



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Wednesday, December 8, 2010**

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

### **CALL TO ORDER**

The Planning Commission Regular Meeting of December 8, 2010, was called to order at 7:00 p.m. by Chair Arne Olson.

#### **1. ROLL CALL**

Staff Members Present: Brian Dolan , Director of Community Development; Julie Harryman , Assistant City Attorney; Janice Stern, Planning Manager; Steve Otto, Senior Planner; Natalie Amos, Associate Planner; Dennis Corbett, Senior Plan Checker; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

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

##### **a. November 10, 2010**

**Commissioner Pentin moved to approve the Minutes of November 10, 2010 meeting, as submitted.**

**Commissioner Narum seconded the motion.**

**ROLL CALL VOTE:**

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

The Minutes of the November 10, 2010 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**

There were no revisions or omissions to the Agenda.

**5. CONSENT CALENDAR**

**a. PRZ-56, Ed Churka**

**Application to amend the Pleasanton Municipal Code to allow basement self-storage for the public in commercial buildings as permitted uses within the Downtown Central Commercial Zoning District.**

**Commissioner Narum moved to recommend approval of PRZ-56, subject to the proposed amendments shown in Exhibit B, C, and D of the staff report, as amended by the staff memo dated December 7, 2010.  
Commissioner Blank seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, Narum, Olson, Pearce, and Pentin.  
**NOES:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.  
**ABSENT:** None.

Resolution No. PC-2010-41 recommending approval of PRZ-56 was entered and approved as motioned.

## 6. PUBLIC HEARINGS AND OTHER MATTERS

### Matter Continued for Decision:

- a. **PAP-148, Mark Lobaugh/Complete Wireless Consulting Inc.**  
**Appeal of the Zoning Administrator's denial of design review application for the construction of a 65-foot tall faux pine tree to be operated as a wireless facility for Verizon Wireless at 6890 Koll Center Parkway. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District.**

This item was continued from the November 10, 2010 meeting and was removed from the Agenda because the proposed project is inconsistent with the locational requirements set forth in the Pleasanton Municipal Code (PMC) Section 18.110.050(B)(3)(b).

### New Item:

- b. **PREV-783, TOS Properties, LLC**  
**Work Session to review and receive comments on a preliminary application for a 26-unit single-family residential development on an approximately 32-acre portion of three parcels located on the west side of Foothill Road adjacent to Santos Ranch Road. The subject properties are not within the incorporated limits of Pleasanton.**

This item was continued from the November 10, 2010 meeting.

Steve Otto presented the staff report and described the scope, layout, and key elements of the project.

Chair Olson stated that he has not walked the property and is not familiar with it. He asked Mr. Otto what his general impression of the property and the slope is.

Mr. Otto replied that he has not walked the property except between Foothill Road and the City water tank, which is very steep.

Commissioner Blank inquired if there were any view easements in the area.

Mr. Otto replied that because the property is in the County, the City does not have that information. He added that he was not aware of any view easements in the area.

Commissioner Blank inquired if staff had received any input from residents.

Commissioner Pentin inquired if staff had received input from the East Bay Regional Park District (EBRPD).

Mr. Otto replied that he had not received any comments other than that included in the staff report. He added that EBRPD was sent a notice of the application.

Commissioner Narum inquired how the proposed layout fits within the guidelines of the West Foothill Road Corridor Overlay District.

Mr. Otto replied that homes must be set back 150 feet from Foothill Road or any future alignment of Foothill Road and noted that some areas would require widening to meet the adopted alignment plan. He added that there is a clustering requirement for groups of no more than three lots with 200-foot breaks between the clusters which the project does not meet, and that the project meets the 30,000-square-foot minimum parcel size.

Commissioner Narum inquired how the lot sizes compare to those of the Yee property.

Ms. Stern replied that the lots of the Yee project are significantly larger.

Commissioner Pentin referred to the history of properties along Foothill Road that have been annexed and inquired if it was common for properties to be rezoned from Rural Density Residential to Low Density Residential.

Ms. Stern replied that there have been no General Plan amendments in the last five years and that she does not recall any developments where an increase in density has been requested.

Commissioner O'Connor referred to the former Austin dairy property and believed that it was approved for eight homes, including the existing residence. He inquired what the size of the property was.

Commissioner Pentin inquired if that would be considered Rural Density Residential.

Ms. Stern stated that 22 acres of the property were dedicated as open space.

Mr. Otto replied that the General Plan amendment for the Austin dairy property was approved for Low Density Residential, but was limited to a maximum of eight units.

Commissioner O'Connor stated it was his understanding that Santos Ranch Road was not accepted by the County Fire Department because of its grade and steepness and that no further building should be utilizing the road as access for residential development.

Ms. Stern stated that the road is owned by the City. She indicated that the only policy that addresses this road is the East County Area Plan, which states that the County shall not designate Santos Ranch Road as an approved road for the purposes of establishing legal building sites. She noted, however, that this policy applies only to the area above the Urban Growth Boundary, which is the Pleasanton Ridge.

Mr. Dolan indicated that the City would have significant concerns about any development that would be accessed off a road that steep.

Commissioner Blank inquired if any part of the proposed project is outside the Urban Growth Boundary line and would have to be accessed through this road.

Ms. Stern replied that the portion of the project to be developed is below the Urban Growth Boundary line.

Commissioner Pentin noted that three lots are being squeezed together into two parcels in order to fit in and inquired if the project is encroaching into the deep end of Parcel 2 for any of the lots.

Ms. Stern said no.

Commissioner Blank inquired if the project is getting into the west side of the three parcels.

Ms. Stern said no.

Commissioner Pearce inquired if staff has any concerns in terms of elevation and grade about the part of Santos Ranch Road from which the proposed new street will be accessed.

Mr. Dolan said yes.

Commissioner O'Connor referred to clustering and inquired what is allowed under the current zoning.

Mr. Otto replied that Item 4 on page 8 of the staff report states: "Lots created along Foothill Road shall be clustered such that natural open space of a minimum of 200 feet in width shall separate the clusters. No more than three lots may exist in a cluster of lots."

Commissioner O'Connor inquired if this could be changed by a General Plan amendment.

Mr. Otto replied that this is in the Pleasanton Municipal Code. He stated that a PUD development could potentially be proposed not to conform to it. He noted, however, that the purpose of the West Foothill Corridor Overlay District is to have properties conform to the District's standards.

Commissioner O'Connor inquired if a topographical map showing the 25-percent slopes is available.

Ms. Stern replied that that staff has no specific information available but that the steep change in grade is visible.

Commissioner O'Connor inquired, should the property be developed as currently zoned in the General Plan with a maximum of eight units, if the developer could still receive approval to build the units in the area.

Ms. Stern said yes.

Commissioner Pentin inquired if building less than ten units would not be subject to the provisions of Measure PP.

Ms. Stern said yes, but there are other zoning and General Plan provisions.

Commissioner Pentin referred to the setback for the four lots fronting Foothill Road and inquired if the homes on these lots would meet the required 150-foot setback after widening of the road.

Mr. Otto replied that potentially, they would, if the houses were put back far enough.

Commissioner Blank referred to Exhibit B and inquired if, should the Commission answer "no" to Question 1, staff would be interested in any discussion on the other questions.

Mr. Otto replied that not all of the questions would apply, but the Commission could discuss access to the lots.

Noting that staff cannot support access off of Santos Ranch Road, Commissioner Pearce stated that on page 7 of the staff report presents two options for Parcel 3: (1) an access easement across Santos Ranch Road; and (2) direct access on Foothill Road. She noted that the Traffic Engineer does not support Option 2, and staff does not support Option 1.

Ms. Stern noted that both options are problematic.

Commissioner Pentin inquired if Santos Ranch Road was problematic for any number of units to be built.

Mr. Dolan replied that if the numbers of units were small enough, the Commission would have to discuss the comparative benefits of building the homes with building an entirely new road, its resultant scarring, tree removal, and erosion. He added that might be considered if safety concerns could be minimized for a small number of lots.

**THE PUBLIC COMMENT WAS OPENED.**

Christine Ellis, President of Laguna Oaks Homeowners Association, stated that she thought the aim of Pleasanton was to protect the ridges from building and thinks it is sad that such a large development, which seems to have many flaws, is being considered. She asked that the Planning Commission look at all issues of the project, including access, density of the homes, and the significant visual impact it will have on changing the ridge.

Stan Gamble, applicant, clarified that the development is nowhere near the ridge. He stated that the property goes up and gets steeper; however, the lots to be developed are well below the ridge and will be shielded. He indicated that they are agreeable to dedicating the remainder of the land to the EBRPD and to clustering the homes. He added that there is a need to determine whether a homeowners association or EBRPD would own the 200-foot strip between the homes.

Mr. Gamble stated that the plan is very conceptual, and homes are proposed to the north on Parcel 1 to minimize the disturbance of the canyon; Parcel 3 to the south does not have many significant trees; and setting back the homes 150 feet from Foothill Road is not a problem, but they will need a reasonable count if they put infrastructure in for widening Foothill Road as well as for the location of the water tank and an anti-siphon valve being located under the freeway. With respect to coming in off of Foothill Road instead of Santos Ranch Road, Mr. Gamble stated that this would mean having three accesses onto Foothill Road in 500 yards. He added that he did not believe the property has greater than 25-percent slope; the road slope on the north is 15 percent and that on Parcel 3 is 10 percent.

Mr. Gamble stated that they are asking for two houses for every three acres, that the homes had been planned for the area for 25 years, and that there are planned developments both to the north and south which have received approval by the Planning Commission. He offered to restrict the homes to one-story and noted also similar to recent houses built in Gilroy and Morgan Hill, vineyards could be integrated, which would make the project even more aesthetically pleasing.

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

Chair Olson proceeded to discuss the questions in Exhibit B.

### **Density**

- 1. Does the Commission support a General Plan Land Use Amendment to increase the density of the subject parcels? If so, how many units and/or what General Plan Land Use Designation would the Commission support?*

Commissioner O'Connor stated that he has never been a proponent of changing any land designation to increase density, especially in a sensitive hilly area with slope issues. He noted that exceptions have been made because of court cases; however, that type of housing would not be met by this type of development in the hills.

Commissioner Pentin stated that he cannot envision installing a 15-percent grade road and cited the 10-percent grade on Santos Ranch Road. He noted that he sees no reason to change the density today and would rather see the applicant address what they would do for clustering, why it would make sense, and what would be gained in open space. He indicated, however, that he would not support the proposed project at this time.

Commissioner Narum agreed with Commissioner Pentin and believes that the West Foothill Corridor Overlay District was created to keep it rural on the west side of Foothill Road, which has generally worked. She indicated that she would not want to see this compromised and that she would not support a density increase unless there were some benefit towards regional housing allocation numbers or an amenity to benefit the City which would warrant an increase in density.

Commissioner Blank agreed with Commissioners Pentin and Narum, stating that hillside development is one of the third rails of Pleasanton and that the Commission should be extremely careful in how to approach it. He indicated that changing the General Plan Land Use to increase density will spur another referendum. He added that there is not enough information for him to support the project and that there appear to be a lot of homes. He stated that he would also want to see detailed visuals of high quality visuals; however, he suggested that the applicant wait until he comes forward with a formal application because of the extraordinary expense that would entail. He noted that based on the existing rules and regulations in the City outside of Measures PP and QQ, those homes would be subject to approval by the Planning Commission and City Council. He indicated that there is so much angst about Pleasanton Ridge's protection and that he could not support the proposal with the current information.

Commissioner Pearce agreed with Commissioner Narum and stated that there must be a compelling reason for her to support a General Plan Amendment. She noted that the City has altered the General Plan and zoning off of Foothill Road but that her recollection is that if more houses are allowed, there should be more open space so the perception is that it is a lot less dense. She expressed concern about the grading and safety of the road as well as access to the houses.

Chair Olson stated that he is also not in favor of a General Plan Amendment.

Chair Olson indicated that the Commission is unanimous in its decision and will not address the second question regarding density. He asked staff if there was a reason to proceed with the rest of the questions.

Mr. Dolan stated that he believed most of the Commissioners have articulated their concerns.

Commissioner Pentin referred to the site plan and indicated that he would not support Lots 2-5. With respect to Lot 6, he indicated that if there would be an acceptable plan in



the future, he would like to have open space dedicated to EBRPD, and if there would be clustering, he would like to look into the possibility of including access to the Ridge through the buffer land.

Commissioner Blank recalled that the Staples Ranch visuals for its residential application were outstanding and suggested that staff share those plans with the applicant for the purpose of indicating what the Commissioners would like to see. He also echoed Commissioner Narum and O'Connor in that these homes would not satisfy the regional housing needs requirements, and he cannot find a compelling reason to say yes.

Commissioner Narum stated that she would want the site plan to follow the Foothill Road Corridor Overlay District with the required setbacks from Foothill Road, clustering, and other items. She added that vineyards were not the intent of the District; the Commission did not allow it on other projects and would not want to see it on this project either.

Commissioner Pentin agreed that this particular project has problems with the remainder of the questions.

Commissioner Narum suggested a discussion on the house sizes and designs to minimize visual impacts to different points in the City, and a willingness to keep all houses single story.

Stan Gamble stated that Parcel 3 is not very steep and that there are not many trees. He inquired whether the Commission would be amenable to developing Parcel 3 as a further option and recommended that the Commission visit the site.

Chair Olson stated that the Commission is generally not in favor of amending the General Plan and that whatever is proposed should meet the guidelines for the Foothill Road Corridor Overlay District.

No action was taken.

**c. PDR-932, Jon Harvey**

**Application for Design Review approval to revise the roofing material from metal shingle to standing seam metal roof for the house under construction at 221 Neal Street (PDR-740). Zoning for the property is R-1-6,500 (Single-Family Residential) District.**

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

Commissioner O'Connor inquired if the applicant, when the original roof was proposed and negotiations occurred with neighbors, considered other provisions when he chose a roof not warranted by the manufacturer.

Ms. Amos replied that staff was not aware of this until the point in time when the roofing material change request was received, and staff does not review what can and cannot be under warranty.

Commissioner Narum inquired if the City would still allow the applicant to use the roof materials knowing it could not meet the manufacturer's warranty.

Mr. Dolan said yes. He then asked Dennis Corbett, Senior Plan Checker, to address the Commission.

Mr. Corbett stated that the Building Code does not address the warranty issue; the Code states that roof coverings shall be designed, installed, and maintained in accordance with the Code and the approved manufacturer's instructions, such that the roof cover will serve to protect the building or structure. He noted that the lack of a warranty by the manufacturer would not have affected staff's review at the time.

Mr. Corbett stated that what typically happens is that a suitable roof will be installed for a roof with a lower pitch to provide weather protection, and for aesthetic purposes, the same roofing material approved for the higher pitch roof would be installed; however, this would void the manufacturer's warranty.

Commissioner O'Connor stated that there are ways to ensure the roof is sealed with some material that may not be warranted, such as bituthene or a similar type product that, with this application, may be required to prevent water from back-flowing into the home; however, in a case where a material is not warranted, something can be done on the underlayment to keep it from failing.

Mr. Corbett agreed that there are protections.

Commissioner Blank requested clarification that the City does not address whether or not things are under warranty but rather that they meet the Code.

Mr. Corbett confirmed Commissioner Blank's statement and explained that when staff looks at a roofing material on the building permit application, staff ensures it meets the minimum fire protection classification, and for certain roofs, a few additional requirements.

Chair Olson inquired if all of the alternatives meet the Code.

Mr. Corbett said yes. He noted; however, that the manufacturer requires a minimum of 3.5:12 pitch, which is higher than the Building Code requirement minimum of 3:12. He added that the Code also differentiates between a metal roof and a metal shingle roof by the amount of area for each piece of material.

Commissioner O'Connor inquired whether the current roof, if used on the entire roof, meets the Code.

Mr. Corbett replied that the manufacturer requires a 3.5:12 pitch and that if this is installed on the lower portion of the project which is a 1.5:12 pitch, it would not meet the Building Code or the manufacturer's requirements.

Commissioner O'Connor inquired why it would then have been approved.

Mr. Corbett replied that majority of the time, the actual roofing material is not always defined at the time of project approval and becomes a choice of the applicant during the permit stage. He explained that staff looks at the minimum requirement to meet the Building Code.

Mr. Dolan stated that in order to meet the Code, the builder would have to put something underneath the roof. He added that this is not necessarily uncommon.

Commissioner O'Connor requested clarification that with the proper application of underlayment, the Code would be met.

Mr. Corbett replied that it would meet Code because the lower material would provide the weather protection. He also described a manufactured product called *bituthene*, which is applied over the plywood, which, instead of being a felt paper, can be heat-adhered to the plywood. He noted that some also have a rubberized backing so they are completely waterproofed.

Commissioner Pearce inquired if the Code would also be met if, on parts of the roof that do not have the correct pitch, the standing seam metal is put on the roof and a metal shingle added on top of standing seam metal.

Mr. Corbett replied that using the appropriate material for the pitch of the roof would satisfy the Code requirement and that anything done additionally is not a Code issue.

Commissioner Pearce noted that the applicant still has the approvals for the shingle roof but that staff indicates this violates the Code.

Mr. Dolan clarified that the applicant would have to use one of the installation methods described earlier. He noted that staff did not know at the time of approval that this would become an issue; staff discovered this when it was brought to their attention during the building permit process.

Commissioner Pentin requested verification that if the Commission denies the project, the applicant would leave with an approved plan with the metal shingles that is in violation of the Code.

Mr. Dolan clarified that the applicant has an approved plan but would have to use a certain construction technique in order to be up to Code.

Commissioner O'Connor suggested a fourth alternative, which is to stay with the same roof which would be the outcome if the project were denied by the Commission.

Commissioner Blank noted that Option 3 is to require the applicant to use a construction technique to comply with the Building Code.

## **THE PUBLIC HEARING WAS OPENED**

Commissioners Pearce and Narum both disclosed that they met with the applicant at his residence and at the site, as well as with Ms. Krichbaum and members of the Pleasanton Heritage Association (PHA). Commissioner Pentin disclosed that he met with the applicant earlier today.

Jon Harvey, applicant, stated that his intention was not to build the heritage replica home with green attributes but rather try to build a green home that would respect and fit into the Downtown neighborhood. He indicated that he did not disagree with the staff report; however, he noted that the report does not mention green building guidelines. He recognized that there is some tension between the green building guidelines and the Downtown design guidelines, and they tried hard to strike a balance to make them work. He noted that there is a house one block away from his lot which is completely roofed with standing seam, which he indicated is allowed for any existing home in the City in an R-1 District. He added that the report also does not mention that page 36 of the Downtown Design Guidelines states that the use of green construction materials is encouraged. He noted that the green building guidelines state that metal is an example of a safe and durable material. He indicated that he agreed in good faith to switch to the metal shingle but ran into a problem with bids from contractors where it requires approval by staff and the Commission. He proposed to use the standing seam in those areas where indicated and where the PV panels will be located.

Mr. Harvey stated that in addition to roof costs, he agreed to change the shape of the garage from a shed roof to a gabled roof, requiring more material and resulting in a taller garage. He added that he also agreed to plant 24-gallon trees along the Third Street side to address neighbor concerns, install extra fake rafter tails all the way around the house, and the front door which is subject to the approval of the Director of Community Development.

Mr. Harvey stated that the proposed metal roof is a Cool Roof, which is a clean, non-toxic surface. He explained that they will be collecting storm water off of their old roof for irrigation purposes. He added that an integrated mounting mechanism for solar hot water panels and PV panels is also provided, and it is durable and will not be damaged when walking on it while performing maintenance on it. He then presented slides of the approved roof view with three roof panels labeled "A" for the roof plane with the PV panels, "B" for the roof with the solar hot water panels, and "C" for the 20-foot

high roof panel. He also presented slides of the house the second-story section of roof, the garage, the view from Neal Street, the view from Third Street, one spot where the roof is visible, and a view from the backyard which has neighbor support. He requested the Commission to approve his project.

Brian Bourg stated that he and his wife have lived in their Victorian house for over 25 years and have been active in the Heritage Homes tours. He expressed concern with preserving the Heritage quality of the neighborhood, adding that the standing seam metal roof proposed does not fit in the neighborhood and will set a bad precedent for the future. He stated that this type of roof is good for commercial buildings and urged the Commission to deny the project.

Linda Garbarino, President, Pleasanton Heritage Association, stated that as mentioned earlier in a Zoning Administrative Hearing held two years ago regarding this proposed home, the Planning staff heard her objections to the proposed standing metal seam roof. She stated that a compromise was reached then which allowed the builder to use metal shingles, and now the builder is asking to have that ruling overturned and is asking for a compromise to the compromise.

Ms. Garbarino stated that she discussed the issue with a California Building Association member who was surprised that the City does not have ordinances that protect historic neighborhoods. She cited the negative impact of sun glare and noise that would result from the proposed roof. She added that colors fade over time, thus causing more glare. Ms. Garbarino asked the Commission to follow City policy, uphold the ruling from the original hearing, and deny the project. She noted that up to six new homes will be built in the neighborhood, and approving this proposal would set a precedent. She added that until historic guidelines are developed, problems will continue for the Commission.

Commissioner Blank asked Ms. Garbarino if she would have objections to the proposed roof underneath the PV and underneath the hot water solar panels.

Ms. Garbarino replied that two different types of roofing are being requested and she did not think the roof would be hidden, resulting in poor aesthetics.

Commissioner Pentin noted the house on Second Street has an entirely metal seam roof, while this roof cannot be seen.

Ms. Garbarino replied that just because the roof was approved on Second Street does not make it right. She noted that this is part of an area that the PHA was not allowed to address because it was installed before the PHA has established 2.5 years ago.

Commissioner Pentin noted that there are neighbors around the Second Street house and inquired if these neighbors have made any comments regarding the roof's effect on the neighborhood.

Ms. Garbarino replied that the house is not seen from the street. She stated that the issue is the proposals are approved, built, and then people are shocked at the results. She indicated that this is another reason a historic ordinance is truly needed.

Fred Krichbaum stated that he has been meeting with the Harveys and Planning staff since 2008 concerning the construction of the Harveys' new home. He noted that in February 2008, then Planning Director Jerry Iserson proposed that the metal seam roof be changed to composition shingles. He stated that he and the neighborhood concur that a metal roof did not fit into the Heritage neighborhood and did not comply with the Downtown Design Guidelines or Specific Plan. She added that Mr. Iserson assured the neighbors that the two documents were Planning policies, second only to the General Plan.

Mr. Krichbaum stated that after many meetings in May 2008, they met at the Zoning Administrative Hearing, and the builder and architect were present along with the Harveys. He noted that they were shown a sample of the metal shingled roof and reached a compromise which would accommodate green engineering used, and there was no mention that this might not work out. He suggested that the Harveys go back with their architect and builder and alter the slope of the roof to accommodate the metal shingles.

Mr. Krichbaum stated that he does not agree with the mismatched roof not only because of the way it would look but also because it would set a precedent in a Heritage neighborhood. He reiterated that the Downtown Design Guidelines and Specific Plan are Planning policies and should be seriously followed. He agreed with the comments regarding the glare and the noise. He added that six emails and numerous neighbor communications have been received which are not in support of the roof change. He asked the Commission to support the original approved plan, to have the Harveys change the slope if necessary, and to respect Planning policies.

Bonnie Krichbaum, Past President of the Pleasanton Heritage Association, stated that they have been meeting, negotiating, and compromising with the Harveys for almost three years. She thanked the Planning Division for keeping them apprised and arriving at compromises they all could live with; however, the Harveys now want a major change that took quite a lot of time and effort to work out.

Ms. Krichbaum indicated that the Planning Division, PHA, and the neighbors have never agreed to a standing seam metal roofing, and she does not agree with partial, mixed and matched roofing as it will cause a bad precedent for the neighborhood. She cited the home on Second Street as an exception that should not be the rule. She asked that the Downtown Design Guidelines and Specific Plan be adhered to and that the original plan be followed per the decisions which were made at the time, and that either the slope be modified on the roof to accommodate the green equipment or something else be done to adhere to all City policies.

Charles Huff stated that the Harveys' home looks great and applauded the architect's concern for the environment. With respect to historic preservation, he noted that the Firehouse Arts Theater has standing seam metal roofs and believes that there are many opportunities where high quality projects can be built. He noted that aesthetics are in the eye of the beholder and that he supported the project.

Dave Cunningham stated that he lives to the west of the Harveys' home and supported the proposed modification. He noted that the Harveys came to him to discuss the initial plans and addressed concerns regarding window placement. He indicated that he believes that the project brings vitality to the City and commented that the Firehouse Theater has the exact same roof.

Referring to the concerns expressed about setting a precedent, Mr. Harvey stated that any person could have installed a standing seam metal roof at any time. He added that many people who can see the Second Street roof from their homes. With respect to the concerns regarding glare and fading, he indicated that the roof is of very high quality and is identical to the material for the metal shingles which may similarly fade. He added that his house will not be seen at all from Neal Street.

Commissioner Narum noted that no panels are being proposed for panel C and asked Mr. Harvey if he was willing to utilize underlying treatment and install metal shingles.

Mr. Harvey replied that he could do this, but it would cost a lot more money. He noted that this panel is virtually flat and is the least visible roof plane on the entire house at 20 feet up. He added that his lot is also the highest on the street other than that of the Krichbaums, who will only be able to see the edge of the roof, which would look the same whether they are of shingle or standard seam metal.

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

Commissioner Blank asked staff if they had an estimate of what the *bituthene* coating would cost.

Mr. Corbett replied that he did not know.

Commissioner O'Connor stated that ten years ago, it cost approximately \$800 for about 3,000 square feet, but he was not sure of the cost today.

Commissioner Blank stated that the situation was difficult. He added that he does not understand the reluctance to put the new materials on areas that cannot be seen; however, the Minutes of the numerous Zoning Administrator hearings indicate that a good faith agreement was made with those people who wanted no metal roofs, and he believes that it is incumbent on Mr. Harvey to meet this agreement.

Chair Olson referred to Mr. Cunningham's use of the word "vitality" and thinks it is applicable here. He stated that it is fortunate to have someone who wants to build a

truly green home and he does not see a problem with using standing seam metal under the PV and water solar panels and using metal shingles on the rest of the roof.

Commissioner Blank added that he does not see the nexus between the Firehouse Art Theater and the home as one is commercial and the other is residential.

Commissioner Pentin concurred with Chair Olson. He indicated that he likes what the Harveys have done with their approach in building a green home and, at the same time, trying to adhere to the Heritage district and achieving a balance. He noted that if the proposal was for a metal seam throughout the entire roof, he would not support it; however, having it only on the PV panels and hot water solar panels will not be seen by the neighbors. He stated that he does not see the plan as changing the Heritage district. He stated that he supported the current plan proposed by Mr. Harvey and that he should be applauded for the 200 green points.

Commissioner O'Connor referred to the comments that the standing seam metal would be installed only under the PV and solar panels and that they would not be visible; however, the architect and the applicant spoke about doing the entire roof where it is low pitch. He asked that this be clarified.

Commissioner Blank stated that he would be supportive of having standing seam metal for panels A and B but not under C. He reiterated that a good faith agreement was made between Mr. Harvey and the neighbors. He added that a three-foot walkway may have to be constructed per the Fire Code and would expect this not to be seen.

Mr. Dolan explained that the proposal is to install the standing seam metal roof on the entire roof planes where the shingles would be located.

Commissioner Blank inquired if material could be put only under the PV and water solar panels.

Mr. Dolan replied that this could be done but that it would not be practical.

Commissioner O'Connor agreed and noted that the area covered by the hot water solar panel is a very small piece compared to the entire roof of that plane.

Commissioner Blank inquired what location was proposed for the non-shingle roof.

Mr. Dolan replied that the standing seam metal roof is proposed for all planes of panels A, B and C.

Commissioner Blank agreed that it would not be practical to put the standing seam metal only underneath the panels and reiterated that he was supportive of having them only on panels A and B.



Commissioner Narum stated the section under consideration is single story, sloping toward the house, and blocked by the section which is 20 feet tall. She added that she thinks this is the least visible of all three sections; Panel B will be mostly covered with PV panels and will be to the back and not visible to Neal Street. She expressed concern with Section C not having anything on it and inquired if a compromise could be reached for some underlay that would allow the metal shingles to be used there.

Commissioner Blank stated that he is changing his position after reviewing and understanding Mr. Dolan's response regarding the scale. He indicated that in his opinion, approving this application would undo the agreement of three years ago. He expressed similar problems existing with *de novo* appeals made to the City Council.

Commissioner Pearce agreed with Commissioner Blank that neighborhood issues are the hardest to deal with, and making everyone happy rarely occurs. She stated that she thinks everybody has the best intentions and recognized the agreement made three years ago. She indicated that she would support the modification if the parts of the metal overlay are covered. She was pleased to hear Mr. Corbett's comments that there is an underlayment that can be done to secure waterproofing while also maintaining the warranty, and it is her opinion this should be done. She stated that she loves the green building aspect of the house as well, and thinks that it would be easier to put PV panels on a seamed metal roof as opposed to shingle; however, the applicant knew three years ago that this would have to be done.

Mr. Dolan clarified that the underlayment would not address the warranty issue but would address the Code issue.

**Commissioner Blank moved to deny Case PDR-932 and uphold the original agreement contained in the document from May 2008.  
Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank and Pearce**  
**NOES: Commissioners Narum, Olson, and Pentin.**  
**NOES: None.**  
**ABSTAIN: None.**  
**RECUSED: None.**  
**ABSENT: None.**

The motion failed by a vote of 2-3.

Commissioner Narum stated that she would support allowing standing seam metal roof on panels A and B and to require metal shingles on panel C or to consider additional options.

Commissioner O'Connor stated that another alternative would be to look at a different roofing material like Alternative 3, asphalt shingles, which could be put on an over slope.

Commissioner Pentin suggested a motion for alternative Alternative 1.

Commissioner O'Connor suggested considering a partial standing seam metal roof and doing panel A only because it is mostly covered with PV panels, whereas panel B has such a small piece covered by a water solar panel with so much of the roof exposed.

Commissioner Blank supported Commissioner O'Connor's suggestion.

Commissioner Pentin noted there would still be a warranty problem and, knowing that panel B cannot be seen, maintained his support for panels A and B and suggested having the applicant address panel C for whatever modification to meet his warranty or Code, or both. He added that while he does not want to change what was agreed to, he understands what Mr. Harvey is trying to accomplish.

**Commissioner Pentin moved to approve Case PDR-932, Alternative 1 of the staff report, with a modification that the standing seam metal roof be limited to panels A and B and that the applicant be required to work on panel C to comply with the Code.**

**Commissioner Narum seconded the motion.**

Commissioner Blank stated that he would not support the motion because he feels it undermines the Zoning Administrator process and sets a precedent that if negotiations do not work out with the Planning Division, applicants can come to the Planning Commission and undo what was agreed upon. He added that he also thinks there should be some agreement with both parties as a significant portion of the neighborhood and PHA's desires as to what it perceives to be important are not being taken into account.

Commissioner Pentin disagreed and stated that the Zoning Administrator's report included negotiations for a full metal seam roof; this modification was not part of that conversation or compromise. He noted that the compromise was to go to a full roof of metal shingles, and, therefore, he did not think a precedent was being set. He stated that he thinks there is a true reason for change, it is valid, and the full roof itself with that slope would actually be out of Code.

Commissioner Blank noted that the warranty is not the issue, but rather an agreement made fostered by the Planning Division. He added that undoing the agreement is transmitting a message similar to *de novo* appeals to the Council.

Chair Olson concurred and stated that this is a fact.

Commissioner O'Connor stated that he thinks the Code can be met by an industry standard material that has been around for a long time and can make the roof watertight. He noted that this is done all the time, and while not addressing a warranty, it meets Building Code.

Commissioner Narum stated that she would concur that it would be undoing the agreement if all three panels A, B, and C were approved; however, not approving panel C is not undoing the agreement. She stated that she feels the Commission is being respectful in trying to work through a reality. She discussed her experience when looking down from the Krichbaum's house which is higher at ground level than the Harveys' house and believes it is a fair compromise.

Commissioner Pearce said she would have supported the motion if it was simply to make the standing seam metal for panel A because there is a compelling reason to do that; however, she could not support having it for panel B.

**ROLL CALL VOTE:**

**AYES: Commissioners Narum, Olson, and Pentin.**

**NOES: Commissioners Blank and Pearce.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: None.**

Resolution No. PC-2010-42 approving Case PDR-932 was entered and approved as motioned.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

Commissioner Narum stated that as a result of the PDR-932, Jon Harvey application, it became very clear to her that the City needs historic guidelines regarding what is historically significant architecturally. She suggested that the Commission send a strong recommendation to the City Council that this be added to its 2011 Council Priorities.

Commissioner Blank stated that he believed this matter was already on the list of Council Priorities.

Commissioner O'Connor stated that he thinks another message should be sent as the Planning Commission has also recommended a fire sprinkler ordinance as a Council Priority, and this has not been done.

Commissioner Pearce inquired when the Council sets its priorities.

Mr. Dolan replied that he believes the Historic Ordinance is already included in the Council's priorities. He indicated that a draft Ordinance has been done but has not been discussed by the Council.

Commissioner Blank requested that the ordinance be brought back to the Commission at a January meeting to review the language and its interpretation, discuss some of the problems with policies that are contradictory, as well as processes that have not been followed in the past.

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

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

No discussion was held or action taken.

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

Mr. Dolan presented a summary of the action taken by the City Council regarding the DiDonato application (PUD 82). He indicated that after considering the Planning Commission's recommendation for approval (4-1 vote) and hearing public testimony, the Council listed a series of issues similar to those discussed by the Planning Commission and directed the applicant to return to the Commission to do further work on those issues.

Chair Olson inquired if the Commission would be provided a staff report explaining issues expressed at the Council meeting.

Mr. Dolan replied that the issues include: (1) whether the home should be preserved; (2) whether or not the variable deodar cedars on the site should be saved; (3) sufficiency of guest parking; (4) whether or not there needed to be more usable open space; (5) concerns about impact to the solar panels on the adjoining property; and (6) concerns about railroad noise and overall density.

Commissioner Blank requested that all meeting notes on the project be included in the staff report when the item returns to the Commission.

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

No discussion was held or action taken.

### **d. Appointment of Two Commissioners to the Heritage Tree Board of Appeals for 2011-2012**

Commissioner Narum indicated that she would like to continue serving on the Board but has yet to attend a meeting. Commissioner Blank stated that he would also like to continue to serve on the Board as well.

**Commissioner Pearce moved to appoint Commissioners Narum and Blank to serve on the Heritage Tree Board of Appeals for 2011-2012. Commissioner Pentin seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Olson, Pearce, and Pentin.  
**NOES:** None.  
**ABSTAIN:** Commissioners Narum and Blank.  
**RECUSED:** None.  
**ABSENT:** None.

Commissioners Narum and Blank were appointed to serve on the Heritage Tree Board of Appeals for 2011-2012.

**a. Election of Planning Commission Chair and Vice Chair for 2011**

Commissioner Pearce commended Chair Olson on an excellent and well-run year.

**Commissioner Blank moved to nominate Commissioner Narum as Chair for 2011. Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, Olson, Pearce, and Pentin.  
**NOES:** None.  
**ABSTAIN:** Commissioner Narum.  
**RECUSED:** None.  
**ABSENT:** None.

**Commissioner Narum moved to nominate Commissioner Pentin as Vice Chair. Commissioner Blank seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, Narum, Olson, and Pearce.  
**NOES:** None.  
**ABSTAIN:** Commissioner Pentin.  
**RECUSED:** None.  
**ABSENT:** None.

Commissioner Narum was appointed as Planning Commission Chair and Commissioner Pentin as Vice Chair for 2011.

**b. Adoption of Planning Commission Schedule of Meeting Dates for 2011**

Commissioner Narum suggested that an extra meeting date or two be added to the calendar, given the expected activity of the Commission regarding the Housing Element.

Mr. Dolan proposed that staff be given some time to review the calendar and return in January with possible dates.

**Commissioner Blank moved to adopt the Planning Commission Schedule of Meeting Dates for 2011.**

**Commissioner Narum seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.**

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: None.**

The Planning Commission Schedule of Meeting Dates for 2011 was approved.

**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 Pearce reported that a Housing Element Task Force meeting was held last week. She reminded the Commissioners that the Joint City Council-Planning Commission Workshop on the Hacienda Task Force will be held on December 16, 2010.

**12. ADJOURNMENT**

Chair Olson adjourned the Planning Commission meeting at 9:20 p.m.

Respectfully,

JANICE STERN  
Secretary