

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

DRAFT

Wednesday, March 25, 2015

CALL TO ORDER

The Planning Commission Meeting of March 25, 2015, was called to order at 7:00 p.m. by Chair Allen.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Balch.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Eric Luchini, Associate Planner; Jennifer Wallis, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, David Nagler, Greg O'Connor, and Gina Piper

Commissioners Absent: Commissioner Herb Ritter

2. APPROVAL OF MINUTES

a. February 25, 2015

Commissioner Balch requested the following modifications:

- Modify the last sentence of the eighth paragraph of page 43 to read as follows: "He added that in his opinion, ~~the Augustin Bernal Park~~ Bernal Avenue is a much steeper road...."
- Modify the sentence of the first paragraph under the section "Man Made Slopes" on page 43 as follows: "Commissioner Balch stated that he is fine with it and does not ~~care~~ have any changes to staff's interpretation."
- Modify the second sentence of the third paragraph under the section "Other Matters" on page 44 as follows: "He noted that these are Heritage trees...watering it for three years is ~~a good~~ adequate mitigation."

Chair Allen referred to the first paragraph under b. February 11, 2015 on page 2 and stated that it was she and not Commissioner Ritter who noted that it was Ms. Seto, and not Ms. Harryman, who was at the meeting. She requested that it be corrected accordingly.

Chair Allen then requested that the first paragraph on page 10 be modified to read as follows: "Chair Allen asked Commissioner Ritter, ~~if based on~~ putting aside his earlier comment, ~~what would make for a better match, putting aside~~ that communication could have been better up front, he could support the project based on new information.

Chair Allen also requested that the first sentence of the second full paragraph on page 38 be modified to read as follows: "Chair Allen said yes; ~~but~~ however, there would still be a development here ~~which is in the General Plan and allows for an average of 85 homes but is only putting in 50,~~ but with only ten homes as allowed by Measure PP."

**Commissioner Balch moved to approve the Minutes of the February 25, 2015 Meeting, as amended.
Commissioner Piper seconded the motion.**

ROLL CALL VOTE:

**AYES: Commissioners Allen, Balch, O'Connor, Piper, and Ritter.
NOES: None
ABSTAIN: Commissioner O'Connor (on Item 6.a)
RECUSED: None
ABSENT: Commissioner Ritter**

The Minutes of the February 25, 2015 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 members of the audience wishing to address the Commission.

4. REVISIONS TO THE AGENDA

Adam Weinstein advised that there are no changes 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.

a. P15-0014, Academic Center of Volitation

Application for a Conditional Use Permit to establish a Heritage School at 6665 Owens Drive. Zoning for the property is Planned Unit Development – Industrial/Commercial and Office (PUD-I/C-O) District.

Commissioner O'Connor moved to make the required Conditional Use findings as listed in the staff report and to approve Case P15-0014, subject to the Conditions of Approval as listed in Exhibit A of the staff report.

Commissioner Piper seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, Nagler, O'Connor, and Piper

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Commissioner Ritter

Resolution No. PC-2015-04 approving Case P15-0008 was entered and adopted as motioned.

6. PUBLIC HEARING AND OTHER MATTERS

a. P14-1186, Nagib Haddad

Application for Design Review approval to construct an approximately 6,841-square-foot, two-story custom home and related landscape and site improvements, including approximately 23,817 square feet of grading, at 8019 Golden Eagle Way. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

Jennifer Wallis presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner Balch noted that the slide on the site plan shows a suggested building envelope and inquired how that comes about.

Ms. Wallis replied that when the Golden Eagle PUD was designed and the Design Guidelines created, each lot was looked at to determine the flattest area, the building envelope, that had the least impact on the natural topography within the subdivision.

Commissioner Piper inquired if the 40-percent grading was a Homeowners Association (HOA) recommendation or requirement.

Ms. Wallis replied that the Design Guidelines indicate lots should maintain a 40-percent or 20,000-square-foot of grading, whichever is less, but it can be exceeded with City and HOA approval.

Commissioner Piper inquired if the HOA is fine with the 40 percent.

Ms. Wallis replied that the HOA's letter actually indicates that its original approval was for 20,000 square feet of grading, but indicated within that letter that it would support the City should it approve grading in excess of 20,000 square feet.

For clarification purposes, Commissioner O'Connor inquired if that letter indicated that the grading of 23,817 square feet was submitted but was not identified.

Ms. Wallis said yes.

Commissioner Nagler inquired, as a stand-alone explanation and in reference to the HOA's work on the progress of its project review, what specifically occurred between December 2013 and the letter that was sent to the City approving the design. He indicated that he was particularly interested in, from the City staff's perspective, what design changes were made in the home between that December 2013 position of the HOA and what is before the Commission tonight. He noted that it appears the HOA is still objecting to or asking for certain design and architectural changes.

Ms. Wallis stated that the HOA's original approval letter dated August 19, 2014 had only three outstanding stipulations: (1) that color and material samples would be provided at a later date; (2) that the return wall between the home and the property line needed to be revised; and (3) that a full landscape plan needed to be provided.

Commissioner Nagler stated that he was referring to a letter that was originally dated November 19, 2013, and then updated to December 11, 2013.

Ms. Wallis replied that all of that was done independently of the City and prior to submittal to the City, and so the City has no knowledge of exactly what took place. She added that the City has no copies of the plans that were submitted to the HOA, and the City did not receive a submittal until after the HOA approval was received. She explained that it is a policy for Golden Eagle that the City will not review the plans or submittal application until it receives a full approval from the HOA.

THE PUBLIC HEARING WAS OPENED.

Nagib Haddad, Applicant, stated that he had no presentation to make as Ms. Wallis explained everything they wanted. He indicated that he would be happy to answer any questions.

Gary Monzo distributed some handouts to the Commissioners and mentioned that if the Commission wished, he could answer the question about what happened between December and when the application was submitted to the City. He stated that he and his wife purchased their home since September of 1998, remodeled it, and became very familiar with guidelines for Golden Eagle. He indicated that his issue with the proposal is the second story, which is massed forward rather than to the back and obstructs their view of Mt. Diablo from their living room. He added that there is a lot of roof facing their window.

Mr. Monzo displayed a slide showing an aerial photo of both their home and that of the applicant, with an orange box on the applicant's lot suggesting rotating the home to align it better with their existing home. He then displayed other photos of homes in Golden Eagle

Farm, indicating that they have better, more symmetrical alignments. He stated that rotating the home would push the home back, thus complying with the guidelines of massing the second story away from the street, and proposed some solutions such as absorbing the rotunda the next four feet into the second story and expanding the second story over the rear. He added that three garages is a possible solution and that any other possible solutions would be good.

Mr. Monzo stated that they are not ignorant of the Golden Eagle Farm guidelines and pointed out that the CC&R's and guidelines are to ensure the continuity of consistency and surviving a single board or board member or personal agenda. He further stated that they felt this is a case of trying to make the land fit the house rather than making the house fit the land.

Jim Rogers stated that he and his wife have lived in Golden Eagle Farm for 20 years across the street from the project site. He indicated that they have met the applicant and that he has been very accommodating to work with. He stated that they were concerned with the roof color; they talked to the applicant, who assured them that the roof color would be neutral. He indicated that they support the plan.

Mark Landolf, Project Architect displayed a representation of the 3-D model he did on the house, based on the floor plan. He pointed out that the difference between what Mr. Monzo has shown and this display is its perspective, as it is not a flat drawing.

Referring to the Commission's question regarding the history of the HOA approval, Mr. Landolf stated that the house that was first presented had a two-story element in the front, a one-story porch, and a big patio in the front. He indicated that he later moved the house to the back of the lot as far as the building envelope would allow and pushed the second floor back, which is where the current plan shows. He added that he also changed the landscape elements. He noted that situating the house the way it is actually meets the contours of the lot and thus reduces the grading on this lot. He pointed out that the lot is not steep enough to push the back of the house into the hillside, and moving the house back any further would make it difficult to have a useful backyard. He indicated that he would work with anyone who had objections to the house colors.

Commissioner O'Connor referred to the rendering presented and asked Mr. Landolf if rotating the house would show the fireplace and the rotunda.

Mr. Landolf said yes.

Commissioner O'Connor referred to the slide of the site plan and noted that the proposed house is about touching the rear of the envelope.

Ms. Wallis confirmed that was correct.

Mr. Landolf stated that was the intention on the left side and that the contour lines can be seen right through the house. He added that the house is trying to be parallel to the contour lines to reduce grading.

Chair Allen inquired if this envelope is documented on the plot plan that the HOA has.

Ms. Wallis replied that the suggested building envelope comes directly from the design guidelines.

Chair Allen further inquired if anyone in the HOA could see this if he or she chose to look for this with any kind of empty lot that still exists.

Ms. Wallis said yes.

Commissioner O'Connor noted that if the house were to be rotated to make it more in line with the grading and topography of the lot, it looked to him like it should be rotated in the opposite direction to align it with the other homes on the street. He further noted that rotating it counter-clockwise would align it with the stepping of the hill.

Mr. Landolf agreed. He stated that this is kind of the compromise. He indicated that to work in the contours, the house would have to be rotated farther away from the street.

Commissioner O'Connor added that rotating it clockwise would require a lot more grading.

Mr. Landolf said yes; and more stairs up to the front door and taller walls at the far right corner of the house.

Commissioner Balch referred to the rendering of the house presented by the architect, and noting that the angle of the picture can cause differences, he pointed out that the third window facing the second floor is missing from the rendering.

Mr. Landolf stated that he must have added it later on the elevations.

Commissioner Balch further noted that the chimney on the first page extends to the pitch of the roof. He indicated that he does not believe there would be a significant difference in the pitch that one cannot see the top of the chimney sticking up.

Mr. Landolf indicated that there are three other pictures of that same model with the chimney.

Commissioner Nagler noted that there are actually two windows missing.

Commissioner Balch stated that might be due to the angle. He indicated that if the house were rotated, the first window will be missing, but the top of the chimney on the back would be visible. He added that the reason he is bringing this up for the architect is because the massing obviously appears different.

Commissioner O'Connor added that part of this can also be how close one is to the building: the further back one is, the more visible the windows and even the chimney would be.

Commissioner Balch commented that this is a practical way of bringing the model and being able to turn it around far enough.

Chair Allen stated that for clarification, if she were to compare the left elevation of the Planning Commission's copy of the layout with this rendering, one would not be seeing that same perspective and they are views from different angles; otherwise, the rotunda and the chimney would be visible, and it would look very different.

Mr. Landolf agreed. He noted that elevations cannot be seen totally except for the architectural drawing.

Chair Allen disclosed that she visited the site, talked to Mr. Monzo as well, and saw the photos discussed. She asked Mr. Landolf if there is anything they can do to help with the neighbor's concern in terms of a slightly alternative design or shift that might be really creative.

Mr. Landolf stated that they designed a house for Mr. Haddad that he envisioned and wants. He indicated that he does not see a compromise, but they made changes to the house the applicant initially wanted to get this to where it was acceptable not only to the HOA but to Planning staff. He added that short of doing massive changes to the floor plan, there is literally no way to do that other than to move the house.

Commissioner O'Connor noted that the original submittal was an 8,000-square-foot ranch-style home but the City never saw the original design.

Mr. Landolf stated that it is pretty similar. He added that they took a lot of square footage out of the house.

Chair Allen asked Mr. Landolf what the implications would be if the Commission were not to approve the increase in grading and he needed to stay at 40 percent.

Mr. Landolf explained that, first of all, it was their understanding with Ms. Wallis that some of the low-level grading would not be counted as grading, in which case they would currently meet that 40-percent compliance as is; however, if that did not work out and they were forced to meet the 40 percent including every bit of grading being done, they would have to modify the back and not do a lot of the backyard landscaping space. He noted that in theory, the 40-percent grading is great, but that was 30 years ago. He further noted that it is difficult today to conform to the 40 percent because bigger homes are being built; this retention area is taking up part of the grading allotment; people want to have a backyard; the driveway's bigger with a three-four-car garage; and all this requires grading.

Chair Allen inquired if the house would not change then, but the landscaping would.

Mr. Landolf said yes, at this point.

Commissioner Piper commented that she wished there were more examples of grading from other homes in the area because it sounds like a good majority of them are over 40 percent.

Referring to the aerial photo of Golden Eagle Farm, Mr. Landolf noted that if the house and the driveway were removed, the grass that looks like landscaped area is a graded

area, and a good portion is probably over the 40-percent grading limit. He stated that he does not know the mechanics of how that actually happens, but it seems like that is what happened.

Commissioner Nagler inquired, assuming the grading is allowed, what the impact on the backyard and the rest of the property would be if the house were rotated.

Mr. Landolf stated that the landscape architect worked hard to make a nice, usable space in the backyard, and any change to it would use up space in that backyard.

Commissioner Nagler noted that changes are obviously possible in this case.

Mr. Landolf said yes.

Commissioner O'Connor noted that the area to the right side of the house looks like a natural area with all the trees and is not being touched a lot.

Mr. Landolf said yes. He added that there is an area above, basically the top of the lot and the left hand side of the lot, that are also staying as is.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Nagler stated that, first of all, it is a fabulous house and congratulated the applicant for being able to build such a dream house. He indicated that as he was reading through the materials and beyond the brief statement that the architect made, he was unclear about the compromises that may have been made along the way to get the actual design before the Commission today. He added that he does not believe he had adequate information to be able to vote to recommend approval of the construction of this house. He explained that it may very well be that the placement of the house on the property, its orientation, its orientation to the street, to the topography may actually be the best it can be, but what he personally cannot tell is what the impacts and the trade-offs would be between rotating the house a bit, presumably satisfying some of the obviously heart-felt opinions of the neighbor, and how much more grading that would imply and the impact of that grading; and to allow the Commission to make a straight-up sort of decision or recommendation based on what the best possible use of the property is; how close one can come to creating a good-neighbor situation to protect the current next-door neighbor and to allow this house to be constructed because it is certainly appropriate to the neighborhood. He reiterated that he does not feel enough information has been presented for him personally to be able to support the construction.

Commissioner Piper stated that her personal feeling is that all of the information that has been provided to the Commission does conform particularly to the neighborhood design. She indicated that when she drives around the neighborhood, which she does quite often, and knowing this lot, what has been submitted seems to fit the neighborhood, what it looks and feels like. She stated that it sounds like the applicant and the project staff has done a lot of work, the HOA has approved the design, and they have worked with the City and made a lot of changes. She added that the house on 8023 Golden Eagle Way appears to have a tremendous amount of grading which looks

like a bit more than 40 percent. She indicated that her personal opinion is that the Commission is at a point where it should be able to move forward.

Commissioner O'Connor stated that he has been on the Commission long enough to say that the hardest thing to deal with is neighborhood disagreements and disputes, and the Commission cannot always make everyone happy, and sometimes it doesn't make anyone happy. He indicated that when he looks at the building envelope for this specific site, he does not see another solution without reducing the house even further. He pointed out that rotating the house clockwise would end up with a lot more grading, and moving it to the right would take out the natural landscape. He noted that even though the City did not have all of the original designs, staff provided the Commission with a whole list of things that took place with the HOA: the original house was 800 square feet in 1997; it had a lot more massing in the front; and it has been pushed back.

Commissioner O'Connor stated that when he drove through this neighborhood, it looked to him like many of the houses seem similar to this proposal or had a lot more massing forward. He noted that the real kicker for him is the HOA Board's letter dated March 19, 2015 saying that it approved this house and this grading the way it sits today. He added that while the HOA Board would prefer not to have more than 20,000 square feet of grading, he does not see how the Commission could get around it: if the house were pushed back, it would be outside of the building envelope and also in the higher retaining walls; and if the house were pulled forward, it would block views even more than it does today. He then asked staff if there are any vested rights of views in the City or easements that staff is aware of.

Ms. Wallis replied that she is not aware of any in the City and that there are none in this area.

Commissioner O'Connor reiterated that he does not see any solution without making the house even smaller than this, and the HOA Board did approve what is here and it did meet the guidelines. He added that the applicant has made a lot of modifications that have reduced the size of the house, and he believes this is a project he can support.

Commissioner Balch agreed with Commissioner O'Connor and this is actually probably the hardest thing in terms of trying to address Mr. Monzo's concerns. He disclosed that he knew both parties and that he met with Mr. Monzo and the applicant quite a long time ago. He indicated that when he looks at the building envelope, it looks awfully hard to pivot or rotate on that back corner as suggested or requested, and he does not know if a reduction of the second story to the first story to preserve their view would be an option. He stated that the house is beautiful and designed very nicely.

Commissioner Balch noted Commissioner Nagler's statement that the Commission did not see what it started with. He stated that part of his strategy is that sometimes the Commission does not want to see how everything is made because it would bog down City staff, and City staff has been involved with how it's been made, so he trusts that they helped ease it into this envelope.

Commissioner Balch stated that what he would really like to see is if the Commission can address the neighbor's concerns. He noted that one of things he noticed from the slide showing the Monzo house is that this is kind of a double-edged sword: the Monzo house does not appear to be oriented towards the street as well either, so it is almost like both houses are oriented the wrong way, so they are more impactful to each other than would be typical with the other photos shown earlier. He concluded that the house is a good design for the lot, and he just wished it could address the neighbor's concerns.

Commissioner O'Connor stated that it looks like both homes are oriented perpendicular to the slope to reduce grading.

Commissioner Balch added that they look right at each other's windows through the front door.

Chair Allen stated that she thinks the design of the house is consistent with the neighborhood and feels the size and the massing are appropriate. She noticed that some of the houses are a full two stories, others are fully terraced and look more like a one-story, and the proposed house strikes her as being in the middle. She indicated that as she was reading the staff report and thinking about Commissioner Nagler's comments, she also struggled with that same question of whether there is another option, whether there is some slight work, creative work that a good architect can do to just see if there is a little more of a win-win situation. She stated that she feels this is like the project that came before the Commission a few months ago involving the Schmitt second-story addition on Hamilton Way off Arlington Drive impacting Ms. Bengtson's view of the Ridge. She explained that one of the things the Commission has to consider is the appropriate relationship of the proposed building to its site, including other sites next to it, and the impacts it will have. She indicated that in that particular case, the Commission chose to not take a vote and asked the architect and the two parties to try to come up with some creative alternatives that might be a closer win-win. She continued that they brought it back to the Commission with enough information to take a vote, and she thought the Commissioners all felt that it was a stronger vote, and both parties, whether they agreed or disagreed, probably felt like it was a fair decision and each party got to vet pro's and con's.

Chair Allen stated that the downside of this is that it would involve more cost, time, and energy for the applicant, who has already spent a long time working on this project and making changes. She added that looking at the building footprint, she now sees and understands the challenges. She noted, however, that while part of her is asking if this is a waste of time, she thinks it is important enough; and if she were living next door, she would hope the Planning Commission would decide to get the best architect and, together with the landscape architect, see if there were some modifications that can be done to arrive at a compromise.

Commissioner O'Connor noted that in the case of the Hamilton Way property, off Arlington Drive, after the applicant redesigned the house and came back to the Commission, both parties accepted the original design. He pointed out that the difference between the two is that the design guidelines in the Arlington area had expired and created some controversy; but Golden Eagle Farm has design guidelines

that have not changed, the HOA has approved the plan. He added that the Arlington case was fairly quick, and in this case, the applicant has been compromising and re-drawing and re-submitting for over two years now, and he would rather not extend that any longer.

Commissioner Nagler clarified that he is not suggesting that the Commission revisit the fundamental architecture, size, and configuration of the house. He noted that it is terrific that the applicant is willing to compromise on the colors to satisfy other neighbors, and for his part, he thinks that enough work has been done and in fact the HOA does approve it for the very reason that it is appropriate for the neighborhood. That said, he stated that everything is a trade-off, and boiling it down to the fundamental issue, the trade-off seems to be between the amount of grading that would be required and the desire of the one contiguous neighbor to have his views protected and to have, at least as a matter of aesthetic and site, this house sited in a way that is less obtrusive to them; between coming closer to a greater satisfactory, end-result for the neighbor versus how much grading is required. He pointed out that it is obvious that the HOA has a lot of influence and that it is important what the HOA believes, but in the end, the Commission has the ability, the authority, and the position to be able to make that kind of a trade-off decision if it desires to take some very specific factors into account. He stated that for his part, he is just suggesting that it would be helpful if the Commission had more clarity about what the implications of that choice would be on those two specific factors.

Commissioner O'Connor stated that the Commission does not have that *carte blanche* authority because if the house were rotated and pushed it up against the backyard, more grading in the backyard would be required, and there would be a less desirable, smaller backyard. He further stated that the HOA may not approve the design because of the amount of grading, and without the HOA's approval, the application would not come back to the City as an approved HOA plan.

Commissioner Nagler agreed and added that the Commission would have to take that into account.

Chair Allen asked staff if it would be possible to make a motion that the Commission would ask that the house be rotated and then re-look at the design, with a caveat that it assumes the HOA would be willing to approve the house if more grading were required.

Ms. Wallis replied that ultimately, the HOA would have to approve the final design. She indicated that there are a lot of stipulations here that the home and grading have to be approved by the City and the HOA; that within the design guidelines, if one does not approve and the other does, or if one is more strict, the City would most likely have to go with the lesser; and within the grading specifically, the City cannot allow more than what the HOA allows.

Mr. Dolan stated that the way it would work is if the Commission approves something different, the applicant would have to go back to the HOA. He explained that the Commission does not need to put anything in the motion about how the process would work, but it will add a lot of process.

Commissioner O'Connor inquired if there is also the possibility that if the HOA disapproved of what was changed, the applicant would have to resubmit his plan and might not be re-approved because it is over 20,000 square feet of grading.

Mr. Dolan replied that it is a possibility, but the HOA might also take the lead of the Commission. He noted that it is impossible to say.

Commissioner Nagler stated that he has a procedural question and inquired if Commissioner Allen basically has the prerogative to make the continuance on her own.

Mr. Dolan said yes; she can continue an item for one meeting, presumably for the reasons she has suggested. He noted that he is not sure the Commission could achieve the desired outcome in two weeks. He re-stated the point that was made earlier that it is a trade-off: rotating that house would end up with a smaller backyard that requires more grading. He pointed out that if that is not a decision the Commission is willing to make down the road, there is no use exploring it.

Commissioner Nagler stated that he believes the house is excellently designed, that the way the house with its backyard looks is great if it were on its own. He noted that his difficulty and only concern is obviously to build a good neighbor relationship. He stated that a continuance will make the parties talk, but that means the house may get re-designed. He noted that the house is what the applicant wants, and he would hate to say the applicant should choose something else. He apologized that he is really struggling with that.

Commissioner Piper pointed out that a continuance does not mean they will talk. She noted that in the Hamilton Way case, off Arlington Drive, the Commission directed the parties to talk, but they never did.

Commissioner O'Connor moved to approve Case P14-1186, subject to the Conditions of Approval listed in Exhibit A of the staff report. Commissioner Piper seconded the motion.

Commissioner Balch stated that he will support the motion from the perspective of the envelope because the envelope was something he was not aware of and the trade-off with grading versus the envelope. He indicated that if a Planned Unit Development were approved and it says a house can be built within the envelope, it should be adhered to. He noted that Mr. Haddad has done that. He added that it pains him to say that he would love to see the Monzos' concern addressed, but he thinks the trade-off is a bit too costly on the grading.

Chair Allen agreed with Commissioner Balch. She noted that the applicant moved the house as far back on the envelope as he could, and if the house is a nice design, the applicant deserves to build it. She pointed out that it is the appropriate size and meets the criteria. She added that she wished there was a win-win, but she does not see how the house could be shifted or rotated and still preserve the backyard and the design, and be built with the same cost that would be expected based on buying a house with that envelope.

Commissioner O'Connor stated that the previous comments are appropriate because there are building envelopes here and everyone knows what those are going in. He noted that they may not know exactly what the style of house is going to look like in that building envelope, but at least they know where it is and how far forward and back they are going to be. He added that it could potentially block some viewscape, but when lots do not have a view easement, there could sometimes be a lot of contention.

Commissioner Nagler stated that he is obviously going to vote "no" not because he is opposed to the construction of the house. He noted that it is a terrific house, it is totally appropriate to the neighborhood, the applicant has done a great job of designing it, and there has been a lot of work to try and satisfy the various comments from the neighbors; however, it is possible to rotate the house within the envelope, and that is a compromise and a discussion the Commission has not had.

Commissioner Balch stated that rotating within the envelope is something he always looks at, and if the lower right corner of the house were moved forward, the house could basically be rotated but that does not gain a view. He indicated that referring back to the slides, it was the pitch of the roof that was basically straight on Mt. Diablo, and rotating the pitch of the roof forward just a bit will provide a view of Mt. Diablo from the back side, but the front side is going to be even more obtrusive.

Commissioner Piper stated that to rotate the house, it would have to be pulled forward to fit within that envelope, and the view would be more obstructive.

Commissioner Balch explained that it would basically pivot on the back left corner, instead of how Mr. Monzo had proposed which would basically be pivoting back on the upper right corner, and that does not accomplish what the Monzos want.

ROLL CALL VOTE:

AYES: Commissioners Allen, Balch, O'Connor, and Piper

NOES: Commissioner Nagler

ABSTAIN: None

RECUSED: None

ABSENT: Commissioner Ritter

Resolution No. PC-2015-05 approving Case P14-1186 was entered and adopted as motioned.

Chair Allen stated that this was not an easy topic and thanked everyone for working through it.

Commissioner O'Connor stated that neighborhood issues are never an easy one and hoped that Mr. Haddad and Mr. Monzo can still be good friendly neighbors.

- a. **P15-0010, Kim Connors, Appellant; John Rocha, Applicant**
Appeal of the Zoning Administrator's approval of an application for Administrative Design Review to construct a 1,200-square-foot second unit with an approximately 317-square-foot one-car garage on the property located at 547 Sycamore Drive. Zoning for the property is PUD-A/MDR (Planned Unit Development – Agriculture/Medium Density Residential) District.

Jennifer Wallis presented the staff report and described the scope, layout, and key elements of the application.

Commissioner O'Connor asked Ms. Wallis if only the immediate neighbors were notified the first time around and then out to 1,000 feet on the appeal.

Ms. Wallis replied that is correct.

Commissioner O'Connor stated that he was always under the impression that everyone within a 1,000-foot radius was notified for the first notification. He inquired why that was not done in this case.

Ms. Wallis replied that only applications before the Planning Commission are notified for 1,000 feet. She explained that typically, any residential construction that is over ten feet in height, whether it is a patio cover, a room addition, or a second-story addition first goes through an Administrative Design Review process, and those are only noticed to adjacent neighbors that would have immediate impacts. She continued that the adjacent neighbors have seven days to come in and respond with any concerns or review the plans and, if they wish, request a Zoning Administrator hearing, at which the Zoning Administrator would then make a decision. She stated that if no Zoning Administrator hearing is requested, staff can go ahead and administratively approve those applications. She added that the Planning Commission would then be notified of that approval or of the Zoning Administrator's determination if the application went to a Zoning Administrator hearing.

Commissioner O'Connor inquired if he would be notified if the applicant were his next-door neighbor.

Ms. Wallis said yes.

Commissioner O'Connor noted that for second units, one of the units must be owner-occupied. He inquired if the owners could rent out both units to one and the same person if the owners were to move completely away.

Ms. Wallis said no. She explained that the owners have to occupy the property and it has to be listed on their tax assessor role as their primary residence.

Commissioner O'Connor inquired if the owner can never move and keep the entire property.

Ms. Wallis said no.

Ms. Harryman explained that the owner could keep the property but can only rent out one of the units; the other has to be owner-occupied.

Commissioner O'Connor requested clarification that if the owner were to move, the owner could rent out his entire property to one family who might have a child live in the outside unit and the family live in the inside unit.

Ms. Harryman said no. She explained that the owner can have his teenager or his mother-in-law move into the second unit, although they would likely not be renting it; but the owner cannot move away and rent out both units.

THE PUBLIC HEARING WAS OPENED.

Terry Townsend, Project Architect, representing the property owners, John and Cynthia Rocha, stated that they are here tonight to present this second unit for consideration and to request denial of the appeal and uphold the Zoning Administrator's approval which was granted on February 9, 2015. He displayed a slide of the location map and described the layout of the property, indicating that parking for the residents is accessed through Amber Lane, off of Sycamore Road, and through Pioneer Trails Place. He pointed out that the three houses to the south use Pioneer Trails Place for access to their properties. He noted that the majority of the two private roads, Amber Lane and Pioneer Trails Place, are on the Rocha property, with a small portion of the southern half of Pioneer Trails Place split among the three other parcels. He added that as Ms. Wallis had mentioned, there is a Maintenance Agreement in place for Pioneer Trails Place.

Mr. Townsend stated that one of the more difficult things with respect to second units is to satisfy the parking requirement, as a lot of the parcels in town do not provide for that. He noted that in this case, there is already an access road to the detached garage for the primary unit, and the design intent is to utilize that private road to access the property for parking instead of the additional impervious surface that would be required to come off of Sycamore Road. He added that this would also minimize the disturbance of the open space adjacent to Sycamore Road, and locating the second unit in the southwest corner of the property would also retain the rural nature of Sycamore Road and would be in compliance with the requirements for the North Sycamore Specific Plan.

Mr. Townsend stated that following the Zoning Administrator's approval of the second unit on February 9, 2015, Kimberly Connors appealed the action with two objections: the first was utilizing Pioneer Trails Place for access to the unit, and the second was construction traffic. He indicated that he would respond to those objections tonight.

Mr. Townsend stated that in her letter of appeal, Ms. Connors mentioned that using Pioneer Trails for access would burden the residents of Pioneer Trails Place and proposed that the structure be moved closer to Sycamore Road and utilize and extend the swing drive off of Sycamore Road to access the second unit. He added that Ms. Connors also noted that the applicant request a variance for a second driveway which would be off of Sycamore Road.

Mr. Townsend explained that this suggestion, unfortunately, does not take into consideration the setbacks adjacent to Sycamore Road, the open space, the increase of impervious surface which would be required for the continuity of the vineyard. He indicated that carving out the vineyard and extending driveways for access is not in keeping with the intent of the North Sycamore Specific Plan. He noted that the current proposal locates the second unit 20 feet off of the nearest property line, which is far in excess of the minimums required for second units. He added that it is farther away from the side yard setbacks of any of the three units to the south, and there is existing landscape screening adjacent to Pioneer Trails Place. He stated for the record that the closest resident at 494 Pioneer Trails actually has a three-car garage and driveway.

Mr. Townsend stated that with respect to her concern about construction traffic, Ms. Connors mentioned that the street was not properly designed to support such traffic. He indicated that as Ms. Wallis noted, construction traffic is temporary, and he is confident that the applicants will work with the neighbors to minimize its effect. He explained that construction vehicles can use the two existing driveways that are already on site, plus a temporary driveway for the new secondary unit which will have a gravel base. He stated that the road is actually built to City standards and as such, supports all kinds of vehicles, including construction trucks, cement trucks, garbage trucks, and fire trucks. He added that the road was already in place and supported construction activities when the three residences to the south were built, as well as when the pools were installed in two of those residences.

In summary, Mr. Townsend stated that moving the location of the proposed second unit does not make sense as it compromises the intent of the North Sycamore Specific Plan, carves up the existing vineyard, and decreases the open space. He requested that the Commission deny the appeal and uphold the Zoning Administrator's approval.

Gary Hirata stated that he lives to the rear of Mr. Rocha's present residence and, together with his wife, Kimberly Connors, are the appellants. He indicated that he is opposed to the construction of a 1,500-square-foot residence and garage because the applicant, John Rocha, is misrepresenting his intent to occupy the property at 547 Sycamore Road. He indicated that if this application is approved, there is little that can be done when Mr. Rocha violates his promise to comply with Code requirements. He noted that Mr. Rocha currently violates the residential business restrictions by continuing to employ an assistant in violation of the City Code, as evidenced by a brown Toyota parked on a full-time basis in front of Mr. Rocha's house, and Pleasanton Code Enforcement has failed to gain his compliance. He expressed concern that neighbors of Mr. Rocha's property will be left to control code enforcement compliance, with yet another series of violations if this building is approved while Mr. Rocha lives in his newly renovated residence at Callippe Golf Course.

Mr. Hirata stated that if the Planning Commission fails to take Mr. Rocha's obvious deception into account and the building application is approved, he would like the access to the second unit to be off of Sycamore Road rather than Pioneer Trails Place. He pointed out that Pioneer Trails Place is a narrow, private road, much smaller than Sycamore Road, and made even smaller by Mr. Rocha's mature Redwood trees which create a blind spot at the Amber Lane/Pioneer Trails Place corner, and the City of Pleasanton's oleanders which border the Amber Lane property and also create a blind

spot along the exit off of Amber Lane onto Sycamore Road. He added that limiting access entering to and from Amber Lane is always a huge factor in preventing automobile accidents, and it makes perfect sense to have access directly off of Sycamore Road and avoid the two blind turns. He stated that garbage trucks do come onto Pioneer Trails Place, but they back into the neighborhood because it is too narrow to negotiate the turn to exit the property without backing out. He noted that while it is true that the roadway has the ability to carry the weight, it barely has the ability to allow construction vehicles and other trucks to get in and out readily. He added that the building application currently has two parking spaces, but there are no public parking spaces within a quarter mile of 547 Sycamore Road. He indicated that the City bisected Amber Lane, and there is no parking along the south portion of Amber Lane that empties out onto Hamilton Avenue. He noted that even the residents there park on half of the sidewalk and halfway in the roadway. He further noted that because there is no parking on Sycamore Road, he regularly has vehicles parked in front of his house on Pioneer Trails Place, with the people walking along the pathway onto Amber Lane. He pointed out that it is an unusual situation to have only two parking spaces when it can be assumed that there will be more than just two vehicles at the house at any time, that they will have visitors and guests, that the driveways are not longer than one car space, and the garage can accommodate only one vehicle.

Mr. Hirata stated that Pioneer Trails Place is much too small to be accommodating graders, backhoes, cement trucks, and large flatbeds, in addition to all private vehicles for the electricians, plumbers, finishers, and general contractors. He indicated that under his proposal, construction vehicles for the proposed residence would access the site off of Sycamore Road. He stated that he understands this would require a variance to the North Sycamore Specific Plan, but noted that there are about 15 driveways along Sycamore Road from Sycamore Creek Way just south of Amber Lane. He added that if Mr. Rocha is not granted the variance, then he can create the new driveway off of his existing circular driveway if he decides to build this project.

In conclusion, Mr. Hirata stated that his main concern is the traffic. He noted that the City has continued to allow Sycamore Road to be used instead of Sycamore Creek Way for the Callippe Golf Course, and this is an opportunity to correct part of that by requiring that this project use Sycamore Road instead of Pioneer Trails Place to access the property.

Amirra Besh stated that she lives in the area and frequently walks along Sycamore Road as well as down Amber Lane. She noted that she has walked past the Rocha residence, which is rural in nature and definitely in-line with the North Sycamore Specific Plan. She pointed out that the Rochas have a well-designed property and a plan for their 1,200-square-foot guest home that complies with the Specific Plan. She added that she believes the neighbors' allegations are not relevant to the argument and that she supports the application.

Kimberly Connors, Appellant, stated that their concern at this point is really public safety. She indicated that construction traffic is going to get in and out of here, and there will be workers there every day with nowhere to park their vehicles, neither on Sycamore Road nor on Amber Lane. She noted that what they are really asking for by asking for the variance to add a driveway is also for construction parking as well as for

the future residents of that second unit. She indicated that it is really a matter of functionality and public safety to put that variance in or some other form of parking because, otherwise, it will be a situation where if there was a medical emergency, an earthquake, or anything during the day, and there is construction parking that is backed in, emergency vehicles will not be able to get in.

Mr. Townsend clarified that there was mention of a 1,500-square-foot building; this is a 1,200-square-foot home, the maximum allowed for a second unit. He indicated that this is a small project with probably a slab foundation so there will not be any excavators or heavy equipment in there. He noted that it is a flat lot, so there will be these small construction pick-up trucks. He added that there are two driveways and a swing drive already there, which would be additional areas for these small trucks to park during construction. With respect to parking, he stated that the ordinance requires one spot, and the proposal provides for an enclosed and an outdoor spot for the finished unit. He added that there is a lot of off-street parking available on the driveway in front of the existing garage where three cars can park, and a swing drive that can accommodate eight cars.

Commissioner O'Connor asked Mr. Townsend to confirm that if this second unit were to be built where it is proposed, there will be adequate space available on-site for construction trucks to be able to park as opposed to on the roadway, such that they would be off the road for emergency vehicle and fire truck use.

Mr. Townsend replied that they have 20 feet in front of the entire building adjacent to the driveway, so obviously they will need the road to get there, deliver the materials off the road, and then exit. He added that anybody doing the work would use small vehicles and can park in the driveway in front of the residence during construction and on the garage driveway to the rear, without having to park on Pioneer Trails Place.

Commissioner O'Connor asked Mr. Townsend if he has ever needed extra space or if he has seen the owners of the home use their garages and leave space available.

Mr. Townsend said yes. He reiterated that there is the 20-foot setback at Pioneer Trails Place where Mr. Rocha currently has a vegetable garden. He noted that that is another adjacent spot for parking or storing construction materials.

Commissioner O'Connor noted that Mr. Townsend mentioned that Amber Lane and Pioneer Trails Place are private streets and that maintenance is shared by the four properties based on ownership to a certain spot.

Mr. Townsend replied that is correct. He added, however, that he is not sure if the maintenance percentages among the four owners are an equal split.

Mrs. Rocha stated that it is 25 percent to each home.

Commissioner Piper inquired if the Maintenance Agreement is for both Amber Lane and Pioneer Trails Place.

Mr. Townsend said yes.

Chair Allen inquired if there would ever be a time when construction vehicles would be blocking the road, and if so, when that would be.

Commissioner Balch pointed out that the picture on display shows an RV blocking the road.

Commission Piper stated that she believed it is on the private driveway.

Commissioner Balch stated that the driveway is part of the common private drive, Pioneer Trails Place.

Commissioner Connor stated that it is inside the property lot line.

Commissioner Balch pointed to the V-ditch right on the asphalt pad on which the RV is parked. He noted that according to the project plans, that is part of the common private drive with an eight-foot public service easement across or right around it. He further noted that that would be a hammerhead for turning around, for the use of the other three residents as well.

Mr. Townsend confirmed that the asphalt pad is part of the private drive, and that the easement that runs around the perimeter is a turn-around hammerhead, also for the use of the three residents.

Commissioner Balch continued that if it is a public street, then the RV would be parked on a public street right in the middle of the road because that is called a hammerhead so the fire truck can come in, pull in, back out and then come around.

Commissioner Piper commented that it is not his driveway then and the RV is parked on a private street.

Commissioner Balch noted that it is not the owner's particular driveway; his driveway as shown on the plans is off to the right and left.

Chair Allen reiterated her question to Mr. Townsend that construction vehicles would never be blocking Pioneer Trails Place or Amber Lane for access.

Mr. Townsend said yes.

Chair Allen inquired if there would be any situation where that would ever be required.

Mr. Townsend replied that there would be a temporary blockage when trucks come in to drop materials off; they would be parked on the street for a short duration while they unload, and then they would leave.

Commissioner O'Connor noted that it sounds like a truck would pull in and double park for five minutes while they are unloading.

Chair Allen asked staff if they are comfortable with that.

Mr. Weinstein said yes.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Balch apologized to the appellant that he does not agree on the access off of Sycamore Road and that he actually personally believes this is a better location for a second unit or lot. Before moving on, he asked staff to clarify what enforcement measures the Code provides with respect to residential business activities.

Ms. Wallis replied that the person who believed an illegal business was being operated out of the home would call the City, and the Code Enforcement Officer would go to the residence and check it out. She indicated that the City's Code Enforcement Officer has made approximately four trips to the area at this point to conduct a visually inspection to determine if there are any traffic or parking concerns out of the ordinary for a residential neighborhood, and none of these unordinary concerns or parking patterns have been identified at this location.

Commissioner Balch inquired if this inspection will be ongoing, regardless of the outcome of this application; that if the neighbors notice something unusual, they can call Code Enforcement and the officer will come and investigate.

Ms. Wallis replied that is correct.

Commissioner Balch referred to the parking concerns and stated that he assumes the construction traffic would be parking in front of the existing garage driveway, which appears to be able to hold three cars, or in the new parking stall/garage that would be here, for a total of four construction vehicles that could easily fit solely on the Rocha property.

Ms. Wallis replied that is her understanding and that if there are additional employees who come for construction work for the day, they can park on the circular driveway as well and just walk back to the site.

Commissioner Balch noted that someone brought up the rural-in-nature comment, and the staff report also mentions that a second unit is actually something strongly supported in a lot of codes.

Mr. Dolan replied that it is a requirement of State law that second units be allowed. He advised that it is not a matter of if it can or cannot exist and that the Commission's purview is somewhat limited to a physical review in terms of location and design review.

Commissioner Piper noted that she read that it is also encouraged.

Ms. Wallis confirmed that it is also encouraged within the City's Housing Element that includes a policy on the construction of second units.

Commissioner Balch noted that there was one other concern regarding the obstructed view of the driveway, and since there is a Maintenance Agreement, he believed that the

residents would have to work that out amongst themselves because it is a private street and the City is not cutting back their trees or pruning them.

Ms. Wallis confirmed that was correct. She indicated that part of the Maintenance Agreement is that it would be privately enforced among the residents.

Commissioner Balch stated that he personally thinks the location is actually a very good choice and that he does not believe the impacts of the construction are going to be so significant as to be a problem. He added that he is certain the RV will be relocated and that he is comfortable with moving forward.

Commissioner O'Connor noted that the RV has been moved because it was not there when he visited the site. He then asked staff if they know the order by which the four homes on Pioneer Trails Place were built, whether they were built all at the same time or if the front houses were built first and the back ones second.

Ms. Wallis replied that she was not positive. She indicated that she believes the front home was the original property and that the back three were approved and built later, but she cannot confirm that and she does not know the difference in the timing.

Commissioner O'Connor stated that he was curious because he was certain they have been through this before if some construction was going on next door to them. He indicated that he also believes that putting the second unit back here in the rear keeps the rural environment look and feel to that whole area. He added that he is also comfortable with moving the project forward and that the 20 feet that goes around both sides of the home that will be constructed, plus the existing driveways, provide more than sufficient parking for something that size. He indicated that he is supportive of the project the way it is designed.

Commissioner Piper agreed and indicated that she is also supportive of the way that it is located on the existing land. She stated that construction is always unfortunate for any neighbors, but the applicants are complying with everything. She noted that the location makes sense and that it would create a higher impact if construction is on Sycamore Road because it would block so much traffic as it is really narrow and there is nowhere to park to deliver materials. She indicated that her biggest concern is occupancy and the possibility that Mr. and Mrs. Rocha do not intend to occupy the property if they truly bought a home elsewhere. She added that she does not know if that is something that can be discussed here.

Commissioner Balch noted that they talked about it a little bit and that it would be a code enforcement item as well.

Ms. Wallis confirmed that it would be.

Commissioner Balch noted that one of the questions asked earlier was whether the owners could rent out the entire property and have the teenage son move to the second unit, and that would be compliant.

Commissioner O'Connor replied that the owner is allowed to rent to only one person or one family, and it cannot be assumed that there is going to be a violation until there actually is one.

Commissioner Balch noted that it would be difficult to enforce because there is no way to know that they are all part of one family.

Chair Allen asked staff to clarify what the procedure would be for handling a situation if it was found to be in violation and is brought to Code Enforcement.

Mr. Weinstein replied that if a complaint is made to Code Enforcement, the Officer would come out and observe what is happening on the site, and if a violation is found, a fine can be imposed on the property owner in this case; and if after a certain period of time, the issue was not rectified, the Officer could impose additional fines on the property owner.

Ms. Harryman added that if compliance is not ultimately attained, the City could take legal action. She noted that this has not happened because the City usually gets voluntary compliance because citations ramp up and are usually effective.

Commissioner Balch added that it would be a Condition of Approval and so someone could be directly in violation of those conditions.

Ms. Wallis said that was correct.

Commissioner Piper stated that it sounds like there is really not much that can be done unless there is a violation in the future. She noted that it would be unfortunate if there is a mis-intention; but otherwise, everything looks good to her and is done to compliance at this point.

Commissioner Nagler agreed and stated that he thinks it is a mystery why this is being built, that it is clear in the correspondence that there is a suspicion that the Rochas are moving, and considering the money that is going to be put into this construction on the idea that it is going to generate revenue in some way if they are not going to occupy it; but that is not the Commission's business other than making sure that the City's policy is clearly stated as a condition of approval. With respect to the location on the property, he stated that he does not think it is reasonable to request that it be elsewhere on the property for all the reasons that everyone already stated. He added that to suggest that the egress and regress of vehicles to this property be off of the circular drive is unreasonable because it will create more of a traffic hazard coming in and out of the driveway on Sycamore Road. He pointed out that it appears trees would have to be removed from the property in order to make for that additional driveway, which would completely change the aesthetic of the property for no particular reason since there is perfectly good access off of Pioneer Trails Place. He indicated that the only question he has goes back to the construction vehicle business, and if it is a private road and the maintenance is shared in quarters by the four property owners, he would think it would be reasonable to make it a condition of construction that if, somehow, the construction did damage to this private road, the applicant would be responsible for the repair of the road to protect the road ownership interest of the other three property owners.

Chair Allen inquired if that is something that could be added as a condition.

Ms. Wallis stated that it was brought up by the Engineering Division to ask for some type of initial baseline measure to determine where it is now and added that it is something the Commission could discuss including.

Chair Allen inquired if the applicant would pay for the baseline measure.

Ms. Harryman replied that she is not certain the City could do that. She stated that if the Commission were inclined to include something like that, her preference would be to say "*If it is determined if that could be done.*" She indicated that she would like to have more time to consider this because she did not think the City can do that because it is a private road, and their construction vehicles could knock down ten trees on the way in. She stated that she thinks the City could probably condition it to say that construction parking must stay on the property and not be parked on the private road, but the condition of the road is a private matter that the City cannot condition.

Commissioner O'Connor added that it can also get sticky as the damage could have been due to when somebody else's pool or home was constructed. He noted that when he was looking at the property, it looked to him like there was a lot of water damage on the road in front of the other three homes, and he was not sure they maintained this road 25 percent regardless of whose water did the damage. He asked staff if there is a condition about construction traffic staying out there, or if there is no parking sign posted on that road even though it is private.

Ms. Wallis replied that there is none posted to her knowledge and that she is not sure how that would be possible since it is a private street.

Mr. Weinstein stated that there is a sign on Amber Lane that prohibits parking and that he believes that is intended to extend all the way up.

Commissioner Piper asked Commissioner O'Connor if his intention is that vehicles be parked on this hammerhead which is part of the private road.

Commissioner O'Connor said no; there is ample parking on the property on the 20-foot setback around the building, plus the owner's driveway.

Chair Allen asked staff if that condition is currently included as it sounds like all the Commissioners appear to think that it makes sense.

Ms. Wallis said no.

Commissioner O'Connor commented that if that is the biggest concern, he is sure it would be amenable to the owners.

Commissioner Balch noted that the applicant technically also owns the road if the condition will say parking has to be on his property.

Chair Allen stated it would exclude those shared private road.

Ms. Wallis stated that there is a private access easement over the road, and staff could craft a condition that indicates that vehicles have to be parked outside of the common private drive and only on private drive areas.

Commissioner O'Connor inquired if there is a way to craft it so that it would not be a problem if a truck comes in with a load of lumber that takes about ten minutes to unload, as opposed to parking there for the day.

Ms. Wallis replied that the condition could exclude while loading and unloading.

Commissioner Piper inquired if there is a length of time for the project to be built, how long the construction would take.

Ms. Wallis replied that she is not sure.

Commissioner Nagler commented that it seems the property owner would be vested in getting it done quickly.

Chair Allen stated that she thinks the location is appropriate; it protects the views and safety on Sycamore Road. She indicated that she rides her bike there all the time and thinks there is a reason why driveways and construction trucks are minimized on Sycamore Road. She indicated that her biggest concern my biggest concern on this is that she hopes she does not see the Rochas back with Code Enforcement because she trusts they are going to follow the guidelines. She added that she thinks the project makes sense, the location is right, and the design is good; and she supports the additional consideration on the construction parking.

Commissioner O'Connor moved to deny the appeal, thereby upholding the Zoning Administrator's approval of Case P15-0010, subject to the Conditions of Approval listed in Exhibit C of the staff report with added condition that construction vehicles are prohibited from parking on Amber Lane and Pioneer Trails Place at all times except for brief loading and unloading. Commissioner Balch seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2015-06 approving Case P15-0010 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Commission Nagler informed the Commissioners that the City Council has created a special Task Force on the planning of potentially a new Civic Center and Library, and

the several Commissions, including the Planning Commission, have a slot allocated on the Task Force with the choice to be made by each respective Commission. He inquired what the process would be for that.

Mr. Dolan replied that typically, the selection of the Commissioner would be agendaized, and the Commission would then accept nominations and vote. He indicated that staff will look into it and put it on the next Agenda.

Chair Allen thanked Commissioner Nagler for bringing up the matter.

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

a. Future Planning Calendar

725 Main Street

Commissioner O'Connor inquired if the 725 Main Street is the vacant lot where the old bar used to be and if something is coming in.

Mr. Weinstein said yes.

The Pleasanton Masonic Lodge and the Millers

Commissioner Piper inquired if the issue of the Masons vs. the Millers case died or if it is dormant.

Mr. Dolan replied that staff was just about to bring it forward again, and the Millers had some issues and requested a postponement; staff has not heard from the Millers since, so it is dormant.

Cancelation of April 8, 2015 Meeting

Mr. Weinstein advised that the next Planning Commission meeting, April 8, 2015, is canceled because there are no items, unless it is necessary for the appointment to the Civic Center Task Force.

Commissioner O'Connor inquired if that can be done by email.

Mr. Weinstein replied that he would look into it and inform the Commission.

Commissioner Nagler advised that April 3, 2015 is the deadline for putting in applications for the Task Force.

Lund Ranch II

Mr. Dolan stated that there are lots of things regarding the Lund Ranch II project that are requiring additional time. He noted that some of the information the Commission requested takes a fair amount of time not only to find the money but also to accomplish. He indicated that staff is still negotiating the Housing Agreement with the applicant and

is also working with them on the Development Agreement. He stated that the earliest it would be is the second meeting in April, and if the Housing Agreement gets bogged down, it could take even longer than that.

Chair Allen asked staff to double-check to make sure everybody will be present.

Mr. Dolan stated that he has also established relationships with some of the key people in the neighborhood and have notified them of the delay but that he will probably have to give them an update every two weeks or so.

Commissioner O'Connor asked Mr. Dolan to give the Commission a little detail of what's included in that Housing Agreement.

Mr. Dolan replied that the Inclusionary Housing Ordinance requires a certain commitment to providing affordable housing; there are some options and it typically requires negotiation. He indicated that it is pretty easy to do for an apartment building because the units are generally requested and dispersed throughout the building; however, for a single-family development, especially detached single-family in a hillside community, having every fourth or fifth house be at an affordable level does not really seem like the best use of resources. He noted that there is an in-lieu affordable housing fee that the developer can pay, and sometimes the City will negotiate for more than the minimum.

Commissioner O'Connor clarified that the Housing Agreement really talks about the affordable housing piece.

Mr. Dolan said yes and added that it is not something in the Planning Commission's jurisdiction but that of the Housing Commission and the City Council. He indicated that the City has always at least had an agreement with the applicant as to what the proposal was going to be that staff can describe to the Planning Commission before anything else is brought forward to the Planning Commission.

Commissioner O'Connor commented that Mr. Dolan had mentioned in the past year or so that these agreements are now more voluntary because of a case law.

Mr. Dolan replied that there was a case law that only affected the apartments; but while the requirements on ownership were not affected by that case, the City's ability to negotiate was somewhat limited, and the staff is rectifying that with a change to the Inclusionary Zoning Ordinance which will go through the Planning Commission because that is in the Zoning Code.

Commissioner O'Connor commented that the City has been successful with actually getting more cooperation from the developers.

Mr. Dolan said yes.

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.

d. Matters for Commission's Information

Mr. Dolan informed the Commission that this will be his last meeting as the Director of Community Development so he will not be sitting in this chair anymore. He noted, however, that he believes the Commission will still see him quite frequently in another capacity, most definitely relating to the Lund Ranch II application, the East Side Specific Plan, and the Economic Development Zone on Johnson Drive, and probably some others possibly in the future for Affordable Housing Agreements he will be working out with the Housing Commission. He noted that Steve Bocian used to bring them to the Planning Commission meetings and describe what they were for the Commission's information when it is considering housing applications.

Mr. Dolan then thanked all the Commissioners for their hard work and the support they have given staff in the time he has been in this capacity. He indicated that he really enjoyed working with each and every one of the Commissioners and their predecessors.

Commissioner O'Connor congratulated Mr. Dolan.

Chair Allen also congratulated Mr. Dolan and stated that the Commission has enjoyed working with him. He thanked Mr. Dolan for bringing on a great team.

Mr. Dolan agreed that the City has brought on a great team. He informed the Commission that in the interim Nelson Fialho has appointed the City Engineer Steven Kirkpatrick to be the acting Director of Community Development, and he will be running the Department with the understanding that Adam Weinstein will be the point person on planning applications. He advised then that their main point of contact will remain Adam Weinstein, although an engineer will be running the show for a period of time department-wise.

9. ADJOURNMENT

Chair Allen adjourned the Planning Commission meeting at 9:17 p.m.

Respectfully submitted,

Adam Weinstein
Secretary