



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, March 10, 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 March 10, 2010, was called to order at 7:00 p.m. by Chair Olson.

1. ROLL CALL

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

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

Commissioners Absent: Commissioner Phil Blank

2. APPROVAL OF MINUTES

a. February 24, 2010

Commissioner Pearce the following amendments be made:

- Change the phrase "Chair Pearce" in the ninth paragraph on page 5 to "Commissioner Pearce."
- Modify the second and third sentences of the third paragraph on page 14 as follows: "She noted that the Commission can talk all it wants about the definition of 'custom,' but ~~this limits her~~ she is limited in terms of relying on other people's interpretation of background documents. She indicated that without having a discussion of the merits of this project she ~~would not be~~ is not in any position to make a decision...."

- Modify the last sentence of the first full paragraph on page 15 as follows: “She noted that she is not indicating she has a problem with # the Zoning Administrator decision, but simply....”
- Modify the last sentence of the paragraph under Item a. of “Matters for Commission’s Information” as follows: “She added that the Parks and Recreation Commission will conduct the interviews for members of the public to be on the Committee and recommend their selections to the City Council.

Commissioner Narum requested clarification regarding Terry Townsend being the owner of Lot 3 as indicated in the first sentence of the first full paragraph on page 13. She stated that she did not believe Mr. Townsend owned the property.

Ms. Stern clarified that Mr. Townsend did not own Lot 3 but that he designed the house on the lot. She added that staff will make that correction.

Commissioner Pentin requested that the first sentence of the third full paragraph on page 15 be modified as follows: “Commissioner Pentin stated that he sees in the documents that were shown that the Commission does not have a lot of reference to home sites and lots.”

Commissioner Narum moved to approve the Minutes of February 24, 2010, as amended.

Commissioner O’Connor seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the February 24, 2009 meeting were approved, as amended.

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 speakers.

4. REVISIONS AND OMISSIONS TO THE AGENDA

There were no revisions and omissions to the Agenda.

5. **CONSENT CALENDAR**

There were no Consent Calendar Items.

6. **PUBLIC HEARINGS AND OTHER MATTERS**

Matter Continued for Decision

- a. **PAP-140 through PAP-144, Phil Benzel, Robert Miller, and Todd Briggs, Appellants (PDR-883 through PDR-887, Ponderosa Homes, Applicant) Appeal of the Zoning Administrator's Design Review approvals to construct five single-family homes on five vacant lots located at 6120 Sanctuary Lane, 6136 Sanctuary Lane, 6168 Sanctuary Lane, 6184 Sanctuary Lane, and 6139 Sanctuary Lane, in the Happy Valley Specific Plan Area. Zoning for the properties is PUD-SRDR (Planned Unit Development – Semi-Rural Density Residential) District.**

Brian Dolan indicated that the Commissioners have been provided with the materials they requested at the last meeting as well as new material provided by the appellant. He noted that there were two points were raised at the last meeting: (1) whether custom homes are allowed in the development; and (2) whether the proposed house designs conform to "custom."

With respect to the first point, Mr. Dolan stated that there are many references to "custom lots" in the design guidelines and the conditions of approval, but nowhere are there references requiring the houses in the development be custom homes.

As regards the second point, Mr. Dolan stated that in comparing the proposed homes to the design guidelines, staff maintains its conclusion that they are custom enough to be approved within the framework of the existing approved project. He noted that there are five lots with three floor plans, with two pairs sharing the same floor plans. He added that the two sets of homes with the same floor plans have different design styles, materials used, and rooflines which distinguish them from each other.

THE PUBLIC HEARING WAS OPENED.

Todd Briggs, Appellant, recapped the appellants' position as presented at the last meeting and reviewed several documents referring to the lots within the development as "custom home sites." He stated that they did additional research after the last Commission meeting and found two other documents, which were provided in the binder of documents they had provided the Commissioners, that they believe show that the only custom homes, and no tract or production homes, were intended for the Serenity development.

Mr. Briggs then related the history of the Serenity project, which was originally owned by TTK Partnership in 1999 and subsequently purchased by Don Babbitt. He noted that in

October 2006, Mr. Babbitt came before the Planning Commission with an application for a major modification to replace the existing design guidelines, which were for production homes, with the design guidelines for the Heartwood Communities, which are for custom homes. He noted that the Planning Commission then recommended approval of the major modification to the City Council.

Mr. Briggs continued that in December 2006, a staff report signed by the Director of Planning and Community Development, the Director of Finance, and the City Manager was presented to the City Council stating that Mr. Babbitt was requesting the same major modification to replace the production homes guidelines with the custom home design guidelines and that these guidelines would supersede the approved production home guidelines. He added that later in the report, there is further discussion that staff believed that the proposed front-yard setback of 30 feet, although five feet less than what is specified in the North Sycamore Specific Plan, would be mitigated with the use of custom designed homes instead of production homes.

Mr. Briggs stated that he finds it hard to believe that staff, who wrote the documents, is now totally changing its position and saying production homes can be built in Serenity. He added that the Minutes for the October 2006 Planning Commission meeting reflect Mr. Babbitt as noting that the lots had been intended for a tract division but that he had turned them into a custom lot subdivision. He indicated that with all the documents he has presented, one can only come to the conclusion that Serenity is a custom-home development. He added that in his thinking, when one reads the term, "custom lot" or "custom home site," it means a lot where a custom home will be built.

Mr. Briggs noted that Mr. Dolan raised the point that he thinks the Ponderosa Homes are "custom enough," thereby implicitly indicating that they are not true custom homes and conceding that they are really dressed-up production homes. He indicated that this is not what was intended for Serenity because these homes are being built in a production home development in another part of Pleasanton, as cited in a memo referring to the homes as production homes. He stated that in his view, a custom home is one that is built on a purchased lot which has been reviewed by an architect or designer, taking into account what the homeowner wants, and envisioned based upon the design of the homeowner. He stated that it is not a floor plan that is taken off the shelf and put on the lot without consideration of views or the shape of the lot; a process that is far different than a production home development process.

Pamela Hardy, Ponderosa Homes, stated that she did not want to repeat her presentation at the February 24th meeting and added that Ponderosa has reviewed and evaluated the information and materials the appellants have compiled. She indicated that she respectfully disagrees with the appellants' view, stating that the documentation cited would preclude construction of the homes presented to the Commission this evening on the basis of whether or not it meets a definition of what is a custom, production or semi-custom, or other definition. She noted that they look to the requirements of the City ordinance which does not specifically preclude the use of production homes or require that custom homes be built on the lots.

Ms. Hardy continued that they have also reviewed the guidelines, findings, and architectural review approval, and there has been no discussion of the design of the homes in the appellant's presentation. She agreed there are two floor plans that repeat themselves but noted that each home is unique in that they each have their own distinct elevations. She added that the floor plans have been used elsewhere in Pleasanton on Mohr Avenue; however, the lots have different elevation styles. She noted that the elevation styles for these five homes are unique to themselves and that Ponderosa has also never designed a "Prairie" elevation. She stated that while the "Ranch" is a common element, it is used throughout California. She added that she could return and discuss architecture elements, enhancements added to the homes beyond what staff required, and re-siting of the homes in trying to respond to being good neighbors. Ms. Hardy urged the Commission to approve the applications.

Mr. Briggs stated that Ms. Hardy is correct in stating that the appellants have not gone into the actual design requirements inside the guidelines and applied those to these homes because they do not believe they need to reach that question. He stated that he thinks they can quickly show that the homes do not even meet the most fundamental requirements in the design guidelines. He noted that on pages 15-22 of the Serenity design requirements, Section 6.1 includes seven pages of general requirements, and Subsection D of the section on "Goals" states: *"Articulated plans and visually interesting design as opposed to flat walls without detailing are required on each façade."* He then displayed a flat wall of the side view of Lot 10, stating that he would have to drive down this street and look at it every day, and that this fails the requirement that *"All exterior elevations shall be designed with similar or complementary elements with regard to color, texture, material, form and detailing. All sides of the house must have similar or complementary details."* He stated that Item F states *"Architectural style and detailing must be consistent on all sides of the home."* He presented a side view of Lot 10, which looks nothing like the front view. He noted that the next section talks about building height and mass and added that all elements must be reviewed if any decision is made to proceed further.

Mr. Briggs stated that Serenity requires all fencing to be open, of wrought iron rather than solid; hence, the lots are very open and can be viewed from many angles. He noted that for this reason, the sizes of the homes become prominent and are easily viewable from side angles, particularly if they are corner lots. He indicated that what Ponderosa has done is design a typical tract house where there would be a wood fence going up to the fireplace. He reiterated that the Serenity design requirements are set up in a way to preclude a production or tract house from being built on the lots.

Mr. Briggs then stated that the guidelines also state that *"side entry garages should be encouraged and used whenever possible."* He noted that the lots are large at about three-fourths of an acre, which would make it easy to design a house with side entry garages. He noted that on several proposals, Ponderosa has made no effort to do a side-entry garage.

In conclusion, Mr. Briggs stated that even if the homes were pigeon-holed into the custom home category, they fail explicit requirements set forth in the Serenity design guidelines.

Robert Miller, M.D., Appellant, stated that he is a physician and has been in the Bay Area for eight years. He indicated that Mr. Briggs has highlighted many of the details of the appeal and added that he made the financial commitment to purchase his lot with the idea of having a custom home which he always dreamed about. He noted that Ponderosa Homes and Mr. Babbitt should be made to follow the Serenity design guidelines, which requires time, effort, and thinking when designing a custom home. He stated that when he learned of this application at the end of December, he was surprised at how the homes were laid out. He indicated that they tried to talk with Ponderosa Homes to make Ponderosa understand where they were coming from and questioned why a unique design could not be arrived in lieu of the proposed two similar designs. He expressed his disagreement with staff in that the homes are not "custom enough." He added that he and the other appellants have dreamed of building custom-designed homes and have worked hard to get to where they are. He stated that they feel this dream is being threatened and that they will not waiver in their position.

Phil Benzel, Appellant, stated that he had the opportunity to build a custom home in San Luis Obispo and that he went through the Planning Commission for his custom home on Lot 12. Regarding the concept about the homes being "custom enough," he indicated that after spending six months working with Terry Townsend, his custom house was deemed not "custom enough" and was required to put in an additional 130 feet of wainscoting with stone on a two-story façade, for an additional cost of \$50,000. He added that he had to return to the Commission to receive approval for special relief to remove some at the back end since there are only two homes in the vicinity that can see down on his house. He noted that there will be potentially four homes around him and a home on the top of the hill that can see the back of his house; however, the house behind his cannot see his house.

Mr. Benzel agreed with Mr. Briggs that the proposed homes are not "custom enough" and felt they should be made to at least stand up to the standards of his home, where all elevations must be similar. He also noted that most of the homes would be visible from either the golf course or from the Wentworth property. He added that Ponderosa should be required to spend an additional \$50,000 for stonework in the same manner that he was. He noted that when he met with Ms. Hardy initially, he provided changes in the range of 200 square feet, mainly to change the massing of the first floor and assuming they will build at \$125/square feet, which is less than \$30,000 additional total cost for Ponderosa. He indicated that Ponderosa rejected his suggestions.

Mr. Benzel stated that Ponderosa is proposing the same exact floor plan and square footage as the houses they are building in another area in town. He added that although the elevations are different, the garage entrance was not changed, relatively inexpensive additions were done for some of the porch work, very little rock work was

added, the wainscoting only extends slightly around the corner and not to the back or sides. He stated that he respectfully disagrees that the houses are custom enough.

THE PUBLIC HEARING WAS CLOSED.

Ms. Soo referred to Exhibit B; the original and alternative site plans, and pointed out that three of the five homes, Lots 2, 4, and 10, have side entrance garages. In terms of elevations for Lot 10, she indicated that Ponderosa will add more stone wainscoting for the two sides of the house. She explained that the Architect was unable to add this into the plan due to time constraints but that staff has added this to the conditions of approval.

Commissioner O'Connor inquired if this would be done on all sides of the house.

Ms. Soo replied that it would be done only on the two sides that are most visible when traveling south to north.

Commissioner O'Connor inquired whether the design guidelines required wainscoting for the back side and the other side.

Ms. Stern replied that she did not believe it was required on the back side.

Commissioner O'Connor stated that he believed deliberation should be done in two steps: first, to determine whether the homes must be custom or not; and if so, then the second is to determine what is custom and/or custom enough. He added that if the Commission does not believe the houses should be custom, then it would not be necessary to proceed with the discussion on the definition of custom.

Commissioner Pearce proposed that the Commission could first take the custom argument as a threshold and see whether the Commission feels the houses should be custom.

Commissioner O'Connor stated that based on all documentation from the Commission meetings held in 2006, the council meetings, and the material presented, he felt the intent was for the development to be a custom development. He noted that the design guidelines do not specifically talk about the requirement for custom-only homes, and the ordinance is broad. He added that the applicants even modified the setbacks that were standard in the Happy Valley Specific Plan and justified this by stating these would be custom homes that would offset some of the impact.

Commissioner O'Connor stated that although the ordinance itself does not state the houses should be custom, it is in enough of the documents for him to believe that the intent was that these would be custom homes. He added that when the lots were sold with that intention, the owners were certainly under the impression they were buying an expensive investment, and, therefore, coming in with anything other than a custom home would be detrimental to them.

Commissioner O'Connor stated that he looks at the Commission's role as not just going to the letter of an ordinance all the time or the letter of a document, but to fairness. He added that in this regard, he can only side with the appellants and think this was expected to be custom homes and lots.

Commissioner Pearce stated that she read all documents and did not find any definition of "custom." She added that she looked for intent beyond verbiage that they should be custom homes, and in the documentation that the appellant provided of the City Council 2006 staff report, she found the only discussion of the intended distinction between the prior production home development and this custom home development. She noted that on page 4, it talks initially about the front yard setback and the fact that the concern with these houses is that they want to make sure there is more variety in siting, architectural form, and detailing. She further noted that the design guidelines use the phrase "custom home site"; however, it is stated on page 1 that they are intended to provide aesthetic guidelines only.

Commissioner Pearce indicated that for her, this boils down to the aesthetic guidelines and the question of whether these homes meet the aesthetic guidelines details for Serenity. She noted that she is not certain that the houses do meet those aesthetic guidelines. She expressed concern about the detailing on the outside that is extended to only a portion of the home, whereas in the past, the Commission has required 360-degree detailing for similar developments. She reiterated that the issue for her is not custom versus production but what the intent is and the outside detailing, and she did not think the homes are there at this point.

Commissioner Narum stated that she appreciates all the materials provided by the appellants but that for her, it comes down to the Planning documents, including the design requirements, the conditions of approval, and the Happy Valley Specific Plan. She noted that it is clear from the design requirements and planning documentation that the intent was not to have the same house built on all 12 lots, however, there is nothing in the documents that would preclude a builder from buying a lot and building a spec custom house as long as all the proper approvals were obtained, including approval by Terry Townsend. She noted that the design of these houses were reviewed by Terry Townsend, who recommended some changes which were consistent with some of Mr. Briggs' points and which were included in the conditions of approval. She added that she is more concerned about having two houses with the same floor plan as opposed to the way they look.

Commissioner Narum stated that there is nothing in any of the documents that precludes somebody from buying a lot and building a house, even one identical to that on Lot 10 in Mariposa, as long as it adheres to the design guidelines. With respect to whether or not the proposed homes are custom, she indicated that she was not certain and felt that there may be questions that beg more discussion.

Commissioner Pentin indicated that there is use of the phrases “custom home,” “custom lots,” and “custom home sites,” as well as references to “single home” and “single-family home.” He noted that it does not appear that there is one term used throughout the documentation to define what can be built there. He stated that it is apparent that the change from TTK Partners to Serenity changed the approved production homes to single-family homes on 12 lots that must be custom to some degree. He indicated that he finds the five houses significantly different from one other, which brings him back to “custom enough.” He indicated that he believes the guidelines, with the conditions of approval, are sufficient; however, some of the guidelines have not been completely met, such as the two-story massing and how it has to be done. In this regard, he stated that some changes still need to be done in order to fit the guidelines.

Commissioner Pentin stated that one thing the Commission can learn from this for future reference is for the Commission not to get very liberal with “custom-this” and “custom-that” and that terms be actually defined.

Chair Olson stated that at the last meeting, Commissioner Blank presented a view that “custom” has to do with process rather than product. He added that it is clear to him that in the transition from TTK Partnership to Serenity, the tract situation was changed to a custom situation; hence, these are now custom lots. He continued that the application for the major modification included an application for design review approval for a specific house which was also approved by the Council on December 5, 2006. He noted that Condition No. 6 of the major modification states that custom homes for this development shall be subject to the review and approval of the Zoning Administrator and shall conform to design review procedures set forth in Section 18.20; design review of the Municipal Code. He stated that he believes this addresses a process and that each of the lots is an individual lot. He agreed with Commissioner Narum that there is nothing that prevents someone from buying a lot and building a home on it, the plans for which were obtained from a production builder, as long as the final design meets the design review requirements.

Chair Olson stated that in looking at the process, each lot needs to be addressed individually, as was the process in December 2006, in keeping with the point that this is a custom development and not a tract development. He noted, however, that he does not see anything that prevents Ponderosa from building homes on several of the lots, given that the designs meet the design guidelines requirements. He cautioned the appellants that it is entirely possible for someone to come to Serenity to buy a lot and build a custom home that neighbors would find objectionable, indicating that what should be addressed is how unique the designs need to be.

Commissioner O’Connor noted that page 40 of the design guidelines talks about custom lot design review process, and Section 7.2 states that once a design team has been assembled, lot owners are encouraged to communicate with and obtain feedback from the design review board. He noted that all of the guidelines are geared around starting from scratch and not from a production home floor plan or design, beginning with looking at the lot and the layout of the house on the lot, its being designed around the

lot, and its architecture, rather than coming to the review board with a complete design package. He agreed, however, that even if the Commission was in agreement that there is nothing specific in the letter of the law that would stop anyone from coming in and building a production home, he thinks it is fair to say that the intent was to build custom homes on the lots.

Commissioner O'Connor stated that from reading documents at the last meeting, he did ask the Ponderosa representatives if they could find five distinct floor plans that within their arsenal of homes they have built so as not to repeat one plan. He noted that their response was that they were not interested in doing that. He added that the documents indicate that neighbors had also asked that same question. He stated that he believed this might be something the neighbors would accept, but he has a hard time with the repetition of floor plans within such a small neighborhood of 12 lots and saying they are "custom enough." He indicated that he felt the Commission should make sure the house designs do fit within the letter of the design guidelines if all other owners are required to go through 360-degree detailing. He stated that he did not support two repeating floor plans as being "custom enough."

Chair Olson noted that Ponderosa changed some of the designs to include garage side entrances.

Commissioner Pearce requested clarification regarding the requirement of the architectural style and detailing to be consistent on all sides of the home and the statement made by staff that wainscoting would only cover some of the walls, at least for one house. She indicated that she felt the statement that they may have met the design guidelines was inconsistent in that the detailing does not go all the way around the house.

Ms. Stern stated that prior to the hearing, staff had met with Ponderosa and looked at ways to add detailing to the exterior of homes. She noted that they looked at elevations and added wainscoting to those sides which were mainly visible from the public areas as well as in other locations, and added an arbor over garage doors where visible. She indicated that they did not look at those sides of the homes that were not visible. She stated that she thinks that the design guidelines would generally relate to any visible elevations of the house.

Mr. Dolan stated that this is something staff can easily remedy. He indicated that staff has implemented design guidelines in various places, including for homes that have already been built in Mariposa Ranch and Serenity. He noted that there are degrees of detail on various walls in different houses in the area and that more attention is given to those that are visible. He agreed that the guidelines do require that the four sides have architectural detailing, but what that detailing should be is not exactly specified. He added that there are some elevations where staff can continue to work with the applicant, and one of the easiest way to do this is wainscoting window detailing, with which he believes Ponderosa has done a good job.

Mr. Dolan noted that there is one house in the area that has one elevation that is relatively plain, which happens to be the most visible. He stated that it does have wainscoting, but it is not nearly as detailed as the front. He noted that this is a reality of home-building, where designs do not always lend themselves the equal amount of detailing on every single side. He added that this occurrence can be found throughout the City.

Commissioner Pentin stated that he is not advocating larger houses, but the Happy Valley Specific Plan requires that design minimize visual prominence of the homes and maintain the open space. He indicated that with smaller building footprints of 3,600 square feet to 4,600 square feet, proposed homes are able to provide adequate yards on a lot to create the openness. He noted, however, that page 16 of the design requirements states that one-story structures are strongly encouraged; that one- and two-story design combinations are acceptable; and that two-story structures may be permitted if the building masses are broken up with attached one-story elements. He asked staff how the City has gotten away from this.

Commissioner O'Connor referred to the same page, noting that architectural style and detailing must be consistent on all sides of the home; and that each two-story home shall have a combination of one and two-story roofs, and second-story volumes shall be stepped back on the front and rear of some elevations.

Commissioner Pentin stated that he did not have a problem with this but referred to the massing and the two stories attached to a single story and inquired how this passed design review.

Mr. Dolan stated that this is a difficult standard to meet and that there are varying degrees of success in Mariposa and elsewhere in the City.

Chair Olson inquired why Ponderosa was not able to come up with five different floor plans and requested an explanation.

THE PUBLIC HEARING WAS RE-OPENED.

Ms. Hardy stated that if the issue is repeating floor plan, they would be willing to consider the possibility of selecting three of the different floor plans, if this were acceptable to the appellant and will move things forward, and they would withdraw the application for the other two repeated floor plans. She added that they want to be good neighbors, and if this helps and overcomes the objections of the appellants, they are willing to do this and talk to the appellants at a later date about the two remaining home sites.

Commissioner Narum suggested that the Commission take a break to give the appellants time to discuss whether this is amenable or not.

Chair Olson called for a five minute break at 8:06 p.m. and reconvened the regular meeting at 8:11 p.m.

Mr. Briggs stated that Ponderosa's response to the question of whether they would consider using five different floor plans is telling. He indicated that he felt Ponderosa was not willing to be flexible and use anything other than the floor plans they have; that they would rather not build on those lots than use two other floor plans from their inventory. He added that he believed that if they get into discussing the three houses and apply the design requirements to those houses, there will be the same inflexibility and the houses will just be slightly tweaked by the use of trellises and wainscoting. He noted that these houses do not meet that standard of the Mariposa Ranch and the Ruby Hill custom homes. He expressed concern about Ponderosa's inflexibility and unwillingness to work with anyone on the floor plans because they want to build production houses.

Mr. Briggs stated that he never received notice of the project and that when he learned of it, he went to Ponderosa and discovered that they had to file an appeal immediately. He noted that they spoke with Ponderosa, and they agreed that the neighbors would send Ponderosa their questions and concerns about the project. He indicated that one or two days after that meeting, they collectively sent a list of questions to Ponderosa, and one month went by and they heard nothing. He added that they then heard from staff that a hearing had been scheduled on the matter.

Commissioner O'Connor stated that he thought he heard Ms. Hardy say that she would return with two other plans at a later date.

Ms. Hardy confirmed that she did say that, offering to move forward now with three houses, each having an individual floor plan and elevation, and then returning with different designs on the two remaining lots, which would be new design review applications.

Jeff Schroeder, Ponderosa Homes, stated that when they bought the lots, they looked at the lots and what the market would bear; they found out that the market will not bear a custom home at this time because people cannot get loans to build homes. He noted that the people who have purchased lots have never built homes in the communities and could actually end up selling the lots at a loss, which is unfortunate. He stated that they did make changes to the plans twice and reviewed where they wanted to be from a cost standpoint to make it work for them. He added that they attempted to build homes that would meet the design guidelines and fit in the community. He indicated that he was not certain if they would come back and build on the two properties due to it being a difficult economy.

Commissioner Pearce asked Mr. Schroeder if Ponderosa attempted to contact the appellants and meet with them when they submitted questions to Ponderosa and changes were made.

Mr. Schroeder replied that they had made contact on several occasions to offer a meeting, and the appellants never responded back.

Mr. Briggs requested some type of proof to show that Ponderosa made attempts to contact them.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor asked staff what the process might be if the Planning Commission is amenable to taking action on three separate floor plans for now, and the appellants have concerns over detailing. He indicated that he was not sure how to accept the three homes but with additional detailing as opposed to what has already been approved and under appeal.

Mr. Dolan replied that the Commission would need to determine which two are withdrawn, and if the Commission wanted additional changes, it could require that changes be made and then come back before the Commission; or provide direction and authority to staff to make improvements. He added that the Commission could also deny the appeal accompanied with adding additional conditions of approval for some façade improvements, if desired.

Commissioner Narum indicated her preference that Lot 5 and Lot 10 be withdrawn, particularly because she had the most trouble with Lot 10 with respect to the design guidelines. She added that this would give them three different floor plans and that she supported the exterior of those houses according to the design guidelines.

Chair Olson expressed difficulty in deciding which two lots would be withdrawn. He stated that he believes this would be up to the applicant's discretion and the Planning Division. He indicated that the applicant may not be able to indicate at this time which two lots they want to withdraw and may want to go back and review this before making a decision.

Mr. Dolan suggested asking the applicant which lots they would like to withdraw and which ones they want to keep. He indicated that they may be open to the Commission's preference on the architecture if they were able to make the selection.

THE PUBLIC HEARING WAS RE-OPENED.

Ms. Hardy stated that their preference would be to construct the Craftsman home design on Lot 1, the Ranch home design on Lot 2, and the single-story Ranch home on Lot 4. She explained that this would give the plan a mix of one single-story house and two two-story houses, each having different orientations. She added that they hope removing Lot 5 would provide them another opportunity to work with Robert Miller. She noted that the appellants had cited concerns over the elevation of the house on Lot 10. In summary, she indicated that they would withdraw the design review applications for Lot 5 and Lot 10.

Chair Olson asked the Commissioners if they were agreeable to this, and they indicated that they were.

Commissioner Pearce requested that staff ensure there is detailing on all four sides that is consistent with the type of house proposed for the three lots.

Commissioner O'Connor stated that while his preference would have been to go more custom, he was supportive of going with the three lots. He requested that staff ensure that the same guidelines are used and adhered as was required of other homeowners.

Commissioner Pearce inquired if Ponderosa is proposing to withdraw the design review applications for two of the houses. She further inquired if the Commission could craft a motion regarding the three sites or if the Commission would have to do a separate motion for the other two sites since they have not been withdrawn yet.

Ms. Harryman stated that there are five different applications and she was not sure if Ponderosa was planning to withdraw two of them. She added that since all these applications are appeals, the Commission could uphold the appeal on Lots 5 and 10 and deny the appeal for Lots 1, 2 and 4. She inquired if the elevations proposed for Lots 1, 2, and 4 would remain exactly the same.

Ms. Hardy stated that they plan to keep the same elevations on Lots 1, 2 and 4 and are withdrawing their applications for Lot 5 [PAP-141/PDR-886] and Lot 10 [PAP-140/PDR-887].

Mr. Benzel stated that the issue of massing that was brought up earlier has not been addressed. He noted that if a two-story home were to be built, there would be significant single-story roof lines, and massing would be significant on the first floor. He indicated that the Craftsman home being built is the best of the three, but he would not necessarily say that it had a significant first-story massing. He noted that it has a single-story garage which will be 20 feet by 22 feet on a home that is 4,600 square feet, which puts the first-floor to second-floor ratio just barely over 54-55 percent, which is not even livable area. He noted that if the livable area massing were considered, the first floor to second floor ratio would still be under 50 percent. He indicated that he believes the massing ratio in Hacienda is basically 50 percent, including a few feet of changes in the living room.

Mr. Benzel stated that when he worked with Mr. Townsend on his [Mr. Benzel's] home, Mr. Townsend had indicated that the Planning Commission would probably not approve anything under a 60-percent-40-percent ratio, excluding the garage, which translates to the living area had to be 40 percent or less upstairs and 60 percent downstairs. He noted there are significant foundation costs, in addition to wainscoting costs, for a house of a different size, and he did not feel this had been addressed with the proposed Ponderosa homes.

Mr. Briggs expressed concern that the Planning Commission is jumping into approving Lots 1, 2 and 4 without doing a critical analysis of the house designs against the design requirements.

Chair Olson stated that the Commission has indicated there must be added adornment.

Mr. Briggs inquired if the Commission was approving it without seeing exactly what Ponderosa would do.

Commissioner Pentin noted that the Commission has not yet made a decision.

THE PUBLIC HEARING WAS CLOSED.

Chair Olson noted the case numbers for the applications are "PAP-140 through PAP-144" and inquired if the numbers run through Lots 1 through 5.

Ms. Soo replied that the PAP numbers run opposite the Lot number, such that PAP-144 is Lot 1, and so forth.

Chair Olson suggested that the Commission provide staff with direction to require the applicant to enhance the exterior design.

Commissioner Pentin inquired whether this would be brought to the Zoning Administrator for approval or back to the Commission.

Commissioner Pearce inquired if there would be a mechanism to have the applications return to the Commission should they be approved tonight.

Mr. Dolan replied that staff is comfortable with the responsibility of ensuring the implementation of the Commission's direction; however, if the Commission wishes to go a different direction, it could assign a subcommittee of two Commissioners to work with staff on that issue.

Commissioner O'Connor inquired if there was the possibility to re-appeal the applications if they are not acceptable to anyone.

Mr. Dolan said no.

Commissioner Pearce supported the idea of naming a subcommittee of two Commissioners to work with staff.

Mr. Dolan clarified that staff would then be moving forward with the understanding that they would handle it relatively quickly because there is a possibility that it would move on to the City Council.

Commissioner Pearce inquired when the appeal period would start.

Mr. Dolan replied that the 15-day appeal period would start tonight following the Commission's action and that staff would have 40 days to schedule it for a Council hearing.

Commissioner Pearce suggested making part of the motion the formation of a subcommittee to meet with the appellant and the applicant.

Ms. Harryman agreed that the motion could be structured in that manner.

Chair Olson inquired which two Commissioners would form the subcommittee, and Commissioners O'Connor and Narum volunteered to do so.

Commissioner Pearce moved to deny PAP-142, PAP-143, and PAP-144. thereby upholding the Zoning Administrator's approval of PDR-885 (Lot 4, 6168 Sanctuary Lane), PDR-884 (Lot 2, 6136 Sanctuary Lane), and PDR-883 (Lot 1, 6120 Sanctuary Lane), respectively, subject to the Conditions of Approval listed in Exhibit A-3 for PDR-885, Exhibit A-2 for PDR-884, and Exhibit A-1 for PDR-883, with the modifications that: (1) the applicant add further detailing to the design of the houses to meet the four-sided architectural requirements of the design guidelines and to examine their massing relative to the design guidelines; (2) A subcommittee consisting of Commissioners Narum and O'Connor work with the Planning staff on the detailing of house designs. Commissioner Narum seconded the motion.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2010-03 denying Case PAP-144, thereby upholding the Zoning Administrator's approval of Case PDR-883; PC-2010-04 denying Case PAP-143, thereby upholding the Zoning Administrator's approval of Case PDR-884; and PC-2010-05 denying Case PAP-142, thereby upholding the Zoning Administrator's approval of Case PDR-885, were entered and adopted as motioned.

Commissioner Pearce suggested making another motion to uphold the appeal and deny Cases PAP 140 and 141.

Ms. Harryman noted that Ponderosa Homes has withdrawn those applications and, therefore, no action is necessary.

Chair Olson called for a five minute break at 8:39 p.m. and thereafter reconvened the regular meeting at 8:44 p.m.

New Item

b. PUD-84-21-4M, Civic Square, L.L.C., & Andy Bye, Braddock & Logan Services, Inc.

Application for a PUD modification to add 36 new apartment units in five new buildings, a new clubhouse/rental office in one new building, and miscellaneous site modifications at the Civic Square Apartments located at 4800 Bernal Avenue. Zoning for the property is PUD–HDR (Planned Unit Development – High Density Residential) District.

Marion Pavan presented the staff report and described the scope and key elements of the application. He noted that a condition regarding accommodating recycling bins in the trash enclosures had been inadvertently omitted in Exhibit A, Conditions of Approval.

Chair Olson noted that a condition was missing in the description of the difference between the development itself and the City Council direction and inquired if this was the condition regarding trash enclosures.

Mr. Pavan replied that it was.

Chair Olson inquired if this would be added as a new condition.

Mr. Pavan replied that this is included in the table on page 5 of the staff report and confirmed that it would be added as a new condition.

Commissioner Pentin referred to pages 10-11 of the staff report regarding the California Building Code (CBC) requirement to install a roll-in shower in one of the bathrooms for units with two bathrooms. He inquired if, in the event the one-bathroom option is not acceptable to the Planning Commission and the Planning Commission does not take any action tonight, a condition could be added to redesign the units with one bathroom at the building permit stage to accommodate a roll-in shower.

Mr. Pavan replied that this could presumably occur but added that if the Commission would like to ensure that this happens, it should add a condition that all ground-floor units shall have two full bathrooms with a toilet, sink, tub, and shower.

Referring to parking requirements on page 12 of the staff report, Commissioner Pentin inquired whether the existing number of parking spaces would be sufficient with the proposed additional units.

Mr. Pavan replied that the existing number of parking spaces exceeds the Code requirement of 1.63 parking spaces per unit with a 1.93 to 1.95 spaces per unit.

In response to Commissioner Pentin's inquiry if this number includes both resident and visitor parking, Mr. Pavan replied that it did.

Commissioner Pentin stated that page 14 of the staff report states that cobblestones are proposed beneath the existing trees. He noted that the landscaping in the designs provided still shows cobblestones and inquired if the cobblestones would be removed.

Mr. Pavan replied that a condition has been included requiring that the cobblestones be removed and replaced with organic mulch.

Commissioner Pentin noted that Condition No. 5 uses the term "Encourage" rather than the usual verbiage such as "may" or "shall" that is generally used in conditions. He inquired how this condition would be enforced.

Mr. Pavan explained that this condition was provided by the City Engineer. He added while connecting to a privately-owned storm drain system is the preference, it is not required and that it would be acceptable for the applicant prefer to connect to the 72-inch storm line if desired.

Commissioner Narum inquired why the applicant chose to add 36 units and not anything more or less than 36 and if inclusionary housing was considered at arriving at this number.

Mr. Pavan replied that that the Council direction was to add more units, and the applicant worked with staff and arrived at this number. He added that the Code required 15 inclusionary housing units, and anything over that number would be additional density.

Commissioner O'Connor stated that he reviewed the conditions of approval and inquired, for the benefit of Commissioner Blank, whether the units would be sprinklered.

Chair Olson replied that he believed the requirement for sprinklers was spelled out in Conditions No. 7 and 9.

Mr. Pavan confirmed Chair Olson's observation.

Commissioner O'Connor inquired if one of the proposed buildings would be the only three-story building in the complex.

Mr. Pavan said yes. He added that the rest of the complex are two-story buildings.

THE PUBLIC HEARING WAS OPENED.

Andy Byde, Braddock & Logan Services, Inc., Applicant, noted they came before the Commission a year ago with a 12-unit project and the remodel of the existing

clubhouse, generally located along Bernal Avenue with two buildings within Area C. He stated that the Council directed them to review seven items, including adding green points, evaluating the provision for the addition of a photovoltaic system, providing additional units in a three-story structure or similar configuration, providing additional disabled access, utilizing universal design, providing additional affordable units in perpetuity, and evaluate relocating the two buildings in Area C to the southeastern portion of the site to provide additional open space.

Mr. Byde indicated that the current proposal successfully addresses six of the seven items. He noted that the revised project includes demolishing the existing leasing office rather than remodeling it as previously proposed, and replacing it with a significantly upgraded facility with a 2,100-square-foot recreation facility that includes a gymnasium and lounge area for residents, as well as a smaller leasing space. He added that there is a completely new pool area and pool deck which will be ADA accessible and flush with the existing sidewalk, 36 new, two-bedroom apartment units, and additional carports. He noted that the complex, with the additional units, is currently about 50 spaces over the parking requirement. He further noted that they had increased green points up to 100 and are also utilizing universal design.

Mr. Byde stated that the new units will be built in three areas; they have retooled the entire plan, kept the northwest Area A the same, located the additional building in Area B, maintained two-story buildings designed to integrate well into the apartment architecture, and refocused Area C. He indicated that they could build three-story units in the center area without making it highly visible, and that they would re-grade and provide additional units. He then presented the site plan, the landscaping plan, and the building plans. He indicated that 80 units have interior laundry facilities and said that over time, units would be retrofitted to include interior laundry facilities as they become available.

Mike Hollman, Hollman Bologna Architects, Walnut Creek, project architect, stated that they tried to adapt to existing structures that are 25 years old. He noted that they used tile hip roofs, stone and glass, stucco, wood siding, and stone treatments, and that the new clubhouse is significantly enhanced over the existing building. He added that in the courtyard of Area C, the three stories step down to two stories along the edges of the parking lot as well as to the courtyard and deck area to the pool. He stated that while Buildings A and B more closely resemble the portion of the original buildings, they tried to upgrade them with the architectural elements and tower elements, using earth tone colors to blend with the neighborhood and the mature landscaping.

Mr. Hollman indicated that the clubhouse, which is directly adjacent to the pool area, will function with many activities for residents. He added that stone has also been applied on all four sides of the building, the floor plans are sizable, and the project is quite an upgrade from the existing project.

Chair Olson referred to the two existing freestanding laundry buildings which are being removed and inquired if any of the existing tenants will be left without laundry facilities during the construction project.

Mr. Byde replied that they current have seven laundry facilities scattered throughout the complex. He added that in concert with their upgrade to install laundry facilities in all units, everyone will have access to laundry facilities although they may have to walk a little farther.

Jessica Lehman, California Resources for Independent Living (CRIL), stated that when they originally came to the Council meeting, their concern was not only access for people with disabilities but universal design, which is a broader concept to build in a way that works for people of all ages and abilities. She indicated that they have been speaking with the developer and staff and would like to see the project go beyond what is shown and required by the CBC, specifically requiring two bathrooms to ensure some units have roll-in showers and more than for just four units; reinforcements for grab bars; turnaround space in the bathroom; low work space in the kitchen; and installing a lift in the pool area.

Referring to the lift in terms of accessibility to the swimming pool, Commissioner O'Connor inquired if there were other ADA means for accessibility such as beach type entries.

Ms. Lehman replied that there are probably a few ways but that the lift seems to be the most common and preferred. She added that a ramp could be built into the pool, or there could be a recess on the side of a pool so someone in a wheelchair could roll down and have their seat be level with the surface of the pool; however, these are major alterations to the design.

Commissioner Pentin stated that he was familiar with different pool lifts and described the lift as an arm with a seat that swings over and lowers a person in the pool.

Ms. Lehman replied that they can also be operated by someone with a disability.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor inquired why there were not more roll-in showers, particular since the City Council directed the Commission to look at universal design.

Mr. Pavan replied that the CBC requires ten percent of the total number of units to have roll-in showers, to be placed on the ground floor.

Mr. Dolan added that roll-in showers are much more expensive to build because the entire bathroom must be waterproofed. He added that staff had discussed this with the applicants quite a bit, and their main concern about adding more is due to water

proofing and the long-term maintenance issue, which has proven to be very expensive over time.

Commissioner Pentin noted that there are four units with roll-in showers and inquired how many ground-floor units there are.

Mr. Pavan replied that there are 14 ground-floor units.

Commissioner Pearce stated that on page 6, it is stated that the pool area will be designed to be ADA accessible, adding that this was also directed by the City Council. She noted, however, that this was not listed in the conditions.

Chair Olson agreed that it was included in the 36-unit development description but not in the conditions.

Mr. Pavan replied that it is not specifically listed in the conditions as this is addressed by the CBC. He explained that in this type of project, the pool area must meet CBC requirements for ADA accessibility, although not necessarily the pool itself. He added that the applicant has indicated that a lift is normally required by the CBC and that it could be added as a condition.

Referring to the hours of construction, Commissioner Narum suggested that, given the density of the complex and the amount of grading to be done by louder equipments, no work be allowed on Saturdays to give neighboring residents a couple of days of quiet. She added that she has no objection to quieter work such as painting on Saturdays.

Commissioner Pentin stated that he did not believe it would take long to complete the grading.

Commissioner Pearce noted that construction is typically done during the weekdays.

Mr. Pavan suggested that noisy construction activity such as demolition, grading, and framing be limited to Monday through Friday, and interior work to Saturdays.

The Commission agreed and directed staff to revise Condition No. 20 to limit the noisy activities to Monday through Friday and to allow quieter activities from Monday through Saturday.

Commissioner Pentin inquired if the Commissioners would support having two bathrooms on the ground-floor units with one of them having a roll-in shower.

The Commissioners concurred.

Commissioner Narum applauded the applicant for making an effort to adhere to the conditions; however, she expressed concern that there is no real open space on the property. She noted that there is usually some grass around pools for people to run

around and indicated that if one of the three-story units were taken out and replaced with grass, it would provide some open space area.

Chair Olson stated that he drives by this complex almost every day and right and noted that across the street is a middle school with a huge track and facilities. He added that the complex is also close to the Downtown and that there is plenty of open space around the project.

Commissioner Narum noted that the school is not usable Monday through Friday when classes are in session, and sports activities use the fields in the afternoons.

Chair Olson stated that this development has been at this location for quite a long time, and the economics would be significantly changed if a building were removed.

Commissioner Pearce added that the City Council's direction was for more density and housing.

Commissioner Pentin noted that there is open space at Civic Park on the corner of Bernal Avenue and First Street/Sunol Boulevard, there is the Middle School park, the Bernal Community Park, and Mission Park up the street. He indicated that he did not support relocation or removal of the building.

Commissioner O'Connor requested staff to point out on the site map the location of removed laundry facilities, which Mr. Pavan did. Commissioner O'Connor then inquired if the laundry facilities that were removed would lend themselves to any additional open space.

Mr. Pavan described the lawn areas, building clusters with open space in-between which would be used by residents who will be living in the clustered buildings. He stated that staff looked at this carefully, and while there is no lawn provided around the pool, there are well-distributed passive areas to provide open space use.

Commissioner Pearce moved to find that the proposed PUD development plan modification conforms with the applicable goals and policies of the Pleasanton General Plan, to make the PUD development plan findings 1-6 as stated in the staff report, and to recommend approval to the City Council of Case PUD-84-21-4M, subject to Conditions of Approval as listed in Exhibit A, with the following modifications:

- 1. Amend Condition 20 to limit construction activities such as demolition, grading, framing, etc. to Monday through Friday with interior-only construction work allowed on Saturday.**
- 2. The new trash enclosures shall be sized to accommodate the new refuse recycling carts;**
- 3. All ground-floor units shall include two full bathrooms, including a toilet, sink/vanity, and tub/shower, which, by Code, would require one of the bathrooms to provide a roll-in shower;**

4. **The new swimming pool shall be ADA accessible;**
5. **The kitchen area in the ADA-accessible units shall feature lowered work surfaces, grab-bars, etc.; and**
6. **At least one bathroom in the ADA-adaptable units shall have an ADA turn-around area and “roughed-in” pre-construction for future grab bars, etc.**

Mr. Dolan requested some clarification on the conditions.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Byde stated that the grab bars are included in the proposal, and the turn-around is included for one bathroom because all existing ground floor units must be adaptable. He added that the lift in the pool is anticipated; however, the floor plans have been designed in such a way that the lower work space in the kitchen would be problematic.

Commissioner Pentin inquired if the lower work space could be in place for the four units.

Mr. Byde replied that it would be a trade-off, given the square footage and dimensions of the units. He explained that adding a lower work space would take away from the storage space which is critical in an apartment. He noted that other fixes such as foldout tables could serve just as well.

Commissioner O'Connor inquired how many units are currently in the complex.

Mr. Byde replied that there were 262 units.

Commissioner O'Connor inquired how many of the new units were occupied by a person using a wheelchair.

Mr. Byde replied that he knows of one resident in a wheelchair.

Commissioner O'Connor stated that he did not know if the ten-percent rule holds and noted that considering the total number of units, he felt that having four units with a lowered work space was reasonable. He added that storage space could be added above or below the lowered work space.

Chair Olson asked Ms. Lehman if she sees the storage as a trade-off to lowered work space.

Ms. Lehman stated that there is always a trade-off and understands the constraints but that there are a lot of new ideas for kitchens. She added that she has seen a cupboard where the doors can be opened, with the toe plate at the bottom pushed back slightly so someone in a wheelchair can put their footrest at the edge; the storage space is not lost, the counter is lowered, and the kitchen does not require complete redesign.

With respect to people in wheelchairs who already live in the complex, she noted that there is one person and possibly a couple of others. She noted that people have complained a lot about accessibility and felt that adding the condition for four units was a small request that would go a long way.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pearce stated that she wanted to maintain the universal design guideline for the lowered work space in the kitchen for four units.

Commissioner O'Connor suggested that staff work with the applicant on how to adhere to the universal design guidelines.

Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Narum, O'Connor, Olson, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: Commissioner Blank.

Resolution No. PC-2010-06 recommending approval of Case PUD-84-21-4M was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Commissioner Pentin stated that at the last Planning Commission meeting, the Commission discussed the property at the end of Serenity where construction on the house has ceased. He noted that as he was going through the Serenity guidelines, he believed the house certainly does not meet the guidelines any longer. He indicated that he would like to get an understanding of and a report on what should be done in this scenario where one home is half-built and abandoned while neighbors are appealing the building new homes.

Mr. Dolan replied that this is a very difficult situation and comes down to a determination by the Chief Building Official. He stated that at a certain point, the City can make a determination that it is a nuisance and require its demolition. He indicated that there is a process to be followed, and the first step is to talk to the applicant. He noted that staff is generally flexible if they believe the project can be kept going.

Commissioner O'Connor inquired if the building permit has expired.

Mr. Dolan replied that he believes the permit for the project has expired. He added that to date, no complaint has been received and that he would follow-up and forward a report to the Commission.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

8. COMMUNICATIONS

No discussion was held or action taken.

9. REFERRALS

No discussion was held or action taken.

10. MATTERS FOR COMMISSION'S INFORMATION

a. Brief report on conferences, seminars, and meetings attended by Commission Members

Commissioner Pearce reported that the first meeting of the Hacienda Task Force, which took place the past Thursday, was very interesting, informative, and compelling. She stated that there are 20 members; there was a lot on introductions and respect for one another, and meeting rules were established.

11. ADJOURNMENT

Chair Olson adjourned the Planning Commission meeting at 9:45 p.m.

Respectfully,

JANICE STERN
Secretary