

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

DRAFT

Wednesday, May 11, 2016

CALL TO ORDER

The Planning Commission Meeting of May 11, 2016, was called to order at 7:00 p.m. by Chair Ritter.

PLEDGE OF ALLEGIANCE

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

1. ROLL CALL

Staff Members Present: Gerry Beaudin, Director of Community Development; Adam Weinstein, Planning Manager; Larissa Seto, Assistant City Attorney; Eric Luchini, Associate Planner; Jenny Soo, Associate Planner; and Kendall Rose, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, Justin Brown David Nagler (arrived at 7:10 p.m.), Greg O'Connor, and Chair Ritter

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. April 13, 2016

Commissioner O'Connor moved to approve the Minutes of the April 13, 2016 Meeting, as submitted.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the April 13, 2016 Meeting were approved, as submitted.

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

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

4. REVISIONS TO THE AGENDA

Adam Weinstein stated at the request of community members, Item 6.a., P16-0828, City of Pleasanton, will be continued to a future meeting.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

Commissioner Balch stated that he has a couple of questions regarding Item 5.a., P15-0620, Paul Bommarito, and would like to pull it from the Consent Calendar.

a. P15-0620, Paul Bommarito

Application for Design Review approval to construct an approximately 5,398-square-foot, two-story custom home on an approximately 1.97-acre parcel located at 3 Winding Oaks Way. Zoning for the property is Planned Unit Development – Hillside Residential/Open Space (PUD-HR/OS) District.

Item 5.a. was pulled from the Consent Calendar and will be considered as the first item under **6. PUBLIC HEARING AND OTHER MATTERS.**

6. PUBLIC HEARING AND OTHER MATTERS

a. P15-0620, Paul Bommarito

Application for Design Review approval to construct an approximately 5,398-square-foot, two-story custom home on an approximately 1.97-acre parcel located at 3 Winding Oaks Way. Zoning for the property is Planned Unit Development – Hillside Residential/Open Space (PUD-HR/OS) District.

Commissioner Balch: The first question is about height. I noticed in the staff report that it is 25 feet, but the height it actually higher than 25 feet, correct? Could you maybe help us understand how that analysis went and where staff is on that? 26 feet, 9 inches versus 25-foot max in the designated development area (DDA). I think it is on page 6 of 9 in the Staff Report. I know in the past when we've had these, there's always been the question of how we measure. It's not a huge number, but I just didn't know if staff had checked.

Eric Luchini: The way the height is measured in this particular subdivision is vertically from the finished grade to the peak of the roof and correct, we are measuring this as 26 feet, 9 inches. The reason for the height being above the normal max is that there is a slight grade differential and they are also incorporating a two-story element into this project which is permissible provided that they meet certain criteria.

Commissioner Balch: Setting it into the roofline?

Luchini: Correct. That is where the difference in in the height comes into play and the maximum would typically be a one-story structure in most cases. In a couple of weeks you'll see a one-story structure on Lot 7 coming to you that will be below that height limit. The difference here though is the two-story element they've incorporated into the design.

Commissioner Balch: Okay. And then my other comment is that I would like to see as a condition added that recycled water be used during construction of the project. I know we talked about one-off houses so I don't know how staff feels on it, but given the size of the house and location I think it would be appropriate versus smaller lots where we haven't really required it. There was a project, in fact it is just down the street from here; there are three houses with a cantilever. We looked at that and we didn't require recycled water because it was an infill lot whereas with this one it might be prudent to add that condition in.

Chair Ritter: Just to clarify that it be required that they use recycled water?

Luchini: Correct, for construction purposes only. Is that the condition?

Commissioner Balch: Exactly.

Weinstein: We should get the applicant up just to make sure they are okay with that condition as well. It has been something we have been considering more seriously for new projects and you're right, we don't have a standard policy for recycled water on construction sites because there are balancing considerations. It's good to use recycled water obviously in the context of a drought, but it's another truck on the site, more traffic, and it sometimes doesn't make sense from an economies of scale perspective for us just to do it on a single lot, but generally speaking, for non-infill projects on bigger lots on the outskirts of town, we are starting to incorporate that condition in and it seems like if the applicant is okay in this case with that condition we can insert it.

Luchini: Provided the applicant is okay with that, we do have some standard language.

Commissioner Allen: How many total lots in this development and how many are already built?

Beaudin: There are 7 total lots and then one is currently under construction. It's Lot 1 down at the very bottom. This is the second of the 7 lots that is coming before you. All of the rest are currently vacant.

Commissioner Allen: Are there are any homes that today have view impacts of this home? Is there a view issue?

Luchini: There is an adjacent neighbor in this case that's close by and she's actually coming in this evening; Mary Roberts lives right next door on Lot 3, so this would probably be the most impactful of any of the lots to her particular property. She and I had a discussion though. She did some of her own story poles on the site and she evaluated her view impacts and at this point she's okay with the layout of the home and the height to address those issues.

Commissioner Allen: Thank you.

Chair Ritter: How much water is used on a site like this? I mean is it one truckload that we're talking about? 3,000 gallons or is it 10 truckloads? I agree we want to be conservative with recycled water, but how much is it?

Luchini: I'm not sure we can answer that question. I'm not sure the architect would or not, but he may have a better industry understanding than we would in this case.

THE PUBLIC HEARING WAS OPENED

Terry Townsend, Architect: The recycled water is going to come in during the grading operation and since its already a flat pad, it's going to be minimized and basically it's going to compact any dirt that's moved and it's going to keep dust down to a minimum, and that would be it. So, I talked to the applicant. We don't have an issue with using recycled water for those purposes. It's not going to be a huge quantity.

Chair Ritter: And I know when I was looking at the water 3,000 gallons costs \$300 for a truckload, but then you've got gas and other things, so it's not a cost thing.

Commissioner O'Connor: So Terry, just a question for you, if you weren't using recycled water, would you have water on site to use?

Townsend: What they typically do is they hook up to the fire hydrant. They use one of the large trucks down below somewhere or use the fire hydrants at the street, fill up with permission from the City of Pleasanton and use that. So we're going a little further in order to get the water because recycled is not available right next to the property.

THE PUBLIC HEARING WAS CLOSED

Commissioner Balch: Maybe we should check that if we have a consensus that would like to see that; if we have a majority that versus not. If I may make my case a little further, so the house that I asked for was rejected as a requirement was the one we did over here. We looked at a cantilevered option. It was a continued item. It came back and I just can't remember the street, but it's just right down here.

Weinstein: Augustine Street.

Commissioner Balch: Okay, yes, and so eventually as staff, I think it was Adam who said, hey, it's not practical in that situation that there's no grading and it's just impractical. This in my view, it's on a hill and its new development and I do personally think would be appropriate, but I'm okay if the group decided not.

Commissioner O'Connor: The applicant is okay and I'm fine. I don't have any issues.

Commissioner Allen: And I'm fine if the applicant is. It makes sense. Thank you for raising it.

Commissioner Balch moved to approve with the addition of a condition that only recycled water shall be used on the site during the grading and construction periods, and this specification shall be included on all grading plans and other construction documents.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, Nagler, O'Connor, and Ritter

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: None

Resolution No. PC-2016-13 approving Case P16-0620 was entered and adopted as motioned.

a. P16-0828, City of Pleasanton

Proposal of a policy that establishes a new project review procedure to consider the merits of legislative change applications for residential or mixed-use projects that have a residential component.

This item was continued at the request of community members.

Noted Present:

Commissioner Nagler was noted present at 7:10 p.m.

b. PUD-116, Frank Berlogar

Application for Planned Unit Development (PUD) Development Plan for the approximately 34.3-acre parcel located at 88 Silver Oaks Court to construct two new single-family residences of approximately 6,117 square feet with a four-car garage and approximately 6,372 square feet with a four-car garage and related improvements on two new lots measuring approximately 3.88 acres and 14.56 acres, respectively; and to retain the existing single-family residence, second unit, and accessory structures on the approximately 15.86-acre remainder parcel. Zoning for the property is Planned Unit Development – Hillside Residential/Open Space (PUD-HR/OS) District.

Jenny Soo presented the staff report and described the scope, layout and key elements of the proposal.

Larissa Seto: Could I just jump in with one further comment with regard to the email that was received from Ms. Humphrey on Friday, May 6th. One of the questions that were posed was Question #4: Do these homes comply with Measure PP? I just wanted to clarify for the record that that measure only applied to subdivisions of 10 or more lots and because this is a 3 or more lot subdivision, those restrictions on grading and steep slopes and issues don't apply here. That's why the other provisions in the staff report in regard to General Plan conformity, these provisions without Measure PP and General Plan conform with this.

Commissioner Allen: May I ask one question regarding that and I'm referring to page 2 of 15. The Vineyard Avenue Specific Plan indicates that a total of 14 new residential units could be developed on Lot 22 in addition to the existing home. We've been seeing some of these applications one-off and this one happens to be 2 homes. My question is, given there could be a total of 14 of which this would be 2 of the 14, does that have implications to PP?

Seto: Measure PP's language was for the existing lot of record. If there were subdivisions that went forward for 10 or more lots, part of it would be the timing for the other subdivisions and when they happen in relation to when PP was adopted. So, to the extent earlier lots had been developed first and subdivided first, then they wouldn't be subject to the limit; only the lots of record when PP was adopted would be subject.

Commissioner Balch: Can I follow up on that? So for example, if Mr. Berlogar wanted to subdivide out and put 20 homes on the site, then it would come in as required because of the record of this lot.

Seto: Correct. Then because this subdivision is happening after PP is adopted you would say he's already had the existing 30 acre lot subdivided so there would technically only be 7 more left if he wanted to be not subject to the PP restrictions. If he wanted a full 20 that would require obviously a specific plan amendment and other changes, then that would have to be in compliance with Measure PP's restrictions.

Commissioner Balch: May I follow up on one of the questions—Jenny, could you turn to the slide showing the site location with the lots in red outlined? To Nancy's question, so Lot 2 being as large as it is, I mean it is 2 part. The first question is the building envelope—are those set in the specific plan? Those are locked in?

Soo: This slide gives you an idea of where the specific plan says it could go. That is what the mustard colored circle, the blob, designates. The proposal is for this outline in red to be the building envelope that contains everything inside for Lot 1 and this for Lot 2. So all of the development needs to be limited within those boundaries.

Commissioner Balch: Okay, so Lot 2 begs in my view to be split into another lot. I know this is a north/south orientation. The southern portion where you can see the existing home there, the southern portion can't be lobbed off, correct? In going forward with this plan, the southern portion of this Lot 2 must stay and contain with the northern portion.

Soo: Actually you can see here there is a number 2. That is in the specific plan. In this area you are only allowed to create 2 new lots, so this is it. If Mr. Berlogar later on would like to have additional lots, one or two or even more, Mr. Berlogar will come back asking for a specific plan amendment.

Commissioner Balch: I see, so theoretically if Lot 2, given its girth of 15 acres approximately, wanted to be broken out further...

Soo: It's a process, yes.

Commissioner Balch: I don't know if that's where you're heading Commissioner Allen, but that was my question.

Commissioner Allen: Thank you for asking. Are there any other lots within what's called Lot 22 on page 2 that will be coming forward?

Soo: No. The 9 lots already happened. When we discussed PUD-84 two years ago on the other side, the specific plan allowed for 3, Mr. Berlogar applied for 2 and we approved the 2 and he gave up the 3rd lot so that one is gone. If he wanted any more it would require a specific plan amendment.

Commissioner Allen: And then the 9 lots....?

Soo: Are in the front.

Commissioner Allen: So those are the ones that exist. They existed prior to PP.

Soo: Yes, that's correct.

Commissioner Allen: Thank you.

Commissioner Nagler: Because that means in the aggregate, even if the applicant came back later and asked, he still won't penetrate PP because 9 of the lots predated it. Okay, got it.

Commissioner Brown: I just wanted to ask one quick question. So you clarified the question I had in terms of the two views which is great. Unlike in the plan of Item 5.a. where it was part of the plan that it had to be less than 20 percent if it was going to be a two-story, there's nothing in the specific plan that talks about going beyond the limit, right? I know staff said in generalities, when you compare the two views, I mean based on the distance of the rendering, you're not going to see the difference of three feet so I'm not quite sure I understand the value of the two graphics. Can you elaborate more about the justification of going beyond the specification in the specific plan in terms of going to the greater height requirement?

Weinstein: So the specific plan itself provides some flexibility for deviating from the two-story, 25 foot standard above 540 feet in elevation. And you're right—there aren't any specific thresholds for looking at second stories in that case and whether they might be acceptable or not under the flexibility provisions of the specific plan. So what we do is we look at whether these deviations from the standards comply with the overarching objectives of the specific plan; which are to reduce the appearance of buildings on hillsides, to preserve the existing topography, and to essentially reduce the visual impacts of projects. What we have here on Lot 1 is a 6,000-square-foot house. The footprint of the second story is roughly 1,400 or 1,500 square feet, so it's a very small fraction of the first story footprint. That's one key issue. The second thing we look to of course are the visual simulations and a comparison of the 25 feet to the 28 feet, 4 inch building. And as you can see from the visual simulations, there's not a big difference in visual effect between them and so that's what they really intended to illustrate. There isn't going to be a visual impact associated with that second story and the couple foot increase in building height. So in the absence of specific criteria to look to in the specific plan that will allow for a second story of additional building height, we looked at broader objectives of the specific plan and it seems this project as currently proposed conforms to the overall aesthetic intent of the specific plan.

Commissioner Brown: I guess my question was specifically that the specific plan says single story and 25 feet when over elevation 540, right? And that's what I was asking. I know you're saying it allows for variance. Somebody made a conscious decision to say single story over 540, 25 feet or less, so I was just probing on that one point.

Weinstein: Yes, typical of any policy document like a specific plan, it doesn't necessarily have specific development regulations embedded in it. There's often times room for deviation from that development guidance and there is specific language in the specific plan that says there is flexibility in applying the site development standards and that can be a function of unique site conditions with the objective of getting the best design possible. The two story restriction and the 25-foot restriction above elevation 540 isn't a specific, never-to-be exceeded, site development standard.

Chair Ritter: If there's any speaker cards come up. I have the applicant, Frank Berlogar.

THE PUBLIC HEARING WAS OPENED.

Frank Berlogar, Applicant: Chair Ritter and members of the Commission, thank you. There is something unique about this project and that is that it is not visible from any City street in Pleasanton. Those two homes are only visible from perhaps a dozen to

15 homes and rear yards that back up to it, but it's not visible from any City streets. And the photo-simulation that you see was taken from the backyard of the lowest home. So for all the other home sites, that upper house could be well above the ridgeline you see in that. Two, all the homes that can see these houses are all two-story, so it's not like it's deviating from the local community. It's a good project. I ask you for your approval and I'd be happy to answer any questions you might have.

Commissioner Nagler: Just because really, sort of the one outlier issue in your application is the fact that Lot 1 is two stories, so let me just ask. Did you consider putting a one-story house on the site and for some reason went to two stories?

Berlogar: I was looking to minimize the footprint and I honestly didn't think of it as a major obstacle because on the prior project, PUD-84, the Council approved going to 40 feet on the upper lot instead of 30 feet in the guidelines and they gave me a 10-foot leeway and I thought that was very visible, this is almost invisible. That was my reasoning.

Commissioner Nagler: Okay, thank you.

Chair Ritter: Any other questions? Okay, thank you. I'll bring it back to the Commission. Any questions?

THE PUBLIC HEARING WAS CLOSED.

Commissioner Allen: My only question is of the 12 or 15 private homes that can see this, have we received any feedback from any of those neighbors regarding any concerns about the building height?

Soo: No, I received one call from a neighbor on Silver Oaks. He basically just asked where the proposed home is going to be located. The homeowner today came in to review the plans and he's asking for the restriction on the corral amenities, but he said he did not have any concern regarding the proposal and we have received no other comments.

Commissioner O'Connor: I was I think somewhat along Justin's lines I was surprised that there wasn't a proposed single story given the size of some of the lots. I usually think of two story because a lot is constrained, but no, I didn't have any comments.

Commissioner Brown: I'm okay Chair Ritter.

Commissioner Nagler: The only question I had is the one I asked which is why a two story when again, a one story home can certainly be accommodated on the lot and I'm satisfied with the applicant's answer. I think the architecture is terrific and I don't have any other questions.

Commissioner Balch: Yes, I completely agree with Commissioner Nagler. I think that two stories did catch me but then I looked in the distance and I'm perfectly fine with it. I will say I'm necessarily inclined to entertain the request for the corral restriction. I'm not

interested in that personally. I don't support restriction on the use. It's zoned agriculture, it gets to stay agriculture.

Chair Ritter: I tend to agree with what most everybody said. I like the open space and I think the two story in this area gives more green in the field out there and doesn't affect the views from the neighbors. So it sounds like we might have a motion?

Commissioner Allen: I'll make a motion, but before I do, let's go to Jack's comment about the corral and getting a read on how people feel about that. Or, a question is whether there's a precedent in doing that with other properties that have this kind of zoning.

Commissioner Balch: Is there a precedent to sub-zone?

Weinstein: In my mind, it sort of relates to moving to the nuisance issue that we often talk about in the context of downtown residential uses where we often require a deed restriction for people buying new houses in downtown to let them know that they are living in a place that is subject to a lot of traffic, noise and a lot of commercial activity. This site has been zoned for these uses for a very long time and designated for these sorts of uses since the creation of the specific plan at least in 1999. Theoretically anybody that moved to nearby neighborhoods after 1999 would be aware there is a limited amount of residential development allowed in this part of the specific plan area but the areas outside of that residential footprint could be used for agricultural uses which could include corrals, livestock, chickens and so forth; rural uses. So in my mind, there's a lot of different ways to parse this issue. It could be problematic to restrict agricultural uses just in one part of the site just because somebody doesn't want to look at corrals and doesn't want to hear roosters crowing in the morning. That said, it's a relatively small part of the site that's being requested for that restriction so, you know, can a land owner find other areas of the parcel that has corrals and has chickens? Probably. Going back to the basic principles of land use planning and really understanding what future land uses are going to be, that result from a specific plan like this, which is the result of a comprehensive planning effort, it seems like in my mind, there aren't a lot of precedents for imposing restrictions on specific sites for something like this.

Commissioner Allen: So I'm leaning with Commissioner Balch on this. So are we ready for a motion?

**Commissioner Allen moved to approve, as submitted.
Commissioner Balch seconded the motion.**

ROLL CALL VOTE:

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

Resolution No. PC-2016-14 approving Case P16-0006 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

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

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

Chair Ritter: I want to thank staff for putting this together. I just wanted to announce that I went to a school board meeting and it was not on here but it was very interesting. There's tons of things that we don't get at Planning Commission meetings of happiness and there's sad things because you get pink slips from teachers, but it was reported that PPIE gave away over \$500,000 to the school and YMCA gave \$250,000 to the school and a bunch of scholarships with kids there, and I think it's important that as we plan, we keep the schools in mind and know when we make these plans that funds go towards our schools. I just thought it was interesting. Any other reports?

b. Future Planning Calendar

Weinstein: The next meeting which is on May 19, just to give you a heads up as to what's on that agenda, we have three consent items or likely consent items. Two are Design Review applications for single family residences; one on Sleepy Head and one at 7 Winding Oaks, and then there's a Tract Map on the Consent Calendar and then the big item that night is a workshop for a mixed use project right down the street at Augustine and Old Bernal that will include office space and a couple of single family residential units. If it moves forward in its current condition it will require a specific plan amendment. So that will be a workshop.

Commissioner O'Connor: What did you say the date was for Augustine?

Weinstein: I might have it wrong, but it's the 19th.....the 25th, sorry!

Chair Ritter: The 25th, two weeks from now. Great thank you.

Commissioner Nagler: What will the attendance be at the next meeting? Who is missing?

Chair Ritter: We're all here. One little thing on the Future Planning Calendar, is there anything on this list that are possible deviations to the General Plan or any legislative action items that are on here just so we're aware?

Weinstein: Well there's two of them actually. One is the Economic Development Zone General Plan Amendment and Rezoning and then the other is Mike Carey's project at Augustine and Old Bernal that we just talked about.

Commissioner Balch: And the Masons? Would that be a PUD amendment or that's a....

Weinstein: That's just relooking at their existing CUP, no legislative changes.

Commissioner Balch: So to Justin's benefit because he asked, I think about when I'm going to be attending, so I will be out for Chabad and I will be out for Tri-Valley, so if you see those two on the agenda you know you need to be here for those two items.

c. Actions of the City Council

No discussion was held or action taken.

d. Actions of the Zoning Administrator

No discussion was held or action taken.

e. Matters for Commission's Information

No discussion was held or action taken.

9. ADJOURNMENT

Chair Ritter adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Adam Weinstein
Secretary