

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

**APPROVED**

**Wednesday, July 12, 2017**

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

**CALL TO ORDER**

The Planning Commission Meeting of July 12, 2017, was called to order at 7:00 p.m. by Chair Balch.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Ritter.

**1. ROLL CALL**

Staff Members Present: Gerry Beaudin, Director of Community Development; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Eric Luchini, Associate Planner; and Kendall Granucci, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Justin Brown, David Nagler, Herb Ritter and Chair Jack Balch

Commissioners Absent: Commissioner Greg O'Connor

**2. APPROVAL OF MINUTES**

**a. June 14, 2017**

**Commissioner Allen moved to approve the Minutes of the June 14, 2017 meeting as submitted.**

**Commissioner Ritter seconded the motion.**

## ROLL CALL VOTE:

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

The Minutes of the June 14, 2017 meeting were approved, as submitted.

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

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

### 4. REVISIONS TO THE AGENDA

There were no revisions to the agenda.

### 5. CONSENT CALENDAR

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

There were no consent calendar items.

### 6. PUBLIC HEARING AND OTHER MATTERS

#### a. P17-0372, David and Suanne Robles

Appeal of the Zoning Administrator's approval of an application for Administrative Design Review to convert an existing unconditioned loft into an approximately 740-square-foot second-story and to extend the existing roof height from 20 feet to 25 feet at the existing residence located at 3552 Yellowstone Court.

Eric Luchini presented the Staff Report and described the key elements of the appeal.

Commissioner Ritter asked how many trees are in the yard and how many eight-bedroom homes are in the neighborhood.

Mr. Luchini answered three trees, two of which were approved for removal due to damage they caused to the foundation and sidewalk. He said staff did not have knowledge of the number of bedrooms in each home in the neighborhood but that the average house size ranged from about 1,600 – 2,300 square feet which traditionally corresponds to three to five bedrooms.

Commissioner Nagler asked if the Commission was to discuss or address conditions beyond the scope of design, such as use impacts to the neighbors.

Mr. Beaudin clarified how the Commission's comments should pertain to design as supported by the findings presented in the Staff Report.

Commissioner Allen requested staff provide an overview of the memo from staff dated July 12, 2017, for the audience who had not had a chance to read it.

Ms. Harryman summarized the memo for the audience.

Commissioner Allen asked if the design met the building code requirements for minimum square footage of a bedroom and whether there was a requirement for a window in each bedroom.

Mr. Luchini referred to Page 9 of the Staff Report which defined the building code requirements for bedrooms.

Commissioner Allen followed up, asking staff to clarify whether the building code requirements would be satisfied if the Commission denied the proposed window on the north side of the residence.

Mr. Luchini answered that if the window were not installed on the north side of the residence then the proposed design would not meet building code requirements. He explained how the applicant could revise the floorplan to satisfy building code requirements.

Mr. Beaudin added to Mr. Luchini's comments, explaining how plans are typically designed around the current configuration of the residence including plumbing and electrical systems. He acknowledged how designing around the existing configuration is the most cost effective way to design a plan, however, there is always more than one way to design a space and in a case such as this the applicant may need to consider other options.

Chair Balch asked staff to clarify what kind of space the window on the front of the house opens into.

Mr. Luchini said his understanding was that it opens into an unconditioned attic space that was being used for storage, but that the applicant could possibly provide clarification.

Commissioner Brown asked if the interior design of a project was in the purview of consideration by the Commission because the design review criteria as listed in Chapter 18.20 of the Pleasanton Municipal Code (PMC) were all in regard to exterior features.

Mr. Luchini explained how generally speaking the entire floorplan is reviewed; however, the focus of the review should be on the exterior components of the project.

Mr. Beaudin added to Mr. Luchini's response, explaining how development review and zoning exist to assess impacts to the neighborhood and that interior design has far less impact on the community than exterior design, therefore, zoning typically focuses on exterior components of a project.

### **THE PUBLIC HEARING WAS OPENED.**

Sue Robles, applicant, said the plans presented in the Staff Report were not correct. She clarified that there would be seven bedrooms, not eight, and one of the seven would be an office so she would call it a six bedroom house. Ms. Robles presented pictures to the Commission showing several homes in the neighborhood that have between four and seven bedrooms. Ms. Robles responded to concerns of privacy, explaining that the proposed bedroom with the north facing window would be occupied by her 16-year-old granddaughter and that her neighbor should not be concerned about a teenage girl spying on or otherwise acting inappropriately towards their 16-year-old child. Ms. Robles described the unsavory relationship that had been worsening over the years between her family and the neighbors, the Johnsons.

Chair Balch asked Ms. Robles to explain the condition or use of the space behind the window on the front of the house, as it appears to open to a room with no door.

Ms. Robles replied that the small window on the front of the house opens to a small attic space above the garage which is currently unused and that if they were to use the space for storage they would have to finish the walls and add an access door.

Joe Cravotta, architect for the project, described how the proposed floorplan was designed to follow the contours of the downstairs including the stairs and loadbearing walls. He described how the window on the front of the residence provides light to the stairway and he clarified how the master bedroom on the first floor would be combined with bedroom #2 effectively eliminating a bedroom on the first floor. Mr. Cravotta explained how removing the north facing window would require a redesign of the loadbearing walls. He concluded that his company follows state requirements and has an A+ rating and for transparency he had provided his number to the neighbors so he could respond to any construction related concerns they may have.

Shoni Johnson, neighbor, said her concerns were detailed in the letter she provided to the Commission and that she wanted to reiterate how the concerns were not about privacy but rather the negative impact the disrespectful and alleged illegal activities occurring at the residence were having on the neighborhood and community.

Robert Wittig, neighbor of 26 years, echoed Ms. Johnson's comments. He added that to his knowledge no more than 10 – 20 homes in the Valley Trails neighborhood have more than five bedrooms and typically these do have ample parking or are situated on a lot that can accommodate the vehicles, not in a court like the subject property. Mr. Wittig commented on concerning, unsavory activities occurring at the subject property as recently as the night before the meeting. Mr. Wittig concluded, saying the only ask of the Robles is to redesign the layout to exclude the north facing window.

Linda Farmer, neighbor of 10 years, agreed with Ms. Johnson and Mr. Wittig's comments, describing the concerning activities she had observed at the subject property as well. She asked the Commission to consider the impacts the addition would have on traffic, parking, number of residents, and potential for increased illegal activity.

Sarah, a Valley Trails resident, reiterated the concerns mentioned by other neighbors including the safety issues, practical issues, parking, etc.

Ed Broome, a Valley Trails resident, said that although Pleasanton doesn't set a maximum number of bedrooms to define a single-family residence, there is a PMC section that sets a six-bedroom threshold to define a dwelling for long-term care and transitional housing. He explained how that definition should be taken into consideration when assessing the parking requirement for the subject property. Mr. Broome remarked how the design of the front façade of the residence is unlike any other home in the development. He noted the small off-center window on the front of the home and provided pictures of other homes in Valley Trails showing how two large centered windows is most common. Mr. Broome asked if a surveyed plan had been provided to ensure the floor area ratio (FAR) did not exceed the 40 percent maximum. Lastly, he referenced section 18.32.010 of the PMC and the concerns raised by previous speaker regarding health and safety.

Aaron Cooper, a Valley Trails resident, expressed his experience as a victim of property theft crime committed by a resident of the subject property. He implored the Commission to address the health and safety concerns and to deny the proposed addition. He elaborated on the crime statistics and how the proposed addition would allow more tenants which presumably would increase crime rates.

Glen Johnson, neighbor, stated he owns the window for which Ms. Robles mentioned in her comments, and that just because he has a window does not mean she is entitled to a window. Mr. Johnson clarified how development review is not equal but atypical and that each application is subject to separate review. He also reiterated the privacy concerns addressed at the Zoning Administrator hearing.

Eric Wedeking, neighbor, agreed with the comments mentioned by the previous speakers. He added a concern regarding the intent of the addition and proposed the idea that the applicant was increasing the number of bedrooms in order to create a multi-family unit which would provide rental income. Mr. Wedeking elaborated on the apprehension regarding health and safety issues and proposed versus current use of the residence.

Joe Phan, a Valley Trails resident, echoed the comments addressed by the neighbors and Valley Trails residents. Mr. Phan described the illicit activities he had witnessed at the subject property and referenced the police records for the residence.

Sue Robles, applicant, rebutted that she has no intention of renting out the property and that the residence is occupied by multiple generations of her family. She addressed the parking concerns stating her family has four vehicles, the same number as several other neighbors. Ms. Robles acknowledged her son's criminal record and assured the

Commissioner that the activities mentioned by neighbors have ceased since her son went into a rehabilitation facility two months ago.

Commissioner Ritter asked Ms. Robles if any vehicles were being parked in the two-car garage.

Ms. Robles replied no and that there was no intention of parking vehicles in the garage in the future.

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

Commissioner Brown asked if the Commission should take into consideration health and safety issues when rendering a recommendation or decision on the application.

Ms. Harryman restated the comments made by Mr. Beaudin earlier in the evening, explaining that PMC section 18.20.030 takes into consideration health and safety issues but that they should be related to design and aesthetics, for example windows, for a design review application and not use as would be reviewed for a use permit application.

Commissioner Ritter and Chair Balch asked staff to clarify that an approval tonight would be for the planning application only and that if approved the applicant would then submit plans to building for building permit issuance at which time staff would review the plans for conformance to building codes.

Mr. Beaudin agreed with the process as described, adding that planning does take into consideration things such as window size and placement.

Commissioner Ritter asked if a revised set of plans would be submitted to the Commission because the ones attached to the Staff Report did not have an architect stamp and had discrepancies; for example the Staff Report identified eight bedrooms but the applicant said there would only be six plus an office.

Mr. Beaudin explained the definition of a bedroom in the PMC differs from the definition the applicant uses—if the space meets a certain size threshold, has a closet and an egress window it is a bedroom by definition regardless of the intended use. Also, he said, planning applications do not require the level of detail on plans that building permits do because, as one could imagine, most applicants don't want to spend the money on building plans for a project that may not get planning approval.

Chair Balch said the massing on the front of the residence seems odd and that the front window seems small and off-center which he typically does not see in Pleasanton. He asked staff to address the design of the front façade.

Mr. Beaudin directed the Commission to Page 2 of the plan set and described ways in which they could address the issues of massing on the front façade and the north facing window by redesigning the interior layout of the second story bedrooms.

Chair Balch followed up asking if the Commission could continue the item to provide time for the applicant to work with staff to revise the plans.

Mr. Beaudin replied yes, they could continue the item and ask for revised plans.

Commissioners Allen, Nagler, and Ritter commented on their support of the Zoning Administrator's findings and decision, their understanding and appeal to the issues addressed by the neighbors, and their agreement to continue the item so the applicant could revise the plans.

Commissioner Ritter referred to an aerial photo of the property showing a camper/trailer parked on the side of the residence, the three spaces in the driveway full, and several vehicles parked on the street in front of the property. He acknowledged that the proposed addition would likely impact parking and said he would like to see the two-car garage be made available for two vehicles to park in, in order to make finding number 3 as described in the Staff Report.

Chair Balch provided a dissenting opinion, describing plans he had seen for homes with several bedrooms which were bedrooms by definition but not by use, for example: wine cellars, laundry rooms, photo developing rooms, etc. he explained how those specialty rooms can add value and function to the residence without impacting things such as traffic and parking. Therefore, Chair Balch said, he would not be evaluating the application on the number of bedrooms but rather the exterior design of the residence.

Commissioner Brown summarized the reasons for which he considered the number of bedrooms to be of importance for this application. He said the number of bedrooms has an impact to the neighborhood and community with regard to foot traffic in and out of the residence, visitors, consumption of utilities, parking, valuation criteria from a real estate perspective and impact on neighboring property values, and massing. Commissioner Brown also addressed the issue raised by Mr. Broome regarding the FAR of 38.6%, and agreed that while it is under the maximum allowed 40%, it wouldn't be ideal in terms of massing and appearance. He agreed with Commissioner Ritter's request to see the garage used as intended, for the parking of two vehicles.

Commissioner Allen asked what the typical FAR is in Valley Trails and what the maximum FAR is for any home in Valley Trails.

Mr. Luchini responded that staff does not have the information but for comparison purposes, the Johnson's next door are around 36% FAR and their lot is roughly 100 – 150 square feet smaller than the subject parcel.

Chair Balch asked what the FAR was in the recently approved Ponderosa project in Valley Trails.

Mr. Luchini replied it was generally 40% with a few lots approved to be just over 40%.

Commissioner Nagler asked for the item to be continued to allow the applicant to work with staff on revising the plans.

Chair Balch summarized the requests of the Commission, asking staff and the applicant to address the architectural design with regard to massing of the front façade and the removal of the north side window.

The Commission agreed unanimously.

**Commissioner Nagler moved to continue Case P17-0372 off calendar.  
Commissioner Ritter seconded the motion.**

**ROLL CALL VOTE:**

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

Item 6.a., P17-0372, was continued off calendar.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

Commissioner Ritter thanked staff for the successful coordination of the temporary traffic signal for the Bernal bridge project.

Commissioner Brown asked staff, on behalf of a citizen, to look at a traffic signal.

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

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

No items were discussed or actions taken.

**b. Future Planning Calendar**

Chair Balch and Commissioner Ritter informed staff they would both be absent from the July 26, 2017 Planning Commission meeting.

**c. Actions of the City Council**

No items were discussed or actions taken.

**d. Actions of the Zoning Administrator**

No items were discussed or actions taken.

**e. Matters for Commission's Information**

No items were discussed or actions taken.



- f. **Consider whether to change the Planning Commission's alternate representative for the Downtown Specific Plan Update Task Force based on recent advice from the Fair Political Practices Commission**

**Commissioner Nagler moved to appoint Commissioner Allen as the alternate representative for the Downtown Specific Plan Update Task Force as a replacement for himself.**

**Commissioner Ritter seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, Brown, Nagler, and Ritter**

**NOES: None**

**ABSTAIN: None**

**RECUSED: None**

**ABSENT: Commissioner O'Connor**

**9. ADJOURNMENT**

Chair Balch adjourned the meeting at 8:57 p.m.

Respectfully submitted,

Kendall Granucci  
Recording Secretary