



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, September 14, 2011

(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 September 14, 2011, was called to order at 7:00 p.m. by Chair Kathy Narum.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chair Narum.

1. ROLL CALL

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

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

Commissioners Absent: Commissioner Arne Olson

2. APPROVAL OF MINUTES

a. August 10, 2011

Commissioner Pentin moved to approve the Minutes of the August 10, 2011 meeting, as submitted.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the August 10, 2011 meeting were approved, as submitted.

a. August 24, 2011

Commissioner Pentin moved to approve the Minutes of the August 24, 2011 meeting, as submitted.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the August 24, 2011 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 Planning Commission.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Mr. Dolan advised that Item 8.a., Information regarding Private HOAs/CC&Rs and the City's development review process, is being continued to a future meeting as he needs to follow-up with Commissioner Blank.

5. CONSENT CALENDAR

Chair Narum indicated she received a speaker card from the audience for Item 5a and is removing the item from the Consent Calendar to be considered as a Public Hearing item.

a. P11-0033, Property Development Centers

Application for Sign Design approval of a comprehensive sign program for the Pleasanton Gateway retail/commercial development, excluding the offices, located on the south side of Bernal Avenue between the I-680/Bernal Avenue exit ramp and Valley Avenue. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.

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

With respect to the new Condition No. 10 regarding replacing the sign on the south building elevation, Commissioner Pentin requested clarification from Mr. Pavan that he meant “if,” and not “when,” a residential use is approved on the south side of the Safeway development.

Mr. Pavan confirmed that was correct.

THE PUBLIC HEARING WAS OPENED.

Theresa Moore stated that she is a life-long resident of Pleasanton and has reaped the benefits of the well-planned development in the City. She indicated that she has spoken earlier with Mr. Pavan and has had some of her questions answered; however, she would like to express some of her concerns to be part of the formal record.

Ms. Moore stated that she lives across from the strip-mall portion of this development and that her main concern is the nine signs proposed to be facing their housing development. She further stated that when she asked Mr. Pavan why a monument sign was not proposed, Mr. Pavan explained that there is a 25-foot utility easement in that area. She noted that nine signs are a lot from an advertising standpoint and requested that the Commission consider setting them farther back instead of across the back side of that development. She noted that there is not a great view of the signs from Bernal Avenue, especially when the trees are in full foliage, and that basically it is their housing development that would be looking at those signs. She added that as people drive up, they need to be on top of the signs in order to see what they say.

Ms. Moore stated that she was also opposed to the size of the signs, which look very large from their neighborhood. She requested that, if the signs are to remain, their sizes be reduced from one square foot per linear foot to .5 square foot per linear foot, which would be more residential-friendly and would also necessitate less lighting while still being visible.

Ms. Moore noted that the City’s Sign Design Review brochure states that applications in areas with a Homeowners Association (HOA) need to provide an approval letter from the HOA stating its review and approval of the proposed project. She stated that she contacted the HOA, who indicated that it had been working closely with the project but

said nothing about the sign and its approval. She added that she was not able to confirm with Mr. Pavan if and how this was complied with.

Ms. Moore stated noted that the back side of development is not a solid building and that her neighborhood will also be contending with illumination from the very large window, on top of which would be the nine signs. She reiterated her request to find another way to advertise what is in those buildings.

Chair Narum asked Ms. Moore if her concern was for signs on the buildings facing Valley Avenue.

Ms. Moore said yes. She added that it is her understanding that window paintings were removed from the plan but the condition that they are subject to the discretion and approval of the tenant is vague. She requested that this be set forth clearly in writing prior to the implementation of the development so that when big sale signs come up on the windows and they need to call Code Enforcement, they can show the document to the Code Enforcement Officer.

Ken Rodriques, FAIA, project architect, introduced Jim Reuter, Property Development Centers, and stated that the signage proposed along Valley Avenue is consistent with and does not exceed the provisions of the City's Sign Ordinance. He added that they are sensitive to tenant window signs and indicated that these have been removed from the application, with any future signs being required to come before the Commission for specific approval.

THE PUBLIC HEARING WAS CLOSED.

Chair Narum requested Mr. Pavan to answer Ms. Moore's questions.

Mr. Pavan noted that page 25 of the project plans, which shows the west elevations of the Shop 5 and Shop 6 buildings, establishes the maximum number of sign locations for the east-facing elevations on Valley Avenue at five signs for Shop 5 and three signs for Shop 6. He indicated that the sign locations are predicated on what the tenant will propose to the landlord, which would ultimately come to staff. With respect to the height of the signs, Mr. Pavan stated that the maximum height is fixed at 30 inches, which is proportionate to the standard 70 percent of the fascia height. He added that he recommended the Commission allow for a six- inch drop below the sign for lower-case feet letters or for script-style letters.

Mr. Pavan stated that the aspect of this project is to allow flexibility, within reason, without resulting in obnoxious and obtrusive signs and that staff feels the current program achieves that. He noted that, for example, the halo-lit and gooseneck letters are a warm glow to the street versus the intensity of an internally illuminated sign. He added that the one square foot of tenant space matches the sign standard employed for the Downtown area.

Mr. Pavan stated that the PUD development plan regarding window signs prohibits paper signs; however, under the Sign Program, the applicant can submit a request for a Comprehensive Sign Program for tastefully painted window signs. He indicated that in this case, the applicant has indicated that window signs are not proposed and will be prohibited per the deed leasing documents. He added that staff has allowed operating hours signs in the windows, subject to the approval of the Director of Community Development. He noted that the applicant has reviewed and concurred with all these conditions, and any tenant who wishes to have a window sign would need to work through the landlord, present the proposal to staff, who will determine when the sign is the appropriate and acceptable.

Mr. Pavan noted that the Planning Commission recommended approval and the City Council approved the project with clear-vision glass windows to enable the public to see the activities taking place in the buildings. He further noted that as part of the leasing agreement, the tenants will have blinds in the windows to address any glare. He added that the signs are applied to a timer such that when the tenant space closes, the signs will turn off.

With respect to the HOA, Mr. Pavan indicated that notice of the application was sent to the property owners, neighbors, and occupants within a 1,000-foot radius of the project, which includes the Walnut Hills Estates and the apartments in the area, as well as to the HOA. He added that he spoke to the HOA operator, who indicated that there was no need for the HOA to look at these signs.

In response to Commissioner Blank's inquiry regarding whether it is written in the Comprehensive Sign Program that signs shall not operate 24 hours a day, Mr. Pavan said no. Commissioner Blank indicated that the condition should then be modified to state that the sign shall only operate during store operating hours unless approved by the Director of Community Development.

Commissioner Blank then requested clarification that no internally lit signs are permitted on either of the east facing elevations facing Valley Avenue.

Mr. Pavan confirmed that there are none.

Commissioner Blank requested further clarification regarding the use of shades or blinds, stating he could not imagine they would be kept down during operating hours to reduce glare because people walking by would not be able to see what is inside the store.

Mr. Pavan replied that both the Comprehensive Sign Program and the PUD are silent on this matter and suggested that it be discussed with the applicant.

Commissioner Blank commented that he did not think this was really relevant to the Comprehensive Sign Program.

Commissioner Pentin inquired if this would be more of a Use Permit matter.

Chair Narum commented that in the Commission's consideration of the Comerica application, the Commission allowed the use of shades because of the sun's glare at certain hours of the day.

Commissioner Blank clarified that he was simply thinking out loud and was not proposing prohibiting shades. He indicated that he may have misunderstood that the shades would be there ostensibly to cut down on the glare, but he did not think the tenants would lower their shades at night. He added that he did not think either that the stores would leave all their internal lights on all night, that they might leave some low-level lighting on just to keep the stores somewhat lit but that the lights would certainly be not as bright as they would be when they are open to the public.

Commissioner Pearce stated that she understands the drawings on pages 25 and 26 of the plans are conceptual and inquired if the intent is to have only one sign for each different store and if these are all individual store fronts.

Mr. Pavan replies that may be the case, predicated upon the demising plan that comes in. He noted that, for example, that if there is only one applicant for the two store fronts on the left side of the building shown on page 25, there would be only one sign.

Commissioner Pearce clarified that the intent is simply to have one sign per store, such that if there are larger store fronts, there could be less than nine signs.

Mr. Pavan said yes.

Commissioner Blank inquired if the middle building on page 25 can be divided into three, and if so, would the maximum number of signs on the east-facing elevation still be five.

Mr. Pavan said yes. He added that the conceptual demising plan shown on the building permit shows only two tenant spaces.

Commissioner Pearce requested confirmation that the requirement regarding the HOA is notification and not approval.

Mr. Pavan confirmed that is correct.

Commissioner Pentin moved to approve PC-2011-0033, subject to the conditions listed in Exhibit A, with the modification of the condition as proposed by Commissioner Blank regarding leaving the sign lights on only during operating hours unless approved otherwise by the Director of Community Development.

Chair Narum noted the addition of a new Condition No. 10 per staff's memo regarding possible residential use of the vacant property on the south side of the Safeway development.

Commissioner Blank also noted the revision of Section 1.7.J of Condition No. 10 regarding window signs for operating hours.

**Commissioner Pentin added the proposed modifications to his motion.
Commissioner Blank seconded the motion.**

ROLL CALL VOTE:

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

Resolution No. PC-2011-29 approving P11-0033 was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. PGPA-17, City of Pleasanton

Scoping Session and Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Housing Element Update and Climate Action Plan which will apply Citywide, as well as potential General Plan Amendments to change the land use designations of various sites and rezoning.

Janice Stern presented the staff report, stating the scoping session is an opportunity to hear from the public about what should be included in the Supplemental Environmental Impact Report (EIR) for the Climate Action Plan (CAP) and the Housing Element. She noted that a scoping session was already held for the Housing Element in May 2011 and explained that a second scoping meeting is necessary as staff made a decision recently to combine the CAP and the Housing Element into one Supplemental EIR, which is supplemental to the General Plan EIR, mainly because the 17 housing sites being considered for re-designation and rezoning are pivotal to both the CAP and the Housing Element. She indicated that Daniel Smith, Director of the Operations Services, is present to answer questions regarding the CAP. She added that a work session with the Commission will be scheduled to further review the CAP and how it can feed into some changes to the General Plan and zoning ordinance. She stated that there will be a 45-day comment period and additional opportunities to comment on the Draft EIR as well as public hearings relating to the rezonings and adoption of the Housing Element and CAP later this year and at the beginning of 2012.

Ms. Stern indicated that the Housing Element identifies 17 potential land use change areas and includes draft Goals, Policies, and Programs for the facilitation of housing for all members of the Pleasanton community. She added that the CAP identifies multiple Greenhouse Gas (GHG) reduction strategies that will assist the community in meeting its GHG reduction targets, bringing back the reduction target of 1990 levels by 2020, or a 15 percent reduction from the 2005 levels. She then presented sample CAP strategies that are in a number of different topical areas which will be presented in more detail at a future workshop.

Ms. Stern enumerated the different environmental analysis topics and briefly reviewed the revised schedule for the EIR process, indicating that the Final EIR will be available in December 2011, following the publication of the Draft EIR and a 45-day public comment period. She added that the Planning Commission and City Council will then consider the EIR certification in December 2011/January 2012 and the Housing Element, CAP, and General Plan Amendments and Rezonings, which may be approved only if significant effects are mitigated to less-than-significant levels or the City makes findings of overriding social and economic concerns.

Brian Dolan stated that all feedback, comments, and suggestions given during the first scoping session on the Housing Element and associated rezoning and analyses will be addressed in the Draft EIR. He explained that the reason for this second scoping session was really a matter of efficiency as the CAP has been folded in, so there is only one document. He continued that it seemed awkward to have two EIRs with similar, overlapping subject matter floating around and to try and keep them consistent and avoid confusion.

Commissioner Pentin advised that he needed to recuse himself from participating in any discussion on Item 19 on the map, as he did at the last public hearing session.

THE PUBLIC HEARING WAS OPENED.

Carl Pretzel stated that he was present to specifically talk about the Climate Action Plan (CAP). He indicated that he has tried to read it a couple of times and found it to be a poorly worded document. He added that it is his personal opinion that the CAP is the largest single scientific fraud that has ever been placed on this planet, far beyond the cold fusion and, at the same time, certainly no joke because the economic disaster that it can lead this country into can result in the death of many people who are literally freezing to death or dying from the poverty that it causes that far exceeds the previous scientific fraud of nicotine being non-carcinogenic and non-addictive.

In terms of the EIR consultant, Environmental Science Associates (ESA), being a technical expert in this, Mr. Pretzel pointed out that its statement that carpooling is exponentially more efficient than single-occupancy-vehicle use is clearly faulty, because the term "exponentially" means that having two people in the car has four times the capacity of traffic, and three people per car increases traffic nine-fold; therefore, it is

clearly incorrect to say that exponentially, there will be only one-tenth the traffic when there are three people to a car.

Mr. Pretzel stated that the Draft CAP is replete with continual propaganda on why there is global warming and it is very difficult to understand where the effect is on the City. He indicated that he understands the people who brought the med fly problem and MTBE are the same people who wrote this into the California Plan and into California law, which then needs to be followed. He pointed out that the CAP goes over the top and tries to exceed this; and years from now, this whole global warming issue will be like the electricity scare which made people put masking tape over electrical outlets to prevent electrons from contaminating the air.

Mr. Pretzel continued that the other thing that is very interesting is that going more into this, there is something called global warming potential (GWP) which is actually calculated or advertised by the people who are most entrenched in the economic part of climate change, and it is to their advantage to promote this. He stated that as indicated on the web, the greatest greenhouse gas is water vapor. He added that the Department of Energy does not know the GWP of water vapor, and he does not know if ESA knows how to calculate GWP either. He indicated that it is not just a simple calculation; it is the quantity in the lifetime of the gas and its absorption of the spectrum on the ultraviolet, which means that a quantity of gas will have to be assumed before GWP can be assumed.

Mr. Pretzel stated that the web also indicates the contribution of the greenhouse effect from natural and man-made sources: water vapor is 95 percent, and the contribution of man to water vapor in the atmosphere is .001 percent; carbon dioxide is 3.6 percent, and man's contribution to the atmosphere is 1.117 percent; methane, nitrous oxide, and other miscellaneous gases, and the total man-made contribution to global warming is 0.28 percent.

Mr. Pretzel asked the Commission to be very careful, to look very hard at this report, and to really dig into it to see its economic impacts and what it will do to the City because everything says it has zero impact, but it is not looking that well at all. He indicated that the City and businesses will economically suffer from this, so the City should go into this with the bare minimum that the State of California requires. He noted that ultimately, all this will be reversed; and while it will take some time before that happens, the City should not, in the meantime, pin itself into a corner.

Mary Huk stated that she has been a resident of Pleasanton for about 26 years and expressed concern about the traffic resulting from high density housing as well as its impact on the School District with respect to students.

Wesley Lum addressed the impact of the increased amount of commuter traffic that will be impacted with the development of houses and new commercial developments in Site 7. He invited the Commission to walk the streets near Hearst Elementary School and Pleasanton Middle School between the hours of 7:30 a.m. and 8:30 a.m., as well as

near the intersection of Valley Avenue and northbound and southbound I-680. He indicated that it is already overflowing, and expressed concern that adding any more residents and more students to the mix will jeopardize the community's safety and increase the amount of road rage that he has already experienced in their neighborhood.

Mr. Lum stated that the close proximity of where they live to Site 7, and having Pleasanton Middle School, Hearst Elementary School, and Amador and Foothill High School, and adding more high density housing, more students, and more traffic to the mix will reach a tipping point where there will be blood spilled. He indicated that he wants to go on record of making that warning. He added that he will make some videos of the walk over to Pleasanton Middle School, the lines of cars on both directions, people almost getting run over, and people not yielding to traffic, and put them up on *YouTube*. He emphasized that it is a nightmare that will just get worse, and he would like to make this point because one cannot put a price on safety, on letting one person get mowed down, or one person getting injured from road rage. He reiterated his invitation to the Commissioners, if they have children, to walk them to school or drop them off in the mornings, or just take a field trip and walk near the schools.

THE PUBLIC HEARING WAS CLOSED.

Chair Narum advised that staff will be accepting comments on the EIR until September 22, 2011.

No action was taken.

b. PUD-50-01M, Ponderosa Homes, Carol Lehman, and William and Kathryn Selway

Application for a Major Modification to the approved Planned Unit Development (PUD-50) to increase the number of lots on an approximately 19.47-acre site from 27 lots to 31 lots, to construct 29 one-story homes from the previous combination of 25 one- and two-story homes, and to change the house designs and sizes; and for related on- and off-site modifications. The two existing single-family homes belonging to Lehman and Selway would be retained. The subject site is located at 3157 Trenergy Drive and 2313 Martin Avenue and is zoned PUD – LDR (Planned Unit Development – Low Density Residential) District.

Also consider the Negative Declaration prepared for the project.

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

Commissioner Blank thanked Mr. Pavan and Mr. Dolan for an outstanding job of doing the additional research which provided him with a good historical perspective. Referring to the grading and utility plan, he inquired if there was a side-by-side view showing a

“before” and “after,” what it looked like with precious approval and what specific changes they made.

Mr. Pavan suggested that the applicant address this question.

Commissioner Blank inquired if staff took the time to review all the workshops for this project.

Mr. Pavan said yes.

Commissioner Blank inquired why, given the controversy and the number of hours that were put into this project by previous Planning Commissions and City Councils, staff did not hold any workshop that would have allowed more public input.

Mr. Dolan explained that when the proposal was first brought to staff a few months ago, Ponderosa Homes staff indicated to City staff that they had already begun outreach and were meeting individually with concerned neighbors, and that they would not be bringing any project forward that did not have the support of the neighborhood. He indicated that because Ponderosa is quite experienced in doing this, staff took them at their word. He stated that staff had actually not heard any unresolved issues until right after the staff report was issued. He noted that staff did not feel the additional four lots were creating a problem; the trade-off that the houses would all be one story seemed to be something that was well received. He added that with all the protections in the previous project carried over, staff did not feel the need to conduct a workshop.

Commissioner Blank stated that he does not disagree with staff’s decision but expressed concern that a surprise email would come in at the last minute even though outreach was done.

THE PUBLIC HEARING WAS OPENED.

Commissioner Pentin and Chair Narum disclosed that they met with Jeff Schroeder, Ponderosa Homes, regarding the project.

Jeff Schroeder, Ponderosa Homes, stated that this project is from a different time and a different era in the housing industry, and things have changed a lot since then. He indicated that he and his staff went through a lot of discussion about this project internally and with the property owners over the last two years and were able to reach a point where they thought they could come back with a project that would address today’s market conditions, which would not be wildly different than what was approved previously, and which would actually be an improvement in several ways.

Mr. Schroeder stated that they did a focused outreach process to the neighborhood, primarily to those most concerned about the project, those who are most closely affected by it, those who back up to the project on Palmer Drive and those who live on Cameron Avenue, people who live on the east and west sides of the project. He

indicated that they did not do the full scope but held a couple of meetings, followed by an open house to address concerns that were brought up. He noted that they did not receive a lot of negatives about the plan.

In response to Commissioner Blank's inquiry regarding a comparative view of what was previously approved and what is being proposed, Mr. Schroeder displayed a site plan with overlapping colored lines showing the old lot lines, the new lot lines, and the new building footprints.

Commissioner Blank asked Mr. Schroeder for a copy of the drawing after the meeting.

Mr. Schroeder continued that the original lots were 118 to 125 feet wide, 180 feet deep and 20,000 to 38,000 square feet. He added that the lots were narrowed down with one lot placed on each side of the string and two lots with the smallest houses in the middle. He indicated that one of the comments they received from neighbors on Cameron Avenue was not to shrink the front lots; although the houses are considerably smaller, the reduction of these lots were minimized by five feet to address that concern, with the houses that are seen from the neighborhood still retaining the character of the original project.

Mr. Schroeder stated that the significant change is the addition of four lots, an issue stemming from what they could economically make to work for the property owner who went through the process and talked to some other builders but really did not want to get on a different course. He indicated that the owners might have gotten better offers from a couple of other builders, but not enough to make them change the game. He noted that they were able to make this work out in an environment that is certainly different from what they were doing before.

Mr. Schroeder stated that there is still some demand for large lots, but their experience on Mohr Avenue, where they had seven half-acre lots, turned out to be pretty negative towards large lots. He noted that in today's environment, which is probably the foreseeable future as well, the per-square-foot house price has gone through the floor, and people are not buying square footage any longer. He stated that the bigger issue for them is that they are competing in the resale market, and the houses they build cannot be priced over it. He added that buyers of their house versus a resale house can buy their house for the same price and will not have to spend for landscaping that cannot be financed in the home purchase. He pointed out that significantly, developers no longer build houses with big footprints of 3,800 to 4,600 square feet because they are very expensive to build. He noted that the proposed houses, while very detailed, will have nice features, structurally a little bit simpler but smaller at 3,200 to 3,600 square feet. He added that one of the concerns they addressed with these plans was making them all single-story, which they believe will be well received.

Mr. Schroeder stated that they received positive responses with respect to the issues they addressed. He noted that most people did not think adding four lots would create a huge impact. He indicated that one other thing they did for the project, which is

important to the neighbors, is spending more time on engineering this plan. He explained that they had gone through two plan checks on the previous set of improvement plans, and the new plan issues about grading were important to them as it would entail a pretty good size to import dirt for this piece of property. He stated that engineers spent a lot of time to come up with a new design for the storm drain, pushed hard on what they could on the sewer elevation, and were able to get those pads down. He noted that this resulted in about one-third the amount of import, which would be better for everybody with not that much dirt, dust, and trucks coming into the neighborhood.

With regard to the last minute email, Mr. Schroeder stated that he has spoken with Mr. Lawer, and they have gone back and forth on issues. He indicated that Mr. Lawer attended the neighborhood meetings and had requested at last minute that something be done about the house across from his place. He noted that they are trying to create different styles, all single stories with some variety with the roofs; and for the house at issue, their architect dropped down the roof, which was acceptable to Mr. Lawer.

Mr. Schroeder indicated that they always do what they say they will do; they do not cut corners or skirt issues, and they are always available to the neighbors. He stated that they do not know what market will be in six months or a year, but they feel confident enough to do this because it is an improvement to the community.

Commissioner Blank noted that hundreds and thousands of hours went into the last approval in 2006, and five years later, the applicant is coming back to increase the number of units to 31. He indicated that he tries to keep an open mind, but when he first saw the plans, he was concerned that five years from now, the applicant may come back once more to increase the number to 34 units. He noted that he wants to be respectful of prior Planning Commission work and City Council approvals, and he is trying to understand what makes the applicant think they can build the project with 31 units when they could not build it at 27 in the first place.

Mr. Schroeder replied that the project is significantly different economically than it was five years ago. He stated that he understood Commissioner Blank's recollection of issues back then, and they had spent a lot of time working with the community at that point. He noted that there were one or two Planning Commission Work Sessions, but they mostly settled down with a group that they worked with extensively to come up with what the project is going to be. He added that in the end, he thinks everything went fairly smoothly, although there were and will always be people who are still in the community who will never be happy with these types of projects. He indicated that if they do not do this project as proposed, they will not be involved in it; if the property owners will not work with them, then they will have to work with someone else. He emphasized that they has pushed the project as far as they can, and he does not see them coming back again and adding three more lots.

Commissioner Blank noted that the previous project had a price tag on the houses of between \$1.3 and \$1.5 million each. He inquired what they, as a developer, would do

to make these houses more marketable in this economy. He added that he is not looking for a commitment or budget number and inquired if these houses will be 10 or 20 percent cheaper; if there is a reasonable chance that these homes would sell for \$1 million.

Mr. Schroeder replied that the original product would have been more expensive to construct. He noted that the market now is somewhat more stabilized over last year, and in the last six months a little bit ahead of last year. He indicated that the proposed homes would most likely sell in the \$1 million to \$1.2 million range. He added that they are optimistic that the housing industry will change for the positive at some point. He indicated that they will not be in the market with this product until 2013 at the earliest, and so they are taking a gamble on it because they think they can make it work with single-story house. He added that people want to live in Pleasanton, and when business starts to improve and people get some confidence, they will want to buy these homes.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to find that the proposed project will not have a significant environmental impact and that the proposed PUD Development Plan conforms to the Pleasanton General Plan for the purposes of the PUD ordinance, and that; to make the PUD Development Plan findings as stated in the staff report; and to recommend approval of the Negative Declaration and of Case PUD-50-01M, subject to the Conditions of Approval, Exhibit A of the staff report, and the modifications listed on the staff memo dated September 12, 2011, revising Conditions Nos. 3.c., 3.f., and 3.g. regarding a 30-foot street sideyard setback from the Cameron Avenue property line and adding two new conditions regarding red curbs and parking on Cameron Avenue and the Plan 3 house model to be constructed on Lot 11.

Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, O'Connor, Pearce, and Pentin

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Commissioner Olson

Resolution No. PC-2011-30 recommending approval of the Negative Declaration, and Resolution No. PC-2011-31 recommending approval of Major Modification, were entered and adopted as motioned.

Chair Narum called for a break at 8:20 p.m., and thereafter, reconvened the regular meeting at 8:30 p.m.

c. P11-0716/P11-0714, Justin and Jalayne Ladd

Applications for: (1) Downtown Specific Plan Amendment to allow the demolition of primary buildings in the Ray Street/Spring Street neighborhood if the buildings are not found to be “historically significant”; and (2) Design Review approval and Certificate of Appropriateness to demolish the existing dwelling and detached storage building located at 225 Spring Street and to construct an approximately 2,877-square-foot single-family home and an approximately 3,283-square-foot detached workshop and three-car garage. Zoning for the property is C-C (Central Commercial), Downtown Revitalization, Core Area Overlay District.

Rosalind Rondash presented the staff report and described the scope, layout, and key elements of the proposal.

Mr. Dolan stated that it is a very unusual circumstance for staff to recommend a change to a plan simply to accommodate a single project going forward. He explained that there is a need to approve this project with a proposed change to the Downtown Specific Plan. He noted that this project was interesting in that it pointed out something that really needed to be addressed in that it had a very direct and specific prohibition of demolition, regardless of what was on the site. He indicated that he was hesitant to recommend the amendment on first glance and that it actually evolved in his thinking over time, although staff has always liked what was proposed. He noted that here is a situation where the historic evaluation report indicates that the house does not meet the thresholds of being historically significant and that it has gone through some evolution of use and design. He added that that it is not necessarily a house that staff has heard a lot of interest from the community in retaining. He noted that there is at least one additional structure in that designated neighborhood that pretty much had no architectural merit but is also subject to this strict prohibition. He indicated that staff thought that if it crafted something where the Commission is able to document the lack of historical significance and is able to meet the guidelines that exist in coming back with the proposal, then maybe that hard and fast rule of no demolitions ever was not really the best route to take.

Commissioner Blank noted that the existing house has some existing landscaping and inquired if there is a landscape plan.

Ms. Rondash replied that no landscaping plan attached to the proposed project is required to be submitted.

Commissioner Blank inquired if the landscape plan will come back to the Commission or will be considered at the staff level.

Ms. Rondash replied that it would be subject to the review and approval of the Director of Community Development. She clarified that the Guidelines require that the front and side yard landscaping be maintained, and any landscaping plan that came back in a

proposal would need to mirror what is currently there because that part of the Guidelines is not being amended.

Commissioner Pearce advised that she and Chair Narum met with the applicants, who informed them that this was originally scheduled to be a remodel, but staff felt that the side yard setback proposed of three feet needed to be increased to five feet, necessitating what is now considered a demolition. She pointed out that she did not see any discussion of that in the staff report and she asked Ms. Rondash to comment on it.

Ms. Rondash replied that in the original plans, staff did not fully discuss if this was considered to be a remodel or a demolition; however, the applicant was proposing it as a remodel. She added that initially, the concerns of the scope of work were always there, but staff never fully vetted all the questions because it could not get past the design the applicants were proposing initially. She noted that the plans had gone through several revisions.

Commissioner Pearce inquired why staff specifically wanted the side yard setback increased from three to five feet. She noted that the staff report indicated this is a zero lot line property where the house can go almost directly to the fence line.

Ms. Rondash replied that this was the pattern in the neighborhood; other buildings have a setback and were not built up to the lot line. She stated that staff believed a greater setback of five feet setback would be more appropriate to keep the residential feel that the applicants were going for.

Commissioner Pearce prefaced her comment by stating that if the project is approved, she is loath to amending the Downtown Specific Plan although she is open to discussion. She inquired if, given the regulations surrounding a project like this, the Commission is able to determine that this is a remodel and, therefore, does not necessitate a Specific Plan Amendment.

Ms. Harryman replied that she discussed this topic of demolition versus remodel extensively with staff at the last Staff Review Board meeting where this application was considered, and a Building Division staff indicated that demolition is not something actually defined in the Building Code. She noted that the concept behind the language prohibiting the demolition of primary buildings in the Ray Street/Spring Street neighborhood is historic preservation. She explained that if so much of the building is being taken away such that nothing historic is left or what is seen in a historic home is not there, then it is a demolition at a lower standard; the building does not have to be taken down 100 percent for it to be called a demolition. She noted that in this case, there is so little remaining of the existing structure that the character will not look like the same house, and, therefore, for this section, it is a demolition.

Commissioner Blank inquired if the Commission has the flexibility to bifurcate and approve the application as an exception to the Specific Plan, and then send notice to

the public that the City wants to consider a change to the Specific Plan in this area so they could get an opportunity to weigh in on the amendment.

Ms. Harryman noted that what Commissioner Blank was describing sounds like a variance, which cannot be done to the Specific Plan.

Mr. Dolan stated that he believes the Specific Plan can be changed to apply just to one property, although it would be very odd. He indicated that the Planning Commission has the authority regarding how the item is advertised because the Commission would be making a change less far reaching than the one proposed in that while the Specific Plan now applies to several properties, the change would apply to only one. He advised that there is a chance the Commission will see another case like this which will seem equally as logical.

Commissioner Blank commented that if the Commission is considering an amendment to the Specific Plan, it should be noticed as such.

Commissioner O'Connor requested Mr. Dolan to clarify the statement that the Commission cannot make a variance to the Specific Plan.

Mr. Dolan stated that a variance is not part of the Specific Plan or General Plan vocabulary; however, the Commission can make a change to provide an exception in a planning document. He indicated that the kind of change the Commission is making is addressing a circumstance that staff has addressed in the revised language where there is a list of three things, and one of the first three needs to be met; and then whatever is finally proposed has to meet the Design Guidelines and Design Standards. He noted that staff feels it has addressed anything that is negative about the change it is proposing.

Commissioner O'Connor stated that he was trying to figure out whether or not the Commission could actually look at something and make a change without amending the Specific Plan. He noted that the Commission has done this in the past with the Happy Valley Specific Plan, which has an exact determination of how many lots an owner could have on his or her property, when the Commission actually increased that number but did not change the Specific Plan in the process.

With reference to this proposal being a demolition, Commissioner Pentin inquired if all the landscaping in the front of the building would have to be removed since those walls will no longer exist.

Ms. Rondash replied that the plans currently show the walls to remain even if it is considered a demolition. She stated that considering the scope of the project, including those walls that will remain, it is still a demolition.

Commissioner Pentin referred to the established landscaping as shown on page 3 of the staff report. He noted that if the walls are remaining, and a new building comes up

that looks somewhat like it has the same roof type, that building could be put behind the landscaping, and the front would be retained.

Ms. Rondash stated that the scope of work that should be considered is that the entire fascia is actually elongating and there are additional windows, so the first initial section of the wall is being retained and the rest of the wall is all brand new. She added that the landscaping there must come out in order to add on the piece; however, the trellis and the vines which go up the wall could be brought down, have work done behind it, and then put back up.

Commissioner Pentin commented that it appears from the layout that if the wall in front will remain, then all that landscaping in front is protected from being needed to be removed. He added that if the house is put behind the established landscaping and matched to some degree, the change would not appear significant; but if the landscaping is removed, there would be a greater change in the streetscape.

Ms. Rondash stated that is correct. She noted that staff would need to see a landscaping plan and how the Director approves any type of change on that. She added that staff is of the same opinion that the initial façade with the landscaping would contain the same feel as what is currently there.

Chair Narum referred to Condition No. 9 regarding incorporating stone treatments and wood posts for the front entry and inquired what the basis for that is since the houses along that street are all stucco.

Ms. Rondash replied the in staff's discussion with applicant that the overall feel of the architectural style is Craftsman, staff tried to pull in more elements that were Craftsman type, such as stone work and the change to the entry with wood posts. She indicated that the applicant agreed to those changes at that time. She added that the applicant may not agree at this point but that she would let the applicant speak to that.

Chair Narum inquired if staff was trying to have the house blend in on the street.

Ms. Rondash replied that staff is trying to make the architecture fit in with the street while being true to the style proposed; hence, the compromise assortment of things which would keep the stucco around the sides, keep the trellis work currently there, tie the wood trellis work into the posts, and tie the stone work at the bottom entry posts which would bring the house more into the Craftsman style.

THE PUBLIC HEARING WAS OPENED.

Jalayne Ladd, applicant, stated that her family purchased the subject property a year-and-a-half ago and did not clearly have an idea then that after so long a time, they would still be nowhere. She added that it has been really rough and then gave a brief history of their application. She indicated that they designed a home, tried to incorporate some of the existing architecture and redwood treatment of the Firehouse

Art Center that they really love, and then submitted the plan to staff, who informed them that there they needed to have a historical survey of the existing house before they could do anything with their proposal. She noted that they spent several thousand dollars getting the survey done, resubmitted the plans, and were then told that staff missed line item 4 on page 67 of the Downtown Specific Plan that demolition of primary buildings located in the Ray Street/Spring Street Neighborhood is prohibited, regardless of whether the home has been determined to be historically significant or not. She mentioned, incidentally, that the survey indicated the house had no historical or architectural significance whatsoever.

Ms. Ladd stated that at that point, they did not know what to do, so they worked a lot with staff and came up with many different versions of plans to meet whatever staff considered to be a remodel. She added that they made a lot of compromises that they were not that happy with but were willing to make because they were going broke and needed to move forward. She continued that then the side yard setback issue came up, and staff required a five-foot sideyard setback instead of the three feet that their plan showed. She explained that their lot is long and narrow, and their house was also already long and narrow; but they had to take two feet off the side of the house, thereby skewing the whole floor plan because they were trying to keep the front door where it was so they could maintain the porch and keep it as a remodel.

Ms. Ladd stated that at this point, they did not know what to do, and they threw their hands up in the air and felt pretty defeated. She indicated that they were left with the options that their project was either a remodel, a demolition subject to a modification of the Downtown Specific Plan, or something infeasible.

Ms. Ladd indicated that they were before the Commission tonight to talk about two things: (1) They believe a case can be made that this project is a remodel, and they would like to present their rationale for that; and (2) They have had some time constraints. She noted that staff very kindly squeezed them onto tonight's agenda because the project has taken so long; she has not been able to discuss the wood columns and river rock design elements with her husband, and while she had indicated to staff that they would consider this, she would like to present some theories on why these design elements were not appropriate.

With respect to the "remodel" issue, Ms. Ladd stated that she did some research on what Pleasanton's policy was for determining whether a project is a remodel or a demolition, and because she found nothing, she deferred to the dictionary and found the definition of "demolition" as follows: "to tear down completely; to do away with completely; to level, wreck or bulldoze." She indicated that she did not feel this described what they are doing as they are not completely tearing it down, they are not doing away with it completely, they are not picking it up and putting it somewhere else, and they are saving as much as they can. She noted that they would be saving a lot more until they had to pick the whole house up and move it over by two feet to accommodate the setbacks. She added that if this project were considered a

demolition, they would just start over and would not try to save anything; but she does not believe this is a demolition at all.

Ms. Ladd continued that she then looked at the definition of “remodel”: “changing or altering the structure, style, or form of something; to renew, renovate and recreate.” She stated that she feels this is definitely much more of a description of what they are trying to do. She noted that the entry way, the trellis detailing, the window placement, and the architectural details were all carried over to the new design, and she believed that their project qualifies, both literally and in spirit, as renewing and renovating rather than demolishing.

Ms. Ladd stated that to further understand this concept, she did a Google-search on “remodel versus demolition determination” and on the first three pages that came up, she found two things relevant to this discussion: (1) an article in Austin, Texas, discussing the determination process as follows: “A project is considered a remodel if it meets two criteria: first, the original wall remains, referring to the studs of that original wall; and second, the original foundation slab remains.” Ms. Ladd pointed out that their project would meet those two criteria. (2) the New York City’s Department of Building website’s “Frequently Asked Questions” page: “Demolition is the removal of the entire building including the foundation. In an alteration, you may remove interior and exterior walls but not the entire foundation. An alteration can be the addition of stories and enlargement or a new structure built on top of an existing foundation.” Ms. Ladd again noted that she thinks their project qualifies completely with that as they are keeping the entire foundation and front wall, and they are just widening and extending out the back. She stated that while they are not in Austin or New York City, she would take these as starting points for her understanding of both terms, considering that Pleasanton does not have anything to reference and these were the only two things she found, both of which say more or less the same thing.

With respect to the stone river rock and the wood pillars staff requested, Ms. Ladd stated that they had some feedback from the Pleasanton Heritage Association (PHA) that it would like to see a little more Craftsman detail; however, at that time, it had not seen their colored rendering which highlights their design details, which includes a nice color band around the bottom and the redwood siding on the front, along the lines of what staff is asking to break the monotony shown in the model and streetscape. She noted that this has always been their intention that did not get highlighted in the model, whose purpose was simply to show physically what the project would look like in 3-D.

Ms. Ladd stated that their architects and designers have worked a lot and have gone through so many different renditions of this project. She indicated that they feel the charming Craftsman details have been integrated into the design, and they do not understand where the wood and river rock elements are coming from. She noted that they drove down the street and took a picture of every home on the street which they have submitted to staff, and there is not a single home that has wood columns or river rock in the neighborhood. She added that they have tried to incorporate some of the original character of the home and to make it blend in with the neighborhood. She

indicated that she is not sure why they are being asked to add these elements which she feels start to make the house clunky, overdone, not cohesive and awkward.

Ms. Ladd stated that she has submitted letters of support covering eight addresses on Spring Street, six on Ray Street, and over one dozen from the local Downtown area, and all their neighbors believe the project, as it now stands, is consistent with the Downtown Specific Plan. With respect to landscaping, she stated that they have no intention of changing the landscaping as they cannot afford it. She indicated that they will build the house behind the original landscaping and will try to put some grass in the back. She asked for the Commission's help in determining that this proposal is a remodel and not a demolition, to get out of the process and move forward, and to remove the conditions for the wood columns and river rock.

Chair Narum asked Ms. Ladd if she the adjacent neighbors at 249 Spring Street and 213 Spring Street neighbors were in support of the project.

Ms. Ladd replied that the owner of 213 Spring Street actually wrote a letter of support, but she was not sure if they had received support from the owner of 249 Spring Street but that she could check on that.

Bonnie Krichbaum, Vice President of PHA and 36-year resident of Pleasanton, stated that most of what she wanted to say were already presented by Ms. Rondash and Mr. Dolan, who gave a great overview of what is taking place and what the Downtown Specific Plan states. She noted that the General Plan also includes almost everything that the Downtown Specific Plan relates to as far as the five historic neighborhoods. She indicated that one thing that is important about this house is the integrity of the neighborhood, which is just as important as the integrity of the house. She stated that the architecture of the house as it stands now does not relate to anything much as it had been remodeled several times, such that it is difficult to determine what exactly the architecture of the house is. She noted, however, that the neighborhood does have a certain architecture, as do all of the five heritage neighborhood. She indicated that PHA does not oppose this building, whether it be a demolition or remodel, and is extremely appreciative of the attitude and concern of the owners of the property and staff. She commented that the residence in a commercial area, which has made it more sensitive for the owners to design and for staff to work with them. She added that they have invited us to participate, looking at property and the model, and providing input. She pointed out that it is extremely important to recognize is that every house and every building in the heritage neighborhoods is unique as there is only one of each, a one-of-a-kind, and it needs to be looked at, considered, have concerning care for, because when the house is changed or gone, not only is the integrity of the house gone but perhaps also the integrity of neighborhood and certainly the integrity of the street. She expressed appreciation for the way this project has gone forth and hoped that things work out well for the owners.

Jerry Hodnefield stated that the applicant is her daughter and that she has covered the salient points of the project. He indicated that he has worked with a number of City

agencies over the years in a multitude of projects and has dealt with comments and objections from the general public and homeowner associations, which conversations, he noted, are often heated and adversarial. He indicated that contrary to that, in this case, he is very pleased and impressed with the support his daughter and her husband have received regarding their effort to remodel and improve their property. He pointed out that there were a couple of letters of concern, but wondered if these respondents have even seen the existing building and the proposed home, and if they even live in this neighborhood. He noted that everyone they have contacted and who have seen the presentation have agreed that the project is a vast improvement over what exists there now. He thanked the PHA and its Board members for their interest and support in this effort, noting that two of them took the time to meet with the applicants at the City offices and to hear and see their presentation. He mentioned that their comments are valuable and they approve of the project with a couple of welcome suggestions.

Mr. Hodnefield stated that the applicants have spent a lot of time on research and preparation of the presentation materials and have reached out to the community, particularly those neighbors most affected by the project, and almost everyone enthusiastically has voiced approval. He added that members of the Downtown Improvement Association (DIA) have unanimously approved the project, and as evidenced by the letters, most of the neighborhood have been contacted and have signed letters of support.

Mr. Hodnefield stated that this project has been the poster child of efforts to improve the property in the Downtown area, and it is virtually on the threshold of being able to move forward. He indicated that if the Commission can see fit to interpret the criteria in favor of the applicants, they will be able to build their dream house. He added that it would also be greatly appreciated if the project could be classified as a remodel and not a demolition, as there are significant costs and timing implications, and the owners are stretched to their limit in trying to keep this project going. He stated that he hopes the ruling goes in their favor, that this incredibly frustrating experience can be turned into a rewarding experience in building a wonderful home for their family.

With respect to the landscaping, Mr. Hodnefield indicated that he believes the landscaping, including a very large tree to the left front of the property, should be retained to the greatest extent possible, and the applicants are not proposing changing any of this. He added that they would like to screen the tree and provide a protective barrier around it, as well as take the vines off the wall and then put them back up when the house is completed, so that from the street, this landscaping would all be preserved.

Charles Huff, project architect, stated that ironically, 24 years ago, he was the project architect on this house, from what it was when it was built in approximately 1931 to what it is today, and noted that in time, they did some compromising things to the house and the windows. He indicated that he appreciates the comments in terms of changing some of the windows back to the way they were, double-hung windows, and that this could be within their view scope of the front of the house.

Mr. Huff stated that he thinks the Downtown Design Guidelines, at the time they were set up, were meant to be more concerned with the buildings on the south side of the street, which was the original housing subdivision in 1924. He commented that the way the sentence appears today might have been a blanket statement about the Spring Street neighborhood. He noted that there are also a few of these structures on the north side of the street, although the remaining homes on the north side were built many years after the original subdivision of 1924. He indicated that the larger question he has is the architectural value of the remaining structures, other the historic structures on the south side of the street, on the south/southeast side of the street, which are the little Mexican markets and various commercial structures which are part of the same neighborhood, although they were also built a lot later than the buildings across the street. He noted that one question he would raise with respect to this sentence is its intent in this regard.

Mr. Huff stated that architecturally, he has tried to incorporate in this project a lot of the historic elements shown in the structures across the street, including the new front porch which has stucco columns rather than wood column and stone, and the hip roofs that somewhat emulate the hip roofs across the streets on structures that don't have flat roofs and on porches that have hip roofs. He added that even though this house was not part of the original subdivision, he has tried to give some respect to the homes across the street and some of the elements. He stated that while he is not saying he does not appreciate staff's comments about how it could be improved as a Craftsman home, this house really is not a true Craftsman home or it would look totally different from the way it looks now. He indicated that it is a home with elements that try to incorporate that original home the best they can into the homes across the street, and this is also the reason for disregarding the comment to change the front porches.

With respect to the house on 249 Spring Street, Mr. Huff stated that this is also another project of his. He indicated that the owner is currently out of the area and that he will try and contact him. He added that he believes this owner will also be in favor of the proposed project.

Mike Carey, Downtown property owner, stated that he supports the remodel as the surrounding neighbors on Spring and Ray Streets do and noted that everyone would like to see this site invested in and brought to life by a new family. He indicated that he believes the home improvement, as proposed, is a remodel addition and not a demolition and recommends that the Commission approve the setback of three feet as originally proposed by the applicant because they followed the guidelines of the existing code without any variances.

For purposes of clarification and a better understanding of the area, Mr. Carey noted that the small adobe houses across the street on 204, 216, 228, 240, 252, and 264 Spring Street have a zero sideyard setback pretty much from end to end, using the zoning applied in the Central Commercial District, with a shared driveway between the houses and the property line actually running down the center of the driveway. He noted that some of the houses also have roof eaves that hang over the property lines.

Mr. Carey stated that the applicants have worked closely with City staff for almost two years and have been accommodating to all City requests such as the historical study, meetings, and public input. He noted that it has been a very time-consuming, expensive, and emotional process for them, and he asked the Commission to approve the project as a proposed remodel tonight so this family can start living in the Downtown.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that he likes the project and is inclined to proceed with it. He asked staff if the Commission can find this project to be a remodel and not a demolition, and leave the project just as it is; and if so, he asked what language would be used to move the project forward.

Mr. Dolan replied that it is within the Commission's purview to do that. He noted that staff does not have a good definition of "demolition" and used the 50-percent rule, which he finds to be very conservative and is no longer a good definition but which has been used in the past. He added, however, that he thinks the one-stick-standing rule is also ridiculous.

Mr. Dolan noted that it is obvious there needs to be a dialogue on this as a community, and he is certain it will be one of the things that will need to be resolved when the Downtown Specific Plan, and specifically the historical regulations, is revisited. He added that this is one of the Council Priorities, and there is a commitment to do it as soon as staff resources become available.

With regard to postponing that decision until then, Mr. Dolan stated that this may be a unique situation enough for the Commission to do it that way, and it certainly is one way to do it. He added that the other way, which staff decided on and which is a little bit more cautious, is to do the Specific Plan approach. He indicated that one of the advantages of this approach is that if another similar application comes up in the neighborhood, it will not be necessary to make yet another exception or have the same dialogue all over again.

Commissioner O'Connor requested staff to display the slide showing the red walls that would remain and inquired if these would be the only walls remaining if the Commission grants the three-foot setback as opposed to five feet, or if there would be additional walls remaining.

Ms. Rondash replied that these were the existing walls along the front façade that would remain regardless of which setbacks were applied. She explained that allowing the applicants to reduce the setback would simply add more new wall.

Commissioner O'Connor inquired if there would be any impact on the other end of the front façade.

Ms. Rondash said no. She stated that allowing the applicants to reduce the setback further to allow for a larger home would be have no impact on the existing walls that would remain.

Commissioner O'Connor inquired why this is being considered as a new structure.

Ms. Rondash replies that this was staff's determination.

Commissioner Blank moved to make a determination that the proposed project is a remodel and not a demolition and, therefore, does not require a Downtown Specific Plan Amendment; and to approve the Design Review, P11-0714, subject to the Conditions of Approval, Exhibit B of the Staff Report, with the deletion of Condition No. 9 requiring the incorporation of stone treatments and wood posts for the front entry and double hung windows for the front elevation and the addition of a new condition regarding the installation of an automatic sprinkler system as stated in staff's memo to the Commission, dated September 14, 2011. Commissioner Pentin seconded the motion.

Commissioner Pentin stated that because the landscaping would remain as it is and considering the Craftsman style and the buildings across and down the street, he did not think it would be necessary to require the river rock and wood posts and asked that they be omitted, as well.

Commissioner Blank noted that this is Condition No. 9 and that his motion included its deletion.

Chair Narum requested that Condition No. 42 regarding construction hours be amended to limit construction on Saturdays to inside work.

Commissioner O'Connor stated that he felt this should be left at the discretion of the Director of Community Development as some exterior work is not noisy, such as concrete pouring, which has been allowed in the past.

Commissioner Blank suggested that staff use the standard language used in the past.

Commissioner Blank and Pentin accepted the amendment.

Commissioner Pearce suggested including in the motion the reason why the Commission is considering the project to be a remodel rather than a demolition.

Commissioner Blank replied that he considered this but felt that the motion should reflect that it is the Commission's finding that the project is a remodel and not a demolition, and leave the definition of "remodel" and "demolition" to a future consideration.

Commissioner Pearce expressed concern about this being a slippery slope as another applicant can come later and say that the proposed project is also a remodel.

Commissioner Blank stated that Legal Council has stated in the past that what the Commission does and decides on does not set a precedent.

Commissioner Pentin stated that he agrees with Mr. Dolan's explanation regarding the use of the 50-percent and the single-stick-standing rules. He noted that if the project were a single-stick-standing, he would not be in favor of calling it a remodel; however, since a substantial part of the front of the building and the landscaping in front would remain, the project fits more into the category of a remodel. He stated that the back side will be brand new but noted that this has happened before.

Chair Narum agreed and stated that she is not comfortable with amending the Specific Plan and does not want to go down that slippery slope as well, knowing that the City will be going through a complete update soon. She indicated that she would rather get it down right in a broad sense where everyone understands what the Commission is trying to do and how the Commission will be dealing with similar cases in the future.

Commissioner Pearce emphasized once again the need to work on the Downtown Specific Plan update as soon as possible.

ROLL CALL VOTE:

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

Resolution No. PC-2011-32 finding that proposed project is a remodel and not a demolition and therefore does not require a Specific Plan amendment (P11-0716), and Resolution No. PC-2011-33 approving P11-0714 (Design Review) were 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

- a. Information regarding Private HOAs/CC&Rs and the City's development review process.**

This item was continued to a future meeting.

b. Selection of Two (2) Planning Commissioners to serve on the Ad Hoc Downtown Hospitality Guidelines Task Force

Chair Narum moved to nominate Commissioner Pentin to serve on the Ad Hoc Downtown Hospitality Guidelines Task Force.
Commissioner Blank seconded the motion.

ROLL CALL VOTE:

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

Commissioner Pentin moved to nominate Chair Narum to serve on the Ad Hoc Downtown Hospitality Guidelines Task Force.
Commissioner Blank seconded the motion.

ROLL CALL VOTE:

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

c. Future Planning Calendar

No discussion was held or action taken.

d. Actions of the City Council

No discussion was held or action taken.

e. 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

Commissioner Blank, on behalf of the Planning Commission, wished Julie Harryman a Happy Birthday.

12. ADJOURNMENT

Chair Narum adjourned the Planning Commission meeting at 9:30 p.m.

Respectfully,

JANICE STERN
Secretary