



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, February 28, 2018

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The Planning Commission Meeting of February 28, 2018, was called to order at 7 p.m. by Chair Nagler.

The Pledge of Allegiance was led by Commissioner Allen.

Staff Members Present: Gerry Beaudin, Director of Community Development; Ellen Clark, Planning Manager; Dennis Corbett, Chief Building Official; Megan Canales, Associate Planner; Jennifer Hagen, Associate Planner; Eric Luchini, Associate Planner; Kendall Granucci, Recording Secretary

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

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. February 14, 2018

Commissioner Allen moved to approve the Minutes of the February 14, 2018 meeting, as submitted.

Commissioner Balch seconded the motion.

ROLL CALL VOTE:

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

The Minutes of the February 14, 2018 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. AGENDA AMENDMENTS

There were no amendments 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. P17-0922, Diane McIntyre, Appellant; Alex Faber, Applicant

Appeal of the Zoning Administrator's approval of an Administrative Design Review application to construct an approximately 1,161-square-foot first- and second-story addition and 211-square-foot garage addition to an existing residence located at 588 E. Angela Street. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Commissioner O'Connor recused from Item 6.a. due to a financial conflict of interest and left the Council Chamber.

Associate Planner Megan Canales presented the agenda report.

In response to a question from Commissioner Balch, Ms. Canales answered the distance of the appellant's house to the property line is approximately 12 feet.

Commissioner Allen asked if the applicant received a soils report. Ms. Canales confirmed the applicant received a report, although it is not required by the City for this application.

In response to a question from Chair Nagler, Ms. Harryman explained damage to the neighboring residence, such as erosion or draining, caused by this project would be addressed as a civil matter between the property owners.

THE PUBLIC HEARING WAS OPENED.

Diane McIntyre, appellant, expressed her concerns as described in the agenda report. She referred to a history of drainage problems at neighboring properties. Ms. McIntyre said she would like the addition reduced back from the property line.

Martin Inderbitzen, applicant representative, provided background on the applicant. He provided pictures showing the location of the addition and described the design changes the applicant made in response to the concerns expressed at the Zoning Administrator hearing. With regard to the comments about soil and drainage, Mr. Inderbitzen introduced the architect team and confirmed the plans were designed to code for stability and drainage.

Commissioner Brown said he visited the subject property and asked if a retaining wall would be necessary.

Jeff DeBernardi, applicant, cited the soils report which supports the design without a retaining wall. He explained a soils report is not required but was done to mitigate concerns. Initial borings and testing of soil was performed and the information will be provided to the Building and Safety and Engineering staff through the permitting process. Mr. DeBernardi replied the applicant team would work with the Building and Safety Division to meet all code requirements.

In response to a question from Commissioner Ritter, Mr. DeBernardi explained the design changes the applicant made to mitigate neighbor concerns; including increasing the setback of the addition and frosting the windows.

Mr. Beaudin explained, in response to Commissioner Allen, that staff does not review soils reports at this stage of the process but that it will be reviewed through the permitting process.

In response to a question from Chair Nagler, Mr. Inderbitzen replied the applicant will work with the Building and Safety Division to comply with all code requirements and would consider a redesign of the addition if a retaining wall were found to be necessary.

Architect, Greg Kawahara, in response to a question from Commissioner Brown, explained that the roofing material on the addition does not match the roof on the existing residence due to building code material requirements.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Balch disclosed that he visited the subject property and expressed support for the Zoning Administrator's decision.

Commissioner Allen commented that the application is in scale with the neighborhood and acknowledged the number of modifications the applicant made to address the privacy concerns.

Commissioner Ritter provided the appellant some reassurance that the public hearing is on record and her concerns have been heard in an open forum.

Commissioner Brown spoke to the retaining wall comments, assuring any requirement would be addressed in the building permit process.

Commissioner Balch moved to deny the appeal of Case P17-0922 per staff's recommendation.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

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

Resolution PC-2018-04 denying the appeal of Case P17-0922 was entered and adopted as motioned.

Commissioner O'Connor returned to the Council Chamber

b. P17-0766/P17-0783, Don and Noel Anger, Appellants; Erich Pfuehler and Sara Barth, Applicants

Appeal of the Zoning Administrator's approval of an Administrative Design Review application to construct an approximately 665-square-foot, single-story addition to include a new Accessory Dwelling Unit, and an approximately 426-square-foot second-story addition with 77-square-foot terrace to the rear of the existing residence located at 565 St. Mary Street. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Associate Planner Jennifer Hagen presented the agenda report.

Commissioner Balch asked staff to speak to the Floor Area Ratio (FAR) questions raised in the comment letter from Brian Swift. Ms. Hagen pointed to the area labeled "utility" on the plans and confirmed that area is included in the FAR calculation because it has a washer and dryer and would be usable space, and that the remainder of the space is conditioned to be used for storage only and therefore is not included in the FAR calculation. She elaborated that if a condition is not met it would become a code enforcement issue.

Commissioner Balch asked additional questions to clarify what is considered utility verse storage-only, providing for example the idea of a wine cellar. Mr. Beaudin referred to the Code language which does not list specific uses, and explained while a wine cellar may be "used" it would not require additional parking or massing which is the intent of measuring usable space.

To further answer Commissioner Balch's inquiry, Ms. Hagen read the condition of approval addressing the storage-only space in the basement.

In response to a question from Commissioner Brown, Ms. Hagen said the garage is required to be open and available for parking per the condition of approval.

Commissioner O'Connor referred to a comment letter from Brian Swift which stated two parking spaces would be required; however the plans only reflect one parking space. Ms. Hagen replied it is legal non-conforming two-car garage; it's approximately 18 by 20 feet which staff has determined to be a two-car garage. The existing legal non-conforming garage would be grandfathered in and would not be required to conform; furthermore, the ADUs in the downtown area do not require additional parking, therefore the application does not require any additional parking.

Commissioner Allen noted the Pleasanton Historic Association (PHA) supports the project as proposed, to which Ms. Hagen concurred. Ms. Hagen elaborated staff does not support all comments in the letter from PHA, however, staff is supportive of retaining the historic features of the design.

Commissioner Balch asked what is required for homes in the historic resource survey. Ms. Hagen answered additions are required to the in the rear of the home, no change the front of the home is permitted, and additions must maintain the existing architectural and historical character of the home.

THE PUBLIC HEARING WAS OPENED.

Noel Anger, appellant, addressed the concerns listed in the appeal letter: privacy and view, FAR calculation, and standards for rehabilitation for historic preservation.

Chair Nagler asked what the applicant would be supportive of for an addition, to which Ms. Anger replied a one-story addition.

Sara Barth, applicant, provided background and history of her family with regard to the need for the proposed ADU addition. Ms. Barth noted the letters of support received from PHA and neighbors, provided to the Commission. She expressed conversations which she and her neighbors had as well as mitigation efforts made to address privacy concerns. Ms. Barth said the architect, Terry Townsend, drew revised plans with the terrace removed and bedroom windows reduced in size, however the revisions would not meet Code for egress and would not be feasible.

Terry Townsend, architect, provided commentary on the project background, existing conditions, and proposed design.

Commissioner Balch asked where the tree, which the appellant said is visible from her window, is located. Staff pointed out on the aerial photo the trees on the opposite side of Pleasanton Avenue.

Don Anger, appellant, read the comment letter provided by Brian Swift, included in the materials provided to the Planning Commission and made available to the public in the Council Chamber.

Commissioner Ritter asked if there were intentions of providing additional landscaping to mitigate existing privacy concerns, to which the appellants replied no.

Charles Huff spoke in support of the appellants. He commented on alternative design which could work without the terrace and still meet egress requirements.

The Commission asked questions of Mr. Huff regarding the proposed terrace. The Commission asked for distinction between existing privacy with the windows on the sunroom verse privacy with the proposed terrace. Mr. Huff argued the privacy would be lost by the difference in anticipated use of a terrace verse current use of the existing sunroom and the views from a window verse an open-sided terrace. Mr. Huff, in response to the proposal of a privacy screen, said it is not aesthetically pleasing.

Chair Nagler asked if Mr. Huff was supportive of the architecture in the context of historic preservation, to which Mr. Huff replied yes.

Margene Rivara, neighbor, spoke in support of the project, noting a need for senior housing and the ability for the proposed ADU to provide a housing option.

Louis Rivara, neighbor, spoke in support of the project; commenting on the needs for senior housing, admiring the design of the project, and agreeing with staff's analysis of the application.

Susan Pfuehler spoke in support of the project, sharing her story of need for senior housing in the context of the proposed ADU.

Erich Pfuehler, applicant, provided history of the property, family, and project. He commented on the safety functions of the terrace, noting the recent north bay fires.

Ms. Anger rebutted she is in support of providing senior housing by way of an ADU, however, asks that staff consider the Pleasanton Municipal Code (PMC) requirements for FAR calculations and that the applicant consider a single-story addition.

THE PUBLIC HEARING WAS CLOSED.

Mr. Beaudin assured the Commission the FAR calculations meet Code requirements, in response to questions from Commissioner Balch.

The Commission discussed the possibility of revising Condition No. 4 to further clarify the use of the basement space for storage-only and agreed it was adequate as written.

Commissioner O'Connor asked how the City regulates use of a space to ensure conditions are met. Mr. Beaudin explained how Code Enforcement works on a complaint-driven basis. Mr. Beaudin further clarified the intent of FAR to reduce massing, which would not be impacted by the existing basement. Chair Nagler reiterated the comments from Mr. Beaudin, clarifying the intent of FAR.

Commissioner Allen commented on the ambiguity of the FAR calculation and the possibility of revising the language of Condition No. 4.

Mr. Beaudin asked the Commission if there is concern of adding additional living space in the basement in the future.

The Commission discussed whether to specify the maximum square footage per FAR restrictions in the conditions of approval and whether to further modify Condition No. 4. The Commission proposed alternative language but ultimately concluded the condition was adequate as written.

Commissioner Balch commented on the privacy concerns, suggesting additional landscaping or a solid fence along the property line could increase privacy.

Ms. Hagen noted those suggestions were made in the Zoning Administrator hearing and the appellant was not in favor of that idea unless it were set back further from the property line to not obscure views.

Commissioners Balch, O'Connor, and Ritter acknowledged how change is inevitable and the anticipated trend in the next 10-15 years is going to be an increase in accessory dwelling units in the downtown area.

Commissioner Ritter moved to deny the appeal of Cases P17-0766 and P17-0783 per staff's recommendation.

Commissioner Allen seconded the motion.

ROLL CALL VOTE:

AYES:	Commissioners Allen, Balch, Nagler, O'Connor, and Ritter
NOES:	None
ABSENT:	None

Resolution PC-2018-05 denying the appeal of Cases P17-0766 and P17-0783 was entered and adopted as motioned.

BREAK

Chair Nagler called for a 10 minute break, then reconvened the meeting at 9:20 p.m.

c. P17-0907, Robert Lyman for Dennis Winslow

Workshop to review and receive comments on a Design Review application to construct an approximately 3,841-square-foot, two-story, two-unit apartment building behind the existing residence (to remain) at 4722 Harrison Street. Zoning for the property is RM-1,500 (Multi-Family Residential) District.

Associate Planner Eric Luchini presented the agenda report.

Commissioner Balch asked about the vehicular access as shown on Page A6 of the plans, specifically if similar designs had been approved in the past.

Mr. Luchini replied the design is atypical. Mr. Beaudin suggested the Commission provide direction but bear in mind the limitations due to the configuration of the lot in the downtown area.

Chair Nagler referenced a similar previously approved project on Rose Avenue, to which Mr. Luchini concurred that site was referenced by staff and the applicant when designing the plans proposed. Commissioner Brown asked staff to provide the address of that project, Commissioner O'Connor replied 434 Rose Avenue. Commissioner Allen asked when that project was approved. Mr. Beaudin replied staff will provide information regarding that project when this application comes back.

Commissioner Brown asked about the number of trash receptacles and whether they would all line the street on pick-up day. Mr. Luchini confirmed the number and location as indicated in the plan and that they would all line the street on pick-up day.

Commissioner O'Connor asked about the square footage calculation shown on plans, Mr. Luchini explained the square footage Commissioner O'Connor was referring to was the total combined area for the new and existing structures.

Commissioner Brown noted the existing residence is not designated a historic home and asked about the decision to retain the structure as-is. Staff deferred the question to the applicant.

Commissioner Allen asked what size car the turning radius is calculated for. Mr. Beaudin replied turning radius on newer vehicles is tighter than the vehicles used in calculation.

Commissioner Allen asked about the definition of bedroom verse den. Mr. Luchini explained staff's interpretation of a bedroom is a room with a closet. Ms. Clark added, the two dens are not fully enclosed such as a bedroom, so while a closet could be added it would take further modification to truly use these areas as bedrooms.

Commissioner Ritter asked about refuse pick-up options for properties such as this which is proposed to have nine receptacles. Mr. Beaudin replied Pleasanton Garbage Service is involved in the design review process and in this case the determination was made that the nine cans were acceptable.

THE PUBLIC HEARING WAS OPENED.

Dennis Winslow, property owner, provided background and history of the property and project. He noted his experience in the development review process and his involvement in the city.

Robert Lyman, architect, pointed to the submitted plans and provided commentary on the design and architecture of the proposed project. He stated the intention of the den would be to provide additional living space for uses such as a reading nook or home office. Mr. Lyman addressed the commissioner's comments on car turns, stating the model used older model cars with more restrictive turning radius than newer vehicles.

Commissioner Balch asked the architect, if the Commission were to ask for additional architectural detail, if he had specific or alternative design elements in mind.

Mr. Lyman discussed triple-pane sound attenuating windows and window elements (acknowledging a concern with shadow relief if those were to be installed), paving materials, a mow strip, and entry details such as a raised porch.

Commissioner Balch commented he would like to see more detail given to the garage doors and the façade of the rear of the building.

Commissioner Ritter asked about the size of the outdoor space.

Mr. Lyman pointed to plan sheet A1.1, showing the outdoor porch areas for each residence, and provided narrative on how that space could be utilized. Mr. Winslow explained the limitations in design come from the layout of the existing residence which has a large front yard. He proposed the front yard be available to all residents.

Commissioner Brown commented the story poles were useful and quashed concerns he originally had about the massing. He listed his concerns: number of turns required for parking, number of trash cans, and lack of articulation on north elevation.

In response to a suggestion from Commissioner O'Connor to use double-pane noise attenuating windows which provide shadow relief, Mr. Lyman replied he was not aware of such a product and that the triple-pane product he mentioned earlier was provided to him by an engineer.

Commissioner O'Connor asked what measures were being taken to address sound mitigation. Mr. Lyman replied sound attenuation would be addressed by window design and additional layers of drywall.

Natasha Erdeo, neighbor, said she noticed the story poles and wanted to attend the public hearing to learn more about what was being proposed. She commented on view impacts and concern with limited parking on Augustine Street.

Mr. Lyman and Mr. Winslow concluded responses about sound.

THE PUBLIC HEARING WAS CLOSED.

Discussion Topics:

A. *Is the proposed density for the project site acceptable?*

Commissioners Balch, Brown, Ritter, and O'Connor provided support for the proposed density.

Commissioner Allen expressed hesitation with the density. She acknowledged the sensitivity of density in downtown and questioned if the proposed layout is the best option to minimize the appearance of density. Elaborating, Commissioner Allen proposed the scenario of neighboring properties constructing similar projects whereby creating buildings with windows which look directly in to one another. She suggested consideration of alternative window design such as dormers.

Chair Nagler conveyed initial concern with the density, but with acknowledgment of demand for affordable housing and infill in downtown he supported the density as proposed. He noted the positioning of the density on the rear of the property, explaining how it provides visual relief as opposed to a project closer to the street.

B. *Are the proposed site layout and access acceptable?*

C. *Is the proposed parking for the project acceptable, including the proposed parking access and maneuverability?*

Commissioner Ritter recognized limitations due to height restrictions in downtown. He suggested the Rose Hotel concept, where parking is on the ground floor with the livable space above, would have worked in this instance had there not been the height restriction. Given the limitations, he supports the layout as designed.

Commissioner O'Connor supported the layout and number of parking spaces but is concerned with the maneuverability.

Commissioner Balch suggested rotating or moving the trash enclosures to alleviate the maneuverability constraints.

Chair Nagler clarified conflicting interests, with Commissioners Balch and O'Connor discussing the relocation of trash enclosures to the rear of the residences and Commissioner Ritter requesting consideration of additional outdoor space.

Commissioners O'Connor and Balch discussed specific concern with the maneuverability of car number four, and the idea of rotating the three trash enclosures in front of car number five by 180 degrees putting them against the house, across from the other three, whereby allowing car five to park deeper in the space and providing additional room for car number four.

Commissioner Brown and Chair Nagler supported the suggestion and confirmed staff understood the proposal.

Commissioner Balch said he appreciated the layout and that it is not tandem parking, that the proposed plan was the preferred parking style, clarifying that the direction is to keep the overall design as-is but to relieve the maneuverability constraints as suggested. With regard to the outdoor spaces, he said unit two is appropriate as designed but asked the applicant consider the location and size of unit one.

Commissioner Brown suggested reallocating some of the "resident open space" in Section E to outdoor space for unit one. Commissioner Balch agreed.

D. Is the architectural style and design of the proposed apartment building acceptable?

Commissioner Brown expressed appreciation for continuity with the existing structure.

Commissioner Balch requested additional architectural enhancements, as suggested in the agenda report. He suggested tying in the light fixtures and colors of the existing home while adding more character to the new buildings. He referenced three newer residences on Peters Avenue, which have four-sided architecture, a concept that is relatively new but essential for this kind of infill development in the downtown area.

Commissioner Allen agreed the referenced homes on Peters Avenue and St. Mary Street provide a model for the architectural style the Commission supports. She agreed with staff's recommendations in the agenda report, and suggested pavers or mow strips.

Commissioner Ritter was supportive of the gables and roofline as proposed.

Commissioner O'Connor suggested expanding the color palate, hardware on the garage doors making it look more carriage-like, and additional detail for the windows.

Chair Nagler summarized the previous comments, stating the Commission is less interested in matching the existing residence and more interested in newer design elements as seen on the referenced projects. He suggested modifying the existing residence to compliment the design features of the new buildings rather than limiting the design on the rear residence to match the existing residence. The Commission unanimously agreed.

E. What other information would assist the Planning Commission in its decision on the proposed project (e.g., additional photo simulations)?

Commissioner Balch expressed appreciation of the quality of the renderings submitted. He provided his opinion on removal and replacement of the Heritage Tree, asking for replacement to be equivalent to the age of the tree removed and not a 2:1 ratio.

In response to a question from Commissioner O'Connor, Mr. Beaudin provided overview of the ongoing conversations between the City and Altamont Commuter Express (ACE) with regard to silent crossings or quiet zones.

Commissioner Allen requested a line-of-sight visual from the second-story windows to the neighboring properties to determine whether privacy mitigations would be necessary.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No items were discussed or actions taken.

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

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

Commissioner Ritter reported out on the Bicycle, Pedestrian, and Trails Committee; providing the new website information www.pleasantontrails.com and announcing Bike to Work Day will take place on May 10.

b. Future Planning Calendar

Ms. Clark provided overview of the tentative agenda for March 14.

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.

9. ADJOURNMENT

Chair Nagler adjourned the meeting at 10:35 p.m.

Respectfully submitted,


Kendall Granucci
Recording Secretary