



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, February 24, 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 February 24, 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; Steve Otto, Senior Planner; Jenny Soo, Associate Planner; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. January 27, 2010

Commissioner Pearce requested that the first sentence of the third paragraph following the closing of the public hearing on page 11 be modified to read as follows:

“...however, she was not certain that terminating the current use permit for ~~one~~ another parcel of land is the correct vehicle, given that...”

Commissioner O'Connor requested that the first sentence of the fourth paragraph on page 14 be modified as follows: “Commissioner ~~Olson~~ O'Connor stated that he would not be attending the Institute...”

Commissioner Narum moved to approve the Minutes of January 27, 2010, as amended.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

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

NOES: None.

ABSTAIN: Commissioner Pentin.

RECUSED: None.

ABSENT: None.

The Minutes of the January 27, 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

- 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.**

Jenny Soo presented the staff report and described the scope and key elements of the application and the appeal.

Referring to a slide in the PowerPoint presentation, Commissioner Narum inquired if the column, "Serenity at Callippe Preserve," is the development standards currently in force, that 25 percent or 9,000 square feet would be the maximum floor area ratio (FAR), and if a minimum FAR has been specified at any time.

Ms. Soo replied yes to the first two inquiries but no to the third.

Citing the Happy Valley Specific Plan design guidelines, the 1999 PUD guidelines, and the Serenity at Callippe guidelines of the same slide, Commissioner Blank inquired what the Ponderosa guidelines were.

Ms. Stern replied that the last column shown is the actual development being proposed by Ponderosa and which the Commission is considering.

Commissioner Blank inquired if Ponderosa exceeds the minimum required by the Serenity at Callippe guidelines.

Ms. Soo said yes.

Commissioner Narum inquired why the Serenity at Callippe was allowed to have 30-foot front and rear setbacks when the Happy Valley Specific Plan calls for 35-foot setbacks.

Ms. Soo replied that the Specific Plan allows for flexibility in terms of development standards as long as the PUD meets the purpose and intent of the Specific Plan. She added that at the time the Serenity at Callippe design guidelines were reviewed, Council determined that it met the intent and purpose of the Happy Valley Specific Plan, and, therefore, approved the guidelines.

Commissioner Blank stated that it would be helpful to have the Planning Commission meeting minutes for that application for clarification and historical reference.

Commissioner Pentin proposed that Commissioners who feel they need the minutes request them of staff through email versus having them be added to the packet.

Commissioner Blank indicated that he did not have a problem with receiving the materials electronically. He added that not having the historical documents for the project is the issue at hand.

Commissioner Narum noted that she did contact Ms. Stern and requested information about the development standards for clarification and that she was satisfied with the information that was provided.

Chair Olson inquired if the maximum FAR allowed for Serenity at Callippe is 25 percent.

Ms. Stern said yes.

Chair Olson noted that the average FAR for Ponderosa is 12 percent and inquired what the maximum and minimum FARs were.

Ms. Stern replied that all the homes are well below the maximum FAR and most likely within five percent of that.

Chair Olson inquired if none of the homes are above 25 percent.

Ms. Stern replied that was correct. She added that none of the homes exceeded the required FAR and that staff did not find it necessary to list each home's FAR.

Ms. Soo then completed her report.

Commissioner O'Connor noted that the staff report stated the elements of the Craftsman-style home design guidelines but he did not see all of them on the proposed Craftsman-style home presented, which looked like it was mostly stucco.

Ms. Soo replied that elements listed are typical of Craftsman-style homes but that it is not required to have all these elements present in a home to be considered Craftsman-style.

Commissioner O'Connor inquired if the Serenity at Callippe design require only custom homes.

Ms. Stern replied that there is no statement in the Serenity at Callippe guidelines that require custom homes to be on each lot.

Commissioner O'Connor noted that the email from Mr. Todd Briggs, dated February 22, 2010, included several attachments which he did not receive and from which Mr. Briggs quoted.

Mr. Dolan stated there are two parts to this issue, the first of which was addressed by Ms. Stern that there is no definitive statement in the Serenity at Callippe guidelines requiring a custom home on the lots; and the second is the definition of a custom home. He continued that there is a limited number of lots, and each of the homes is different from one another. He added that the first thing that might come to mind is that a family buys a lot and designs something that fits its need. He noted that the City does not necessarily go into regulation with that in mind; it acknowledges that the original proposal was labeled "custom" but that the designs are different from one another. He pointed out that the floor plans may actually be fairly close to one another, but there are other modifications to the exterior, such that the distinction between these homes and five custom homes is hard to distinguish. He indicated that he did not think that because they were built somewhere else would be a reason to not consider them as custom.

Commissioner Blank stated that while he did not disagree with Mr. Dolan's comments, the context of how "custom" is used in the Serenity at Callippe PUD makes it hard for the Commission to make a judgment. He noted that the manner in which the staff report lists the required elements for Craftsman-style homes sounds like all the

elements need to be included on the plan, when actually not all are required to be shown. He added that without actually seeing what the language states in the conditions, it is difficult for the Commission to make a judgment regarding what the intent was when the guidelines were approved back in 2006.

Commissioner Narum noted that the house designs were peer-reviewed by Mr. Terry Townsend, the architect who prepared the design guidelines, who indicated that the designs met the design guidelines with a few changes needing to be made, which she believed were incorporated into the conditions of approval. She questioned if the real issue is determining whether or not the homes are "custom," noting that each of the Commissioners may have a different definition of "custom."

Commissioner Blank stated that if the Serenity at Callippe guidelines indicated that homes shall either be custom or custom-like, it would clearly provide a great deal of flexibility and interpretation.

Commissioner Pentin stated that there seem to be a lot of discussion regarding home sites and lots and that all five lots will be custom sites, subject to the design and desire of the builder, which is something different than what is typically seen in tract homes. He expressed concern over the issue of a home not being considered a custom home just because it has been built somewhere else before.

Chair Olson agreed.

Commissioner Narum inquired who the owner of Lot 3 is and what is being built on it.

Ms. Soo replied that the lot has been purchased and the homeowner is in contact with Mr. Terry Townsend, who has reviewed the design, but that no application has been formally submitted to staff. She noted that the proposed home is less than 4,000 square feet.

Commissioner Pearce referred to the notification process and the inadequacies of the Zoning Administrator hearing and inquired if these were fixed for this hearing. She expressed concern that some residents did not receive the notice.

Ms. Soo explained the notification process, stating that staff sends out notices to those property owners based upon information received from the County Assessor's Office. She noted the possibility that the property owner on record may not have forwarded the notice to new lot owners and that staff sent out a special notice to the owner of Lot 3.

Commissioner Pearce inquired if notices were sent out to all those required to be noticed.

Ms. Soo said yes. She added that the notices were sent according to the requirements of the Municipal Code.

Chair Pearce inquired if the Serenity at Callippe design guidelines included a section on definitions, indicating that she assumed it did not have a definition on “custom.”

Ms. Stern replied that the Serenity at Callippe did not have a definition of “custom.”

Commissioner Pentin inquired if the Happy Valley Specific Plan included that definition.

Ms. Stern replied that it did not.

THE PUBLIC HEARING WAS OPENED.

Todd Briggs, Appellant, stated that he owns Lot 8 and that also present are Mr. Phil Benzel, who owns Lot 1, Mr. Manpreet Takhar, who owns Lot 7, and Dr. Robert Miller, who owns Lot 6. He stated that the question at hand is whether or not non-custom homes can be built in Serenity at Callippe. He indicated that he was shocked to hear that the attachments to his email which he sent to staff on Monday were not forwarded to the Commission and requested that the Commission postpone the public hearing to give the Commissioners sufficient time to review the attachments and the Serenity at Callippe design guidelines.

Mr. Briggs then presented Attachment 1 of his email, the Serenity at Callippe design guidelines, approved by the City Council in December 2006 governing how the homes in Serenity at Callippe must be built. He noted that the key to the document is the definition on page 7, which defines a lot as a “custom home site,” adding that all mention of the term “lot” in the document refers to a custom home site. He continued that Section 7 in the Table of Contents talks about the custom lot design review process. He indicated that it would be difficult for him to read every paragraph to identify how the words fit into each paragraph and that this was what he had hoped the Commission could do prior to the meeting. He noted that the approximately 40-page document refers to custom home sites approximately 60 different times and that he thinks it is clear the lots are custom home sites.

Mr. Briggs stated that Exhibit A attached to the design guidelines is a memo from the City Manager to the Mayor and City Council, dated December 19, 2006, which talks about Serenity at Callippe and the approval of design guidelines “for each of the 12 custom home lots.” He pointed out that at the time of approval, the discussion and understanding of this development was that it is a custom home lot development.

Commissioner Narum stated that one of the issues raised in the appeal is that the houses are too small. She noted that at the time of approval, the City Council added a condition that the Planning Director determine the appropriate building area and FAR’s, for which no minimums were included. She asked Mr. Briggs what the basis for the concern was in terms of the size of the home.

Mr. Briggs replied that the size is a secondary issue. He agreed that nowhere in the document is it stated that the house must be a minimum number of square feet. He

noted, however, that the design requirements states that all houses should be in keeping with the other homes being built in the development. He indicated that he believes there should not be very large homes and very small homes and that the language supports the fact that all the homes should have a similar size, even if it does not put a minimum square footage requirement on it. He noted that Section 6 outlines all the requirements, one of which is that all homes must be in keeping with the one another.

Mr. Briggs referred to Attachment 2 of his email, the conditions of approval for the Serenity at Callippe, dated December 5, 2006, which again talks about custom homes for the development. He added that there is a similar document, dated October 18, 2006 which also refers to "the custom homes for this development," and still another, a letter from Brian Swift, Director of Planning and Community Development, dated November 16, 2001, which refers to Serenity at Callippe as a 12-lot custom single-family development.

Commissioner Narum noted that this last letter refers to PUD-99-07, a development by TTK Partnership, which she understood was superseded by the Serenity at Callippe development.

Ms. Stern stated that was correct.

Mr. Briggs then referred to Attachment 3 of his email, several marketing materials provided by Heartwood Communities, which talk about "a secluded enclave of 12 custom home sites," "creating a one-of-a-kind home," and a "custom 12-lot subdivision". He then proceeded to Attachment 4 of his email, which shows that the homes proposed are tract homes being built in another part of Pleasanton, with the same exact floor plan. He noted that Ponderosa tweaked the façades a little bit to comply with the design guidelines but that they are actually production homes being built by a production builder. He stated that this is the basis of the appeal.

Mr. Briggs stated that owners bought the lots at Serenity at Callippe because they wanted to live in a custom home development, similar to Ruby Hill and Golden Eagle Farm. He added that it is clear these homes do not come close to qualifying under the definition of custom homes. He presented similar homes from Ponderosa Homes' website which were being built on Mohr Avenue, with three different floor plans of the same type Ponderosa wants to build in Serenity at Callippe, two of which are replicated, and a second model that is identical to what is being proposed at Serenity at Callippe.

Mr. Briggs stated that the staff report did not address the main issue of their appeal, which is the custom home versus tract home issue, and that he wanted to ensure the Commission had the documents he referenced beforehand so that the Commissioners could compare them to what is being proposed at this site. He asked the Commission to defer the decision to a future meeting as he believed it would be premature for the Commissioners to make a decision if they did not see the documents that he has provided.

Mr. Briggs stated that procedurally, he never received notice of the proposal, which apparently went out in early December. He indicated that he found out about the notice sometime between Christmas and New Year's Day, when Mr. Benzel heard about it and contacted him and some others. He noted that he has not received formal notice of the proposal.

Mr. Briggs stated that the other issue he has with the five houses is that the intent behind the Serenity at Callippe design guidelines is that the Council approved them so that the Planning Commission would not have to do a lot of the "heavy" review work. He added that there is a Serenity at Callippe Design Review Board that is supposed to review and sign-off on the houses prior to going to the Planning Commission for a second level of review. He noted that he believes there is a major conflict of interest with the review process in this case as the review was done by Mr. Don Babbitt of Heartwood Communities, who, he understood, needs to sell the property due to the economy, and whose only option is to sell it to Ponderosa Homes, who wants to build tract homes rather than custom homes.

In conclusion, Mr. Briggs stated that this is a serious matter to homeowners because they purchased the lots to be in a custom-lot subdivision and what they see are tract homes coming in. He noted that they all paid a lot of money to live there, and the proposed homes would have a negative impact on their property values as they would give the development a tract home feel to it, which is not what was intended for the development.

Commissioner O'Connor noted that one or two of the documents noted TTK Properties, which was an approval prior to the current approval the City is working under. He asked Mr. Briggs if he had documents dated after the 2006 approval of the Serenity at Callippe guidelines as opposed to the TTK Properties guidelines.

Mr. Briggs replied that there was only one TTK Partnership document, dated 2001. He added that he had documents, dated October 2006, which refer to the approval and to the custom home development document. He noted that these documents are attached as Exhibit A of the design guidelines.

Commissioner Blank inquired what the date of the letter from the City Manager was.

Mr. Briggs replied that it was December 19, 2006.

Chair Olson and Commissioners Narum, Blank, and Pentin disclosed that they held a brief conversation with Pamela Hardy of Ponderosa Homes.

Pamela Hardy, Ponderosa Homes, applicant, stated that in response to Commissioner O'Connor's questions regarding the Craftsman design, staff is correct that there is a combination of different elements. She noted that there is lap siding, rather than traditional wrap, at the Dutch gable at the top of the peak of the roof, which is more akin

to a Craftsman bungalow element where mostly stucco is in use. With respect to the question regarding Lot 3, Ms. Hardy stated that she spoke with Mr. Townsend and the lot owner, who indicated that they are in the process of designing a home in a 3,600-square-foot range.

Ms. Hardy continued that when Ponderosa first learned of the opportunity to purchase lots in the subdivision, the Ponderosa staff looked carefully at all of the appropriate documentation and visited the site which has great lots and affords beautiful views. She noted that they looked at all features and, given the market, they came to the conclusion that the floor plans they designed for their seven lots on Mohr Avenue with a minimum of 20,000 square feet would be appropriate for this location. She added that these are not the same floor plans as indicated by Mr. Briggs; the floor plans have been modified; most notably, the garages have a turned orientation on two of the three plans, the houses are completely different in terms of architectural styling, architectural features, and façade treatment.

Ms. Hardy expressed interest that Mr. Briggs had indicated that this is not the primary emphasis of the appeal as it was her understanding up until now that design was the real issue. She indicated that Ponderosa's proposal is consistent with the design guidelines for Serenity at Callippe, which is the governing document for the development. She noted that now she understands the issue relates to "custom" versus "tract" and further noted that all references have been to "custom home sites." She added that Mr. Briggs references to "custom home lot" are from internal documents, written by staff in the form of a letter or memorandum, which are not the governing documents for the project.

With respect to page 7 of the design guidelines referred to by Mr. Briggs, Ms. Hardy indicated that the definition of a custom home site with or without improvements refers to the lot and that the resolution and ordinance that adopted the Tentative Map and PUD, respectively, specifically refer to 12 new, buildable lots. She emphasized that what they feel is the most important fact is that these houses each have a uniquely different architectural design for the floor plans; they have repeated floor plans on two of the lots, but each of the houses has a specific, uniquely different elevation style to that particular floor plan.

Ms. Hardy stated that Mr. Townsend, the co-author of the design guidelines, did a peer review of the plans and added quite a bit of enhancements to the homes before they were made aware there would be an issue and an appeal would be filed. She noted that they were particularly excited about the site plan change.

Ms. Hardy stated that she thought Mr. Briggs made a good point that the appeal is not about the site planning or architectural design but about the definition of "custom" versus "tract." She added that she was not certain whether this matter was within the purview of the Planning Commission.

Commissioner O'Connor questioned if Ponderosa Homes have other floor plans that they could draw from elsewhere in the approximate square footage if they did not want to repeat two of the floor plans. Ms. Hardy said they have an infinite number of floor plans but feel that these floor plans are best suited for the lots and they are not interested in introducing any different plan or other architectural style for these lots.

Ms. Hardy then indicated that unless the Commission would like her to summarize the elements of the design, she would be happy to answer any questions.

Commissioner O'Connor inquired if, in anticipation of a lot of discussion on "custom" versus "non-custom," Ponderosa has other floor plans with the same approximate square footage to draw from so as not to repeat floor plan designs.

Ms. Hardy replied that they had an infinite number of floor plans but that they were not interested in those other floor plans as they felt these ones were good.

Commissioner Blank requested that the identical floor plans be put side by side so the Commission can compare the elevations.

Ms. Hardy pointed to the elevations on display and noted that for Plan 2, they re-elevated two architectural styles which would be the Prairie and the Ranch Hacienda.

Don Babbitt, Heartwood Communities, clarified that Terry Townsend was not the co-author of the Serenity at Callippe design guidelines, noting that they are basically the same guidelines as the design guidelines for the Mariposa Ranch development. He added that the original conditions of approval for TTK Partnership required that the application for each development had to come back to the Planning Commission. He indicated that Ponderosa had contracted with Terry Townsend to review the designs from an architectural standpoint. He stated that when he first brought Ponderosa Homes in and met with staff, he knew they would be working off of Ponderosa's floor plans, noting that each floor plan had to have a unique elevation, which he thinks has been done well, along with the conditions of approval that staff is requiring. He indicated that he would be able to answer any questions regarding the history of the project.

Commissioner O'Connor asked Mr. Babbitt what his original intent or vision was for the 12 lots and if he ever envisioned a production builder doing work there.

Mr. Babbitt replied that he spoke with some developers over the years, but the market pricing was not at a point where anyone would do it. He stated that prior to Ponderosa Homes, he spoke with representatives from Warmington Homes who had met with staff before deciding to move on.

Commissioner O'Connor inquired if this was his original intent with respect to the development of the 12 lots.

Mr. Babbitt replied that the property was already approved under TTK Partnership when he bought it. He indicated that the original intent as custom home sites was the ability for anybody to buy one or more of the lots and to build what they wanted on the lots as long as they met the intent of the design guidelines; hence, the reference to “custom home sites” rather than “custom homes.”

Commissioner O’Connor inquired if the TTK Partnership application was approved as a tract development and then moved to a custom development.

Mr. Babbitt replied yes to both questions.

Commissioner Blank recalled that the Commission wanted to create a process where not every home site had to come before the Planning Commission but only if it were appealed.

Commissioner O’Connor stated that this would have been the case with TTK Partnership.

Commissioner Narum noted that the Commission typically receives a copy of the plans for homes that the Zoning Administrator approves.

Commissioner Blank added that in this way, the Commission would not be required to have a full hearing.

Jeff Schroeder, Vice President, Land Acquisition and Planning, Ponderosa Homes, stated that they looked at the project a year-and-a-half ago to determine whether they could build homes on it that were similar to what they were doing on Mohr Avenue. He noted that they took the homes of their Ironwood project and modified them fairly extensively for the seven half-acre lots. He indicated that he has been buying land for Ponderosa for ten years and that when the 34-lot tract received approval, it was out on the street for builders to bid on. He added that the market was not good at that time, and the seller kept raising its price until it eventually got out of range for most production builders. He noted that he could have purchased the property then and built 34 homes on it that met the design guidelines.

Mr. Schroeder stated that the homes Ponderosa is building on Mohr Avenue are fantastic and invited the Commissioners to visit them. He noted that they are as good as or better than what some custom homes have, with Sub Zero and Wolf appliances, pine cabinets, and granite slab counter tops. He indicated that there are many custom home site buyers that are not building because they cannot get a loan or they paid too much and may never build on the lots. He pointed out that he believes the fact that Ponderosa is willing to take the risk under this economic climate to bring some single-family homes into the community will help enhance the fact that there are empty lots out there. He concluded that with custom homes, one never knows what will be built.

Chair Olson inquired if, assuming the project is approved and goes forward, Ponderosa Homes will go in there and build all five homes at once or one at a time.

Mr. Schroeder replied that they will most likely build two or three to start with as the market is very difficult right now.

Commissioner Blank inquired what the build order would be.

Mr. Schroeder replied that they have not thought about that and that their construction department will look at how it affects traffic and what will make it easiest for everyone to get around within the tract.

Mr. Briggs stated that he believes Ms. Hardy said that the design guidelines never refer to the homes as custom homes but that the documents he referred to from December 2006 do refer to them as custom homes. He indicated that the term "custom home site" could apply to any plain piece of lot or land, and, therefore, it does mean custom home, which is the intent. He also pointed out that there are about 30 lots around Mariposa Ranch, and every one of those homes is a custom home with a very unique appearance and was not built by the same builder.

Mr. Briggs then pulled the definition of a custom home from a website, stating that "a custom home is one that is especially designed to meet the specifications of the person who commissioned it. Stock building plans are not custom design. The same plan may be sold to many different people." He noted that this is independent evidence of what a custom home might be. He also presented a definition of "custom built" from the Miriam Webster dictionary, which states "built to individual specifications; a custom built house." He indicated that he felt the definitions were clear. He added that most people have an idea that a custom home is a home built on properties purchased by people, who then meet with a designer or architect and build them to their own individual tastes.

Phil Benzel, Appellant, stated that in the definition of the custom home, an architect is commissioned by an owner to develop a home that takes into account the land that it sits on, the view from the outside surroundings into that home, as well as the view from inside the home to the outside. He added that he thinks the homes Ponderosa is proposing are beautiful but that they do not necessarily meet the definition of custom homes. He indicated that he did not think they meet Terry Townsend's definition of custom home.

Mr. Benzel stated that he became aware of this proposal from Mr. Townsend on or about December 22, 2009. He indicated that he saw a truck in the back of a lot, wished Mr. Townsend a Merry Christmas, and asked him what he thought about the new tract homes Ponderosa is proposing to build on the lots. He stated that Mr. Townsend replied that they were nice and that he had a number of recommendations for presentation to the Planning Commission, which Ponderosa has implemented, but noted that they are basically tract homes.

Mr. Benzel stated that the central massing is that of a square looking onto rear elevations which are visible from the golf course. He noted that it explicitly states on page 33 of the Happy Valley Specific Plan that, although it is recommended to have single-story homes, the massing is such that elevations are single story visible from the porch or front surface as well as the sides. He added that he thinks Ponderosa has tried to implement this but has fallen short. He noted that when he initially met with Ms. Hardy, he presented some alternatives that would change the massing and which would be relatively inexpensive to do from a design and builder's point of view at about \$20,000 for each home, assuming an individual is to do those modifications.

Mr. Benzel noted that a question was asked earlier regarding the house on Lot 3, which was designed by Terry Townsend. He stated that the proposed Craftsman-style home is about 3850 square feet and has multiple gable on gable, which the proposed Ponderosa home does not have. He noted that the home on Lot 3 is akin to the Brianna Court home that was approved two years ago but has not yet been built. He indicated that it is a very beautiful home with a very complicated roof style, as opposed to the Ponderosa Home which does not necessarily reflect much gable on gable and is a relatively simple tract style home.

Mr. Benzel stated that a lot of time has been spent defining "custom home" and inquired what the definition of "tract home" is. He agreed that Ponderosa Homes is one of the best builders in Northern California, but noted that he thinks what they are arguing is the massing and not necessarily the FAR. He indicated that the FAR ratio on Lot 1 is less than five percent, and the FAR of the typical homes at Mariposa Ranch are in the range of 15–20 percent. He stated that Lot 10 is a very long lot on which a square house is being proposed. He asked that the custom development be kept consistent.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank stated that because his background is information technology, he tends to think in terms of process and procedure rather than product. He presented his definition of "custom" through an example that if he asked Commissioner Pentin to shoot a film about his life, it would be a custom film because it is an order he is placing that Commissioner Pentin would be crafting specifically for him, as opposed to asking Commissioner Pentin to adapt a specific existing movie to him. He indicated that to him, the first is "custom" and the second is not. He compared it to development in which a person purchases a piece of land and goes to an architect to design a home within the given guidelines, specifically for the property owner.

Commissioner Narum acknowledged Commissioner Blank's remarks, but noted that there is nothing she has seen that would preclude a builder from coming in, buying a lot and building a house. She added that this might have been done in Mariposa Ranch and that she thinks that there is no reason Ponderosa Homes could not come in and buy one lot, build a house, and then come in a week later and repeat the same thing.

Commissioner Blank stated that if the Commission assumes there is a custom process, then theoretically, the Commission should not allow a builder to build a spec home there because it is not a custom home.

Commissioner Narum agreed, but added that there is nothing in the documentation that would have precluded a builder from building a spec house.

Commissioner Blank stated that his problem is that he does not have enough information since he does not have the minutes of the 2006 approval of the City Council, the discussions the Commission had, and the design review guidelines. He noted that, therefore, he cannot make a judgment as to whether or not, in the overall view of this issue, the custom process should be applied.

Commissioner Pearce stated that she did not think the Commission has enough documentation. She noted that the Commission can talk all it wants about the definition of custom, but 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 is not in any position to make a decision and that if the Commission decides to go forward with a decision tonight, she will not support it. She stated that she would be in support of postponing a decision and would then request a copy of the design guidelines and the minutes from the meetings in question. She indicated that she expects to receive documentation from members of the public that are sent to the Commission.

Ms. Stern stated that staff can make arrangements to reschedule the hearing and apologized that the Commission did not receive all the documentation.

Commissioner O'Connor stated that although there were some attachments, the main document he wanted to see is the design guidelines. He added that the Commission can debate all night on what is considered custom and not custom. He noted that he has designed and built four custom homes and currently lives in a production home; hence, he knows the difference between the two, but this would be a moot point unless the Commission knows whether or not the design guidelines specifically state that these need to be custom-built homes. He noted that until the Commission can review all documents, he could not support making a decision tonight because he could not vote either way.

Commissioner Narum noted that the Commissioners received a copy of the plans of the Ponderosa Homes when the Zoning Administrator approved them in December, and none of the Commissioners brought forth any concerns or questions about them. She added that the Commission has received other plans in that development and had also received a copy of the design guidelines when the Wentworth property came before the Commission.

Commissioner O'Connor stated that the Commissioners would not have known from the plans if the design guidelines stated that they had to be custom homes. He noted that

similar to the Mariposa Ranch homes, he cannot confirm that every home meets the design guidelines. He added that after the Commissioners looked at the design guidelines the first time, they returned all of the books to staff to save on re-printing such that they now have no copies of them. He noted that unless someone objects to or appeals a design, the Commission may not know every detail and will assume it meets the goals.

Commissioner Pearce stated that the appellants sent the Commission documentation that it does not have and that she cannot make a decision without the underlying documentation. She noted that she is not indicating she has a problem with the Zoning Administrator decision, but simply that she is uncomfortable with making a decision without all of the documentation.

Ms. Stern proposed that the item be re-scheduled to the March 10th meeting, assuming that staff can forward the requested information to the Commission in the next day or so.

Commissioner Pentin stated that he sees in the documents that were shown that the Commission does have a lot of reference to home sites and lots. He noted that if the Commission starts talking about the merits of a custom home, he needs to know what the Commission is defining here and how it applies to Serenity at Callippe. He questioned if the Commission is back to defining homes, sites, lots, and what is "custom" versus "tract." He further questioned, if "custom" is something designed, approved, and built for individuals as their personal, custom home, if this would preclude anybody who has a lot from building what he or she wants for himself or herself; or, if spec homes are not to be considered as custom homes because they really are not built for specific persons. He indicated that if the Commission wishes to discuss this, he would like to have a clear definition.

Ms. Stern reiterated that the design guidelines definitely do not preclude building a spec home and selling it as a custom home.

Commissioner Blank stated that he was not sure the design guidelines states that spec homes are forbidden. He continued that if the process of customization is that a person buys the lot and places an order, this would preclude spec homes.

Commissioner Pentin referred to Commissioner Blank's portrayal of creating a custom film and stated that he could make a custom movie by reaching back in his experience of making films and use a template of a similar one he might have made in Los Angeles.

Chair Olson stated that he is distressed that the Commission did not receive all of the information and that he supports not making a decision tonight. Having said that, he questioned, if he bought one of the custom lots, then went to Ponderosa Homes and bought the plan for one of the Mohr Avenue and hires a custom builder to build that home for him on that lot, if this would be considered a custom home because he would consider it as such.

Chair Olson stated that he drove up to the development on Saturday and saw one home that was over 7,000 square feet which looks somewhat like one of these homes. He added that he also noticed that at the end of the road, another home is under construction. He indicated that if he were living up there, he would feel sorry for the one homeowner because he has an unfettered view of the construction site. He stated that his sense would be that he would want to have some development starting and more homes built.

Chair Olson agreed with others that the Commission leaves itself uncovered if it makes a decision without all of the information.

Commissioner Blank moved to continue the item to the March 10, 2010 Meeting. Commissioner Pearce seconded the motion.

Commissioner Blank amended the motion, adding a request that staff provide the minutes for all Planning Commission and City Council deliberations on the project and design guidelines for the Serenity at Callippe development.

ROLL CALL VOTE:

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

7. MATTERS INITIATED BY COMMISSION MEMBERS

a. Consideration of appointing proxies to the Hacienda PUD Task Force

Ms. Stern advised that the Hacienda Task Force will commence meeting on March 4, 2010 and that Commissioners Narum and Pearce will be part of that Task Force. She stated that in January, the City Council approved allowing proxies for members of the Task Force in order to keep moving forward, and the Council actually chose one proxy for the two members. She asked the Commission if it wishes to have one proxy for each of the members or for the two members.

Commissioner Narum stated that she will be missing a meeting in May and proposed that Commissioner Pentin serve as proxy.

The Commissioners unanimously agreed to appoint Commissioner Pentin as proxy to Commissioners serving as members of the Hacienda PUD Task Force.

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

Commissioner Blank commended Jenny Soo for her outstanding follow-up with the wireless facilities applications.

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 Trails, Bicycle, and Pedestrian Advisory Committee will be officially considered by the City Council in March for approval. She noted that the Council will also determine the composition of the Committee, which would be under the auspices of the Parks and Recreation Commission with one of its Commissioners acting as Chair, and would include a Planning Commissioner who would be the Vice Chair. 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.

10. ADJOURNMENT

Chair Olson adjourned the Planning Commission meeting at 8:40 p.m.

Respectfully,

JANICE STERN
Secretary