all those things are brought together, there is an intent to really protect views of the main ridge in Pleasanton, the other ridges in Pleasanton, and the southeast hills, and not necessarily to focus sort of myopically on individual pieces of property and come up with these tortured interpretations of how grading would be managed there to allow the property to develop. He stated that it might work for the Meyer family and he hopes it does because the Meyers deserve to be able to develop their property; however, this sets a precedent for other pieces of property in the future.

Mr. Meyer stated that the issues raised tonight regarding Measures PP and QQ, traffic, foliage, drainage, and how streets are to be treated relative to the Measures and to crossing more jurisdiction and open space lines will have to be picked up in the Environmental Impact Report and that he does not have a problem with that.

Mr. Meyer indicated that he wanted to address the seven discussion questions posed by the staff to the Planning Commission and share their thoughts on them:

- They have no problem with the methodology; however, they do not know what it should be.
- With respect to the question of having open space in some lots beyond what would be graded, their intent is to create an area of privacy and develop lots that back up onto the hill so that while they may remain beyond the fence, they can include drip irrigation to provide privacy to those homes.
- Man-made slopes have to be taken care of and ought to be exempted from the 25-percent rule.
- As to the grade differentials, they would much prefer to build on a flat pad; houses would be less visible as opposed to the stepped pads with large backs where the houses are larger and more obvious.
- Their preference is to for Middleton Place to stay open.
- They do not think an amendment to the North Sycamore Specific Plan is necessary because Lund Ranch is not part of that Plan.
- If the Commission concurs with the determination that streets are covered by Measure PP, they will have more streets connecting to Sunset Creek Lane, and they will have to cross over water and jurisdictional lines, which seems to be opposed by the City's General Plan.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that he did not actually keep count of the number of speakers but maybe at least 15 speakers brought up the issue of traffic. He noted that when he was reviewing the list of questions and comparing it with his notes, it struck him that nowhere in this list is the Planning Commission asked to provide its perspective on traffic or traffic-calming measures or traffic studies. He asked staff if this was an oversight or if the Commission can add a question to address that.

Mr. Dolan replied that staff wants as much feedback as possible from the Commission. He indicated that staff will have a very good handle on what the traffic impacts will be and that there will be a complete analysis as the project moves forward. He noted that this is the first venture into this plan, and implicit in the questions about access are questions about traffic. He added that it is suggested that there should be more access points, then traffic will have to be distributed to different locations, and that is really one of the fundamental questions that should be dealt with. He noted that there is really not a lot that can be done about reducing the amount of traffic unless the project is reduced. He indicated that there are challenges to the other connections, and he does not know at this point exactly how much 25-percent slope they would have to go over to get these connections. He indicated that it is clearly physically possible to get there without doing very much at all; there is a creek and open space and some environmental impacts to it, particularly on Sunset Creek Lane, but it is clearly physically possible. He added that he thinks it is also true that if the plan included those connections to begin with, there might have been an entirely different audience here tonight.

Commissioner Blank commented for the public present that this is a workshop and so no decisions are going to be made this evening. He added that this is an opportunity to bring forward issues for staff to consider, and staff never has a shortfall of input from the Commission or from the public.

Mr. Dolan stated that staff has not even gotten into its analysis yet.

Commissioner O'Connor noted that with respect to traffic, one of the things Mr. Dolan mentioned was that with traffic engineering, traffic-calming measures could be discussed as they was done in other parts of the City. He indicated that there is a lot of cut-through traffic in this neighborhood today, and staff could certainly look at closing left turns off of Bernal Avenue onto Independence Drive between certain hours, the way it was done in the Vineyard Avenue corridor, turning up into Sauterne Way.

Commissioner Blank stated that there are alternatives to speed bumps.

Commissioner O'Connor stated that there are speed humps instead of speed bumps. He noted that over by the Mohr Avenue area on Cameron Avenue, curves were actually put in the road to slow people down. He added that actually narrowing a road and curving it encourages traffic to slow down, as opposed to big wide streets that straightaway encourage people to speed.

Mr. Dolan stated that he is certain traffic-calming measures will be part of whatever comes out of staff's analysis; however, this will be something staff would not consider as fundamental questions and would be addressed a little bit further down the road. He noted that the issue of where it should connect to the rest of town is a fundamental issue, and Commission feedback on direction regarding whether or not Measure PP can be interpreted to allow such connections, the issue of the agreements, and what the Commission ranks higher in the priority will be helpful to staff as the application is processed.

The Commission then considered the discussion points.

1. Does the Planning Commission concur with the methodology used for the Lund Ranch II development that defines the Measure PP slopes, ridgelines, and development limit lines?

Chair Pentin stated that he is trying to understand the methodology and thinks that it sounds fair, something that as the application moves forward does extend beyond this one property. He added that it is something that will have to be considered down the road for other properties and, therefore, it has to be a solid methodology. He noted that the biggest questions on it for him are if the Commission is comfortable with this and if this is what should be used.

Commissioner Blank stated that he would generally concur with those comments. He noted the original suggestion he made before any of the public testimony about having

this methodology peer-reviewed by a non-interested third party, meaning someone who is not from Pleasanton, who was not involved with Measures PP and QQ, someone who would strictly look at the methodology. He added that he liked what he heard about the methodology in terms of its calculations because it seems logical to him; however, he is not a specialist in that area and thinks it is important to have someone come in and say that this is a good methodology.

Mr. Dolan stated that he must be mistaken because he thought Commissioner Blank wanted someone to check the actual calculations as opposed to the methodology.

Commissioner Blank replied that his preference would be to have someone weigh in on both.

Commissioner Olson stated that that is his view as well and thinks the methodology needs to be peer-reviewed.

Chair Pentin agreed.

Mr. Dolan stated that there is a number of ways this can be interpreted. He added that he thinks Mr. Inderbitzen raised some good points about there are other ways to do it. He added that staff can get ten people and get ten different opinions.

Commission Pearce stated that that might be valuable information for the Commission to have just going forward.

Mr. Dolan indicated that he understands that; however, as he mentioned earlier, he could get multiple opinions and the breadth of approaches is going to be very broad.

Commissioner Olson stated that he would like to see multiple opinions, and it would be the job of the Commission to resolve that and come up with a decision on how to proceed.

Mr. Dolan noted that the opinion of an engineer is not necessarily the correct source of review. He indicated that it is kind of a common sense approach. He stated that staff will give that some thought and provide multiple opinions; he just is not sure who to ask as the interpretation of ten lay people is just as valid as an engineer's interpretation of that language.

Commissioner Olson noted that based on what has been said tonight, it is clear that there is a grey area here that needs to be resolved.

Commissioner O'Connor stated that he thinks there may be differing opinions when it comes to the methodology of determining what is a ridge or a ridgeline, but it should be pretty clear for civil engineers what is 25 percent and what is not on a topography map, that nine out of ten should be pretty close to one other.

Mr. Dolan noted that staff does not have a problem confirming what is 25 percent; that is a purely technical exercise.

Chair Pentin stated that he thinks this goes beyond just the methodology for the slope. He noted that Questions 5, 6, and 7 likewise required an interpretation of whether streets are covered by Measure PP. He indicated that he would like someone to review both or all of the effects of Measure PP on something like this.

Commissioner Blank stated that his request for peer review was whether or not the City is comfortable with the 25-percent slope, whether the two-foot increments is the right increment, or should it be one foot or three feet. He indicated that he would like to see that peer-reviewed so that when the application comes back, there are no arguments. He added that he does not want to consume the Commission's time then dealing with highly technical arguments about whether it should be one foot or two feet because that would not advance them at all.

Commissioner Pearce stated that she would argue that this has broad implications and not only on simply Lund Ranch. She noted that this is the first property the Commission is considering that has these kinds of implications and certainly will not be the last. She added that she does not want to continue to have this discussion and try to piecemeal this together property by property. She indicated that she would prefer spending the time now so that the Commission can move forward with a clear indication of what the methodology is that everyone is comfortable with.

Chair Pentin and Commissioner Olson agreed.

2. Does the Planning Commission concur in allowing natural terrain, covered by the applicable land use restrictions to prevent grading and development, to be incorporated in private property, or should the proposed lot lines be revised to include the natural hillside areas?

Commissioner O'Connor stated that he does not have a problem with steeper grade areas being within somebody's private control as long as there are protections within the deed that they cannot go out and just start grading away.

Commissioner Blank stated that he thinks it is not just grading but also about additions, that they cannot build a barn or an astronomy observatory or something else.

Commissioner O'Connor stated that he would like protections in place.

Chair Pentin stated that the only question he has came from the applicant and that was the mention of putting trees and drip lines. He noted that it is not considered grading and questioned whether adding trees and drip lines would constitute putting something man-made or doing something on the property.

Mr. Dolan replied that he does not think that would be prohibited.

Chair Pentin agreed but noted that it is something man-made.

Commissioner Pearce concurred.

Commissioner O'Connor added that in a general sense, it would then not be a problem if someone wants to have horses.

3. Does the Planning Commission concur with allowing these man-made slopes that exceed a 25-percent grade to be developed, or should these areas be excluded from development?

Commissioner Blank stated that he thinks they should be excluded from development primarily because Measure PP does not state "25-percent grade except man-made slopes." He indicated that he is kind of torn without getting into an interpretation of Measure PP, since he was not the author of the Measure, and without trying to figure out what all the voters were thinking of. He noted that the slope was man-made 30 years ago and has now become part of the landscape.

Commissioner Pearce questioned what the intent was.

Commissioner O'Connor commented that things may get worse if they are put it back to their original state as how would anyone know what the original was. He added that in general and not only for this property, the Commission would find itself trying to second guess whether something was really man-made or not, and Measure PP does not give it as an exception.

Commissioner Blank stated that is why he is leaning toward leaving it alone if it is over 25 percent and if it is okay if it is less than 25 percent, no matter how it got there.

Commissioner O'Connor agreed.

Commissioner Pearce stated that she was not sure.

Chair Pentin stated that if it is man-made, civil engineers who look at these cuts would be able to determine what has been moved and what has been created versus what was there or what should have been there. He added that he believes the Commission was right in determining that the slope on the Hana Japan site was man-made; however, he indicated that he feels it is problematic to give one answer to one and a different answer now to another.

Commissioner O'Connor noted that the Commission made it very clear that it was not setting a precedent when that issue came up with Hana Japan.

Commissioner Olson stated that his interpretation is if the slope was man-made 25 or 30 years ago and has at this point found its natural resting point, and if it's 25 percent or greater, it needs to be left alone.

Commissioner Blank stated that he likes that interpretation and questioned what would happen if the slope was done three weeks ago and it is 25 percent.

Commissioner Olson stated that he does not want to lose sight of an issue and pointed out that it was obvious to him tonight that there is a big traffic problem here regardless of whether this project goes through or not. He noted that there are some things that need to be done straight away to address the traffic problem on Junipero Street and other streets in the area. He indicated that he feels strongly that additional access to the project should be developed, and he thinks it is acceptable to create those additional access to this project even if it involves building a road on a slope that is 25 percent or greater. He added that if the project is left the way it is, the existing traffic problem would be exacerbated.

Commissioner Pearce stated that she thinks the intent of Measure PP is not natural slope versus man-made slope but rather, issues of visibility and creating structures on any slope.

Commissioner Blank stated that he likes Commissioner Olson's view that if something has been there for 25 years and has become part of the landscape and if it is more than 25-percent, leave it alone; however, he does not know how to handle something that was put there three weeks ago and by somebody who should have done it in the first place and it's more than 25 percent.

Commissioner Pearce agreed.

Mr. Dolan stated that he thinks where the Commission might benefit from a little bit more information about how this occurs is that most of this development is proposed in a valley. He explained that it is kind of like a bowl, and in this one particular area, there is a finger that is a little bit above the valley floor that projects out into it. He continued that at one point, they needed to cross that finger so they just plowed right through it and there was a road, and the sides of that road, just like a freeway that has been cut through, are man-made and are very steep; and then at the toe of that finger, they needed enough room between this finger and the creek to put in a barn, and they wanted the ground to be flat so they scraped off the end of the toe and it also became very sharp. He noted that if the Commission is going to interpret it the way it is heading, it will end up with this bowl in the bottom that cannot be seen from anywhere except from internally, a land form that is not very prominent but is right in the middle so one would have to build around it.

Commissioner Pearce stated that her concern is that the Commission is not just talking about this property but is also trying to talk about going forward with lots of properties.

Commissioner Blank noted that this is obviously still a workshop but he thinks it might be useful to actually see the property and would like to arrange for a site visit up into those areas. He noted that he drove up toward there but he did not actually get on the property.

Chair Pentin stated that what he is hearing from the Commission is that man-made slopes of 25 percent should be covered by Measure PP, but maybe there is an exception in this particular case that could be considered.

4. Does the Planning Commission believe that the grade differentials between lots should be reduced with the use of split-pad lots, stepped foundations, and/or terraced lots?

Commissioner Blank inquired if there is any disadvantage in doing that.

Chair Pentin stated that the applicant has indicated that flat pads were best and they want that. He asked staff to weigh in on this.

Mr. Dolan replied that staff is not necessarily recommending one way or another; staff just does not want the Commission to be surprised if the plan stays that way and there are retaining walls when it comes back. He noted that there was a trend at one point where staff wanted everything on a split level to try and conform the house to the grade, but the reality is, sometimes those create more prominent and more visible homes, as opposed to on a flat pad, a little bit of the house gets cut in, it sits down inside the ground a little bit, and it does not protrude as much. He added that if there are pads and they are next to each other and they step, the depth gets lost because they are next to one another and the back corner is not visible. He noted that this is a choice, and the applicant has made a proposal that will require some retaining walls, the reason for doing that being that they do not have a great deal of area to work with due to the limitation provided by Measure PP and the 25 percent.

Commissioner Blank stated that he thinks it kind of comes down to a common sense thing. He noted that thinking back to some of the specific plans where two-story homes are not permitted, the Commission has had to consider and allowed single-story homes that were actually taller than two-story homes, and two-story homes that were actually shorter than the surrounding one-story homes. He indicated that it seems to him that to say "blanket" they are all going to be flat pads or they all ought to be split pads is not the right thing to do. He added that he thinks it has to be a combination based on staff's judgment and the developer's judgment about what fits best where to minimize the impact on the hills. He indicated that he would defer that to staff to work into the planning process.

Commissioner Pearce agreed.

Commissioner O'Connor stated that he thinks a lot of it would also depend on the topography, such that if it might be all right to grade if it's a three- or four-foot grade, but

it might not make any sense if it is a ten-foot step, in which case a split-level might fit better. He added, however, that if single-family homes or single-story handicapped-accessible homes are being considered, then there would not be any stairs. He stated that he did not think any single-stories are proposed in this development, although he would like to see a few next to the existing neighborhood and said that maybe staff can see if they can work with the developer on that.

Commissioner Olson inquired if the top of any retaining wall that may be installed would presumably be 100 feet below the ridgeline and that its visibility would be minimized from afar.

Mr. Dolan said he believes that is correct.

Commissioner Pearce noted that it is a structure. She added that her inclination is always to minimize the impact on the hills. She noted that she does not think it should be a "blanket" this type versus that type and that the Commission is in agreement that it will be a lot-by-lot discussion.

The Commission considered Questions 5 through 7 together.

- 5. *The street connection to Middleton Place will be determined with the review of the proposed project. The Planning Commission should review this issue and provide its comments to staff, the applicant, and the public.***
- 6. *If the street connection to Sunset Creek Lane is not provided, does the Planning Commission concur that the North Sycamore Specific Plan will have to be amended to remove the street connection in order to make the Specific Plan consistent with the Pleasanton General Plan?***
- 7. *Does the Planning Commission concur with the staff determination that streets are covered by Measure PP?***

Commissioner Blank stated that he thinks the Commission should defer to Commissioner Olson on these questions because he was pretty passionate about them. He indicated that he agrees at the very least, that a comprehensive traffic study is necessary and that the Commission and staff ought to look at ways to increase traffic access. He added that he would support going over the 25-percent grade to put in a traffic access, but without seeing the property, he does not know whether or not that is possible. He noted that he would want to go out there and look at it to understand if it would entail an extra thousand dollars or an extra million dollars to do it.

On Question No. 7, Commissioner Blank stated that he agrees with staff. He added that barring any other guidance at this point in time, staff is making the right choice to include streets in Measure PP. He noted that asking 100 different people can result in 100 different answers, and he is not going to try and interpret what people thought they were doing way back when, which was a much more emotionally-charged environment

than what is here tonight. He stated that he prefers to take the conservative approach because the Commission can always do something different down the road. He indicated that he agrees with Commissioner Olson that a better access, a different access, should be looked into.

Commissioner O'Connor agreed that streets are considered one of those structures. He stated that if the thinking is that a road did not matter, then it would be all right to go ahead and shave off the top of a ridge to put in a road to provide access to some park. He added that he thinks Measure PP is sort of clear that one cannot go in and tear areas over a 25-percent slope to put in streets and sewers and sidewalks. He indicated that he thinks staff is taking the right approach, and the City does not need any more lawsuits. He cautioned that with respect to access, providing more access points for traffic to get out will mean more access for traffic to come in as well, and there would be actually be more than just 50 homes accessing those same roads going in the opposite direction.

Chair Pentin agreed. He stated that he lives off of Junipero Street and has seen over 20 years a change on this street. He indicated that he totally agrees with the comments made tonight about the curve and the stop signs and that he cannot see this project with just a Lund Ranch Road access to Junipero Street and Independence Drive. He added that he understands that the connection to Middleton Place is a huge grade and would like to know how Measure PP affects the connection to Sunset Creek Lane. He noted that there have been either promises or things put in place for many years, and he would like to have those evaluated. He further indicated that he would like to have Measure PP evaluated as to whether the connection from Lund Ranch and possibly the Foley property will have to come down through Lund Ranch Road to Independence Drive and down at Junipero Street. He noted that he would have a really big problem with that. He added that he cannot imagine installing traffic-calming devices and stop signs to that neighborhood in this particular case.

Commissioner Pearce agreed with what has been said and believes that streets are covered by Measure PP. She indicated that she has significant concerns about the circulation and does not know how to resolve those two. She stated loudly and clearly that there is a significant traffic problem in this neighborhood, and she is not willing to impose more significant traffic impacts there.

Commissioner Blank noted that the Commission received a lot of documentation today from the neighbors, some of which the Commission has not seen before. He stated that one thing that might be helpful is for staff to put together a vertical or horizontal timeline on major events so the Commission can see the total picture and understand how things came together for Lund Ranch.

Commissioner Olson agreed that would be very helpful.

Chair Pentin asked staff if they have enough information on the discussion questions.

Mr. Dolan said yes.

Commissioner Pearce stated that she would like to hear the Commissioners' viewpoints on the concept of a park on this property.

Commissioner Blank stated that there is no park plan for this property and that he is not certain if the Commission can talk about a property that's not part of the workshop.

Commissioner Pearce clarified that she is referring to this property.

Commissioner Blank stated that he thinks it would be great to have a park.

Chair Pentin stated that he agrees with the idea of a park, or he thought there was something about a staging area for the trail system. He noted that it is a wonderful opportunity, especially with the dedication of certain open space, and would be a great place for the City's southeastern hills. He noted, however, that with the mention of a park, it comes right back to the traffic issue and circulation and access to and from the park.

Commissioner Pearce stated that she wants to resolve the circulation issue but that what she heard from the neighbors is that Mission Hills Park is heavily used, and she thinks the concept of adding something there in that area of town is intriguing.

Commissioner Blank stated that he thinks this is something the Commission could consider after traffic studies are done.

Commissioner O'Connor stated that he would probably entertain looking at something smaller such as a neighborhood park. He noted that Mission Hill Park is huge and draws people because it has amenities that other parks do not have such as the really big slides. He indicated that he thinks one would not want to draw people into the area. He noted that the last two or three developments up in this area did not include parks; the closest would be the Mission Hills Park.

Commissioner Olson stated that this is Pleasanton and questioned who would not be interested in a park. He indicated that he is in favor of a small neighborhood park.

Commissioner O'Connor stated that there were a lot of questions that came up tonight about water runoff, and the people close to that water are concerned especially with silt running down a hill. He inquired, if this were engineered correctly, if the water would have a channel to go through and into a sewer system so that the water would not run off the property and into the other neighborhood.

Mr. Dolan replied that would be the goal.

Commissioner Blank stated that the other thing he did hear tonight for whatever reason is that the neighbors did not receive notices. He suggested that the City work with the developer to make sure that the notification is accurate and up to date.

No action was taken.

- c. **P12-0113, Angela Joe-Willmes and Linda Martin, Appellants (Kathy Wooley/Harris French & Associates, for WalMart Neighborhood Market, Applicant)**
Appeal of the Zoning Administrator's (in this case the Community Development Director's) approval of a Zoning Certificate to operate a supermarket as a permitted use at 3112 Santa Rita Road within the hours of operation and delivery limits as set forth in the existing Conditions of Approval for PUD-84-4 (Ordinances Nos. 1035, 1165 and 1214 and Planning Commission Resolution No. 2691). Zoning for the property is PUD-C-O (Planned Unit Development – Commercial-Office) District.

This item has been continued to a Special Meeting on March 19, 2012.

7. MATTERS INITIATED BY COMMISSION MEMBERS

WalMart Appeal

Commissioner Olson inquired if the reason the WalMart item was moved to the Firehouse Art Center was because of the neighborhood groundswell of opinion or because of union pressure.

Mr. Dolan replied that the Fire Chief felt the Council Chamber was too full for safety the last time the WalMart item was on the Council Agenda as a non-action of accepting the Zoning Administrator's actions report which was just staff relaying information to the Council. He continued that now that there is actually an appeal that will be acted on, the Fire Chief felt that to hold the meeting in the Council Chamber, staff would need to have a system to meter the number of people coming in without having to literally leave anybody outside. He noted that the Art Center has almost double the capacity and includes some lobby space where the public can stand and watch the meeting. He added that this was purely the reason and that staff was not projecting who it is that necessarily would show up.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

No discussion was held or action taken.

12. ADJOURNMENT

Chair Pentin adjourned the Planning Commission meeting at 9:50 p.m.

Respectfully,

JANICE STERN
Secretary