



## PLANNING COMMISSION MEETING MINUTES

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

**DRAFT**

**Wednesday, January 22, 2014**

### **CALL TO ORDER**

The Planning Commission Meeting of January 22, 2014, was called to order at 7:00 p.m. by Chair Olson.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Commission.

#### **1. ROLL CALL**

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

Commissioners Present: Commissioners Greg O'Connor, Arne Olson, and Mark Posson

Commissioners Absent: Commissioner Nancy Allen, Jennifer Pearce, and Herb Ritter

#### **2. APPROVAL OF MINUTES**

##### **a. January 8, 2014**

Chair Olson asked Commissioners O'Connor and Posson if they wished to continue consideration of the January 8, 2014 Meeting Minutes to the next meeting when Commissioners Allen, Pearce, and Ritter would be in attendance.

Commissioner O'Connor noted that he would have to abstain from voting as he was not present at the January 8, 2014 meeting.

Chair Olson advised that consideration of the Minutes of the January 8, 2014 meeting is being continued to the February 12, 2014 meeting.

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 AND OMISSIONS TO THE AGENDA**

Janice Stern advised that there were no revisions and omissions to the Agenda. She noted that, as stated on the Agenda, Item 6.b., PUD-98-16-10M and P13-2092, Manmohan and Gurpreet Bal and Item 6.b., PUD-84, Frank Berlogar have been continued to the February 12, 2014 meeting.

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. **P13-2525, Greg Olson and John Dunphy, Colevan Electric**  
**Application for a Conditional Use Permit to allow the operation of an electrical contractor with warehouse storage of equipment, tools, and limited materials at 3942 Valley Avenue, Suites E and F. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.**

Commissioner O'Connor moved to make the required Conditional Use Permit findings as listed in the staff report and to approve Case P13-2525, subject to the Conditions of Approval as listed in Exhibit A of the staff report. Commissioner Posson seconded the motion.

**ROLL CALL VOTE:**

**AYES: Commissioners O'Connor, Olson, and Posson**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: Commissioner Allen, Pearce, and Ritter**

Resolution No. PC-2014-04 approving Case P13-2525 was entered and adopted as motioned.

## 6. PUBLIC HEARINGS AND OTHER MATTERS

### a. P13-2078, Summerhill Apartment Communities

**Work Session to review and receive comments on a Preliminary Review application to demolish the existing office building and construct 177 apartment units and related site improvements on a 5.9-acre site located at 5850 West Las Positas Boulevard in Hacienda Business Park. Zoning for the property is PUD-MU (Planned Unit Development – Mixed Use) District.**

Jenny Soo presented the staff report and briefly described the revisions to the project plans made by the applicant, based on the Planning Commission's comments at the first Work Session on September 11, 2013, as well as information requested by the Commission on the additional neighborhood outreach and the School District's report on the proposed development's projected number of students.

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

Kevin Ebrahimi, representing the applicant, thanked Brian Dolan, Ms. Soo, and Ms. Stern for their coordination and help in moving the proposal to where it is today. He also thanked the community for their help in coming up with a modified design proposal which addresses the Commission's and the neighbors' comments at the first Work Session. He noted that at that Work Session, the Commission provided positive feedback and several suggestions on the proposed design and strongly encouraged the applicant to meet with the neighbors, hear their concerns, and work with them to come up with a viable solution that would work for the site design and the neighborhood. He indicated that the staff presentation summarized the project well and that he would be providing a more detailed description of these changes and how they came up with them.

Mr. Ebrahimi identified the eight recommendations made by the Commission as well as based on comments made by the neighbors at the first Work Sessions:

1. *Provide a two-story view of Buildings C and D from the vantage point of the Parkside neighborhood; do not increase the heights of Buildings A and B, the four-story buildings along West Las Positas Boulevard.*

The units on Buildings C and D were redesigned to eliminate the third-story element and create a two-story view from the perspective of the Parkside neighborhood to the south, while keeping the three-story element facing northerly towards the interior of the project. A slide showed a view of the proposed building about 240 feet from the rear of the Parkside community: a two-story element with a roof pitch that goes towards a three-story element that is visible from West Las Positas Boulevard. While this design eliminates the third floor requested by the Parkside neighborhood, it also limits the number of units that must be relocated elsewhere in the project, thereby avoiding the need to increase the heights of Buildings A and B.

- 2. Increase the open space grass area within the project.*

The size of the grass area within the open space in the central paseo was substantially increased.

- 3. Remove direct access from West Las Positas Boulevard to the open space area of the project.*

Access to the project open space along West Las Positas Boulevard was relocated and the entrance was gated for added security. Individual units will still have direct access to the public sidewalk along West Las Positas Boulevard.

- 4. Consider relocating the pool area away from the southern portion of the site to reduce visibility and noise impact to the Parkside neighborhood.*

The open space component of the project was redesigned by relocating the swimming pool to the central portion of the site in order to increase the distance between the pool and the Parkside community. Additionally, a six-foot tall masonry wall has been incorporated along the southern property line with the connections of Buildings C and D to further reduce any noise impacts and to act as a buffer to block any vehicle lights shining toward the direction of the Parkside community.

- 5. Provide more trees and shrubs to screen the project from view by the Parkside neighborhood; save the existing Eucalyptus and Palm trees along the southern property line; provide visuals of landscape screening at the three-, five-, and ten-year growth periods.*

More landscaping has been provided between the proposed project and the Parkside neighborhood. All of the existing trees along the southern property line will remain as requested, and an evergreen hedge row has been added along the entire southern property line. A row of large evergreen trees will also be planted at the same location all the way along the property line, with additional planting of a series of large evergreen southern live oaks in the parking area to provide additional screening and give dimension and depth to the landscaping. This will provide a three-tier landscape step along that property line. Balconies were removed from the south-facing units in Buildings C and D to provide added privacy. Slides showed the projected view of Buildings C and D with a three-year, five-year and ten-year landscaping. Additional landscaping was placed on the southern portion of the six-foot tall masonry wall to screen the project's visibility from the neighbors' homes.

6. *Provide more architectural detail and potentially darken the white exterior color of the buildings.*

Additional architectural details were incorporated and darker colors were provided. The updated architectural elevations plans highlight the following changes:

- Wooden gates at entries to the patios
  - More awnings
  - Rafter tails
  - Sconce
  - Recessed windows
  - Two darker color palettes replacing the exterior white color
  - Off-white finish on Buildings A and B and a taupe finish on Buildings C and D
  - Redesigned end unit in Building A that is visible from West Las Positas Boulevard to provide much greater detail
  - Added pilasters and wrought iron
  - Raised height of the brick exterior treatment and increased brick banning at key locations
7. *Continue to work with the neighboring commercial property on the west side of the project regarding the proposed carports, landscaping, and other visual screening.*

Outreach work with the westerly commercial neighbor, Mr. Doug Giffin, has continued, and in response to his concerns, decorated fencing and greater landscaping have been provided, including a full evergreen screen hedge along the property line to augment the exterior pear trees at that location. In addition, large evergreen southern live oak trees will be planted to provide additional screening. A slide shows the existing view of the commercial property and visual simulations of the projected view at a five-year growth.

Mr. Giffin's preference is to eliminate the carports in this area; however, this design provides significant benefit to the project and the people who will live within that community, without adversely impacting the adjacent property. A cantilevered design for the carports has been developed so they will not have any side or rear walls, and in many respects, the carports are designed more like shade trees than structures. One note to consider in evaluating if carports in this area should be allowed is to recognize that when the original setback condition was placed, the mitigation of landscaping and carport design was not available to make that determination.

8. *Continue our outreach with the community.*

Outreach efforts with the Parkside neighborhood has continued, both with individual residents and in neighborhood meetings, to better understand the neighbors' needs and concerns:

- Neighborhood meeting at the project site on September 4, 2013, before the first Planning Commission Work Session.
- September 11, 2013 Planning Commission Work Session at which comments from the Commission and the neighbors were received.
- During September and October Summerhill called, emailed, and/or met individually with all neighbors who presented comments at the Planning Commission Work Session. Not all residents were willing to meet individually, but for the most part, the majority met with Summerhill representatives at the community meetings.
- On October 6, 2013, Summerhill introduced the project and answered questions at the neighborhood meeting organized and hosted by a Parkside resident.
- On Sunday, October 20, 2013, Summerhill hosted a neighborhood meeting to again present the project and hear additional comments.
- In mid-November of last year, Summerhill developed a fact sheet for the City and neighborhood leaders for distribution, for transparency and to respond to all of the questions posted individually and at group meetings regarding this project.

Mr. Ebrahimi stated that Summerhill has been very successful in its projects as it accommodates the neighbors while keeping the projects economically feasible. He noted that both aspects need to work together to make a project work.

Mr. Ebrahimi added that they were asked last week to consider three other items following staff's meeting with the neighbors:

1. *Provide landscaping to screen the proposed six-foot tall masonry wall on the south property line of the community.*

Creeping fig vine has been incorporated for this visual screening, as shown in the plans presented earlier.

2. *Prohibit pets, dogs in particular.*

The apartment community would be at a great disadvantage if it did not allow for dog ownership. Residents will want to have that option, and Summerhill will want to continue to offer that flexibility.

3. *Location of trash bins at the southeasterly location of Building D.*

The design and location of the trash bins are being modified so garbage trucks do not require access to the rear alley for pick-up of any items.

Mr. Ebrahimi indicated that their consultant team is present to answer any questions the Commission may have.

Robert Natsch, acting as spokesperson for the Parkside community, stated that his house is directly across the Arroyo from the Summerhill development. He indicated that, for the most part and given the requirements, the Summerhill Complex drawings are very professional and that the Parkside group was encouraged by the changes made to the original plans: moving the pool to the center of the development, eliminating the balconies and stairways from Buildings C and D facing the Arroyo, sloping the rooflines on Buildings C and D, adding the six-foot tall sound wall and a gate accessing the Arroyo, and changing the building colors. He noted, however, that residents would rather not have any three- or four-story buildings on this site and that, in fact, they prefer not to have any apartment complex there at all.

Mr. Natsch stated that upon review of the third pre-submittal plan document represented tonight, the members of the Parkside community want to express the following concerns:

- They are encouraged that there will be mature trees along the back wall, based on the five-year plan, as they are concerned it may take too long for small plantings to grow and mature.
- They would like reassurance that the existing eucalyptus trees will be preserved, and they heard that this evening that they will be, which is good news as well.
- They would prefer an eight-foot soundwall versus a six-foot soundwall. The 24/7 noise that will be generated by a 177-unit apartment complex with a swimming pool, playground, cars coming and going, and trash hauling will certainly change and negatively affect the quality of life of nearby residents.
- They also would like the City to control the demolition and construction hours and would like to know who to call when there is a work crew making noise outside the designated hours.
- They have asked for the no-dog permit for residents. Many of the residents love dogs and own one themselves, but a 177-unit density is just too high for that many potential animals.
- They want no north side access to the Arroyo. There is already public access to the south side of Arroyo and they do not want public access on the north side as well. They are concerned that part of the Arroyo will become a dog-run and a literal eyesore. The apartment density is just too great for that many people to have easy access to the site.

Mr. Natsch stated that the rendering on page A6.7 of Exhibit B showing a south view of Buildings C and D is misleading. He noted that according to the plans, Buildings C and D will be 36 feet, 10 inches high from grade to ridgeline, and Buildings A and B

which will be to the north, will rise to 51 feet, 11 inches. He pointed out that based on this view, there is a 15-foot difference that is not represented by blue sky that will block most of that view from their side of the Arroyo. He explained that on these particular views, Buildings C and D are shown from the rear, and Buildings A and B are seen 15 feet over the roofline of Buildings C and D, but the drawing does not show how much of the sky will be blocked by Buildings A and B. He added that they currently have a slight view of Mt. Diablo, and that will be totally erased by the Summerhill project.

George Bowen, an original Parkside resident, stated that they bought their house in 1985 and have lived through the many changes that have impacted the Parkside community. He indicated that he would like to start with some important general comments that are less specifically related to Summerhill. He stated that he believes there is a sense among the Parkside residents who were surprised that they are standing here with a development that is zoned and is moving forward. He stated that there was a notice that was sent out, and along with that notice were assurances that there were no plans to develop and they should not expect a development on that property in the future at all. He indicated that that really removed their concerns, and they did not come down and address the rezoning.

Mr. Bowen stated that he thinks it would be worth going back and looking at some of the additional comments made about the zoning changes, that they were just finding spaces to accommodate the lawsuit that occurred. He noted that the City was really put in a spot in that lawsuit, but now there are developments that are either existing, being built, or in the process of being approved which make Las Positas a high-density housing corridor and will have a significant impact on the Parkside community. He added that on one side, they have a wonderful sports park that they are proud of and grateful for; it does create noise for them, but the benefits far outweigh the detriments. He noted that they do have noise from the sports park that is actually currently reflected off of the buildings on their backside which is along the Arroyo.

Mr. Bowen stated that one other thing they heard discussion about this specific project is the adjacent property, and the Parkside community would very strongly appreciate a review of the zoning of the adjacent property to have an even larger housing development next to this 177-dwelling unit property, and which would have a much more significant impact on them than this current project has.

Mr. Bowen stated that they appreciate the concessions that have been made on the part of Summerhill, who has listened to the concerns expressed and have made the efforts to make the project more tolerable for them. He noted, however, that they have a few specific concerns that he would like to raise, one of which has to do with the sound wall. He indicated that he has a background in acoustics, and the term that is been used, "sound wall," is a bit of a misnomer. He explained that sound reflects off of hard objects, and that is why recording studios tend to be made up of very soft objects. He noted that masonry has about the lowest co-efficient absorption of sound of any material out there: only .02 percent of sound that strikes masonry is absorbed; 99.98 percent of the sound is reflected. He pointed out that on the proposed property



site, there is going to be a lot of sound reflected back where the trees are towards the residents. He indicated that although they would like a wall for improved privacy and to reduce the noise that comes from the development, they will also face a competing problem which is the reflection of sound that could come from Hopyard Road and from the sports park, and they may actually be increasing the noise level that they experience now apart from whatever noise comes from the development itself. He indicated that the nature of the acoustic properties of a flat masonry wall is to reflect more noise directly back at the residents, from sirens and cars on Hopyard to soccer goals at the sports park. He stated that there are two ways to address this issue: one is to create a wall that diffuses sound that could still be made of masonry; and another is to make the wall out of material that is more absorptive of the sound. He added that a combination of both of those is best, and asked that a study be made by a professional acoustic engineer on how best to reduce the negative acoustic properties of that wall.

Mr. Bowen stated that the remaining points he has are that they strongly object to access to the Arroyo on the north side and the impact on water. He indicated that a very rough estimate of the water usage of this one property is about 10 million gallons of water a year. He noted that there is a precious reserve in Zone 7 and asked that that concern be addressed.

Doug Giffin, Chamberlin Associates, owner of the commercial property immediately to the west of the new Summerhill project, stated that the buildings along West Las Positas Boulevard currently interact very well with one another. He indicated that each of them tends to have three fronts so no matter where one is on these multi-tenant buildings, that person would be staring at the front of another building and would not feel that he or she is somehow tucked away or hidden in the back of a property. He noted that currently, a quarter of their 94,000-square-foot building, or about 25,000 square feet of the building is continuous, full glass in the front of those spaces, and they all directly face the Summerhill property. He pointed out that their current view now from the front of their single-story attractive building with Spanish tile roof and a great context is the parking lot.

Mr. Giffin stated that one of their concerns early on and why they were so heavily involved in developing the development standards was because of the relation between both the use of the adjacent property and the visual impact of the fence. He indicated that the new building will be 20 feet closer to their property and quite a bit taller; so the two things they worked very hard to have incorporated into those standards were the 50-foot setback within the structures and the stepping of the buildings. He added that, to Summerhill's credit, he thinks they have done a great job in designing an attractive project; and without the carports there, he thinks it achieves the goal that both planning, the Business Park, and Chamberlain thought was necessary to maintain that visual appeal for their tenants. He added that early on, Mr. Ebrahimi asked him if Chamberlain would consider carports, and Chamberlain wanted to be able not to mind and see what Summerhill would come up with.

Mr. Giffin stated that from the top view and without the carports, it would be relatively similar to what Chamberlain has now: one is in front of the building staring at the front of another building. He noted that now, it is essentially 50 feet off of that nice separation, and one is suddenly looking at the rear end of the property instead of the front. He pointed that that it makes ¼ of their building suddenly undesirable, more difficult to lease, and more difficult to retain tenants. He indicated that they had requested a wrought-iron fence simply to try and prevent cross traffic; they are not looking for a visual barrier but for a nice openness, a look at these great attractive buildings.

Mr. Giffin requested that the Commission hold Summerhill to the Design Guidelines that were developed for this reason and not allow structures within that 50-foot setback area. He indicated that the impact to their tenants is great and would have a significant effect on their ability to retain tenants and the rents that they get for their property.

Mr. Giffin stated that the only other thing he wants to say is that he was very happy with the detailing on the garages at the entrance to West Las Positas Boulevard, where the simulation focuses on one of the buildings that does not have garages. He indicated that the garages to the right, to the south of their project, also directly face Chamberlain, and he requested that they have similar detailing to the garages to the front of the project so they are also attractive and do not appear to be kind of the back of the development

Karen Ellgas, a Parkside resident, stated that they formed a committee and five members of Parkside will be speaking. She indicated that tagging onto what Mr. Natsch mentioned earlier, they have listed 14 items that were a concern to the neighbors, in order of importance, some of which have already been addressed and which has been very encouraging:

14. *Assess the availability of neighborhood parks for the unit residents.* Pleasanton has a neighborhood park philosophy; where would the neighborhood park be for this particular development?
13. *Location of the dumpsters,* which has been addressed.
12. *Balconies,* which has been addressed.
11. *No dogs permitted in the residential units.* There is an issue with that many potential animals on that site and the problems that would arise from that.
10. *The traffic impact of the development.* There surely are traffic impact studies for that.
9. *Location and elimination of the swimming pool.* That has been addressed.
8. *Open up the discussion on the Below-Market Rate (BMR) housing.* This has been discussed.
7. *Eliminate the three-bedroom units; limit the number of bedrooms to two or less.*
6. *Smoking ordinance.* What is it for the City of Pleasanton?
5. *Include underground parking in the design.* That is something they would like.
4. *Landscaping and hardscaping concerns.* The developer seems to be working very well on this.

3. *Security, privacy, access to the Arroyo.* The plans appear to show no access to the Arroyo.
2. *Number of stories limited to two or less from our view.* This has been been addressed.
1. *Impact of development on schools.* Provide access to the report Ms. Soo talked about.

Ms. Ellgas asked about the possibility of the applicant providing a two feet by four feet (2' x 4') model of the proposed project so people can see what it actually might look like.

Joanie Chidambaram, a Parkside resident, asked if Summerhill will redraw the plans. She stated that the development would be visible from her home and that she specifically told the applicant that she was interested in seeing what the development was going to look like from their home. She pointed out that the slide presented earlier of the view from the south did not include Buildings A and B, and she does not believe they are far away enough that they would not be visible. She indicated that she thinks what everybody needs to see is what it would look like from the back because that is a lot of roof and it will just look like one big solid, dark brown slope.

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

Chair Olson explained that, with respect to the concern mentioned that there was not going to be any development on this parcel and now there is a project planned, the City is under pressure from regional housing organizations and from Sacramento to provide more housing in Pleasanton. He pointed out that, as everyone may be aware, there was a lawsuit, and the City lost the lawsuit; and that is why staff has spent over a year looking around the City for property that could be rezoned to permit housing. He noted that there is considerable pressure from outside the City, and that is why this is occurring.

The Commission then proceeded to consider the Work Session Discussion Points.

1. *Is the new location of the pool and other amenities, and access from West Las Positas Boulevard acceptable?*

Commissioner O'Connor stated that where the pool is located is what the Commission was asking for and that he is satisfied with that. With respect to the access from West Las Positas Boulevard, he inquired if the gate only opens out and is restricted from outside coming in.

Chair Olson noted that that is the way he reads it.

Ms. Soo replied that it is just for residents to pass.

Commissioner O'Connor stated that he is satisfied with that.

Commissioner Posson stated that he is as well.

Chair Olson stated that they are all in agreement and are fine with that.

*2. Is the revised proposal for massing at the rear of the site with two- and three-story building combinations acceptable?*

Chair Olson stated that he thinks it is a good thing that the Arroyo side has two stories; however, based on the number of units needed here, it will have to be a three-story building in front on West Las Positas Boulevard. He indicated that he finds that combination acceptable. He noted that at the prior Work Session, the Commission asked about the distance from the southern edge of the building out to the edge of the Arroyo and it turns out that it is at least as long as or maybe a bit longer than the current building. He asked staff if he is correct in assuming that has not changed in this revised plan.

Ms. Soo replied that was correct.

Commissioner Posson thanked Summerhill and staff for providing additional views because he thinks they help significantly. He stated that when he looked at the view from the south, his first reaction was that there was a lot of roof. He indicated that he did go back and read the Minutes from the previous hearing, but he thinks that the reduction on the three-story on the rear side of the building did not help. He noted that part of the comments was the visual impact of the building itself, and he recalls someone suggested story poles. He stated that he thinks it might be beneficial to look at story poles to show the residents what the profile would look like for the entire development, not just for Buildings C and D but also for Buildings A and B as well, because there have been some comments about these views not being accurate representations of what the development would look like. He indicated that he is not yet convinced that the design of both those buildings fit the visual impacts the Commission would like to see.

Commissioner O'Connor stated that part of the discussion at the last Work Session was the visual impact of looking at the building and moving some of the units, as well as privacy because there was another set of windows up there that looked into people's yards. He noted that those have been accomplished. He stated that he does not know if there is anything that can be done with the massing as they have moved as many units as they can, and there is not much more that can be done at the back while meeting the 30 units to the acre that needs to be done.

Commissioner O'Connor stated that he would like to see an additional visual that shows Buildings A and B in the distance, if that can be added in. He added that he does not know if erecting story poles for a project of this size would help a lot to do anything of significance. He pointed out that one thing he would like the applicant to look at is another way of cutting that roofline to make it look less massive; however, he does not know what could be done because there would be units right behind them, and that

could expose windows back into the southern direction. He stated that he is fine with where the units are going to be. He indicated, however, that he would like something done to reduce that massing which is very flat and goes all the way across, and maybe improve the roof a bit.

Mr. Dolan asked if the Commission noticed that there were some variations in the roof, that there are small sections that stick out a little bit farther on the end. He pointed out that there is a lot of brown, but there is going to be some shadow and some variation.

Commissioner O'Connor noted that it does look like it sticks out, even when looking at the lower one; but it almost looks like everything melds in, or at least that is what the visual will look like with a flat, one-color roof.

Mr. Dolan stated that there will be some shadow that will help show the difference. He added that the alternative was to leave the windows, and there might have even been decks and balconies out there, but this was the number one concern of the neighbors.

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

Mr. Ebrahimi noted that the visual presented by staff shows only Buildings C and D to provide clarity for the Commission to see just these two buildings. He noted that the empty air space between Buildings C and D is where Buildings A and B would be located. He then displayed the applicant's slide which shows all four buildings and more roof articulation. He added that the 15-foot angle is over 50 feet from one ridge to another, and that is what is reflected. He indicated that looking at all the buildings together does two things: it shows the full perspective, and it provides a lot more roof differentiation.

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

##### *3. Is the revised building design acceptable?*

Commissioner Posson stated that he likes all the improvements the applicant has made. He noted that the residents have indicated that they view visual impacts as significant and asked the applicant to go back and see if there are any design changes that could be made to make it less intrusive to the residents.

Commissioner O'Connor agreed that the applicant did a lot of improvements that the Commission asked for. He indicated that he is actually very impressed with what they did and that he likes the results: the wood gates; some wood detail at the bottom to make those patios look a lot nicer; the awnings; the rafter tails, and the very extensive change on the redesigned end unit.

Chair Olson stated that he also likes this revision.

4. *Is the revised dwelling unit with living units over parking by Buildings A and B acceptable?*

Chair Olson stated that if one story is eliminated in the back on the south end, those units will have to be put somewhere to accommodate the required 30 units per acre.

Commissioner Posson agreed.

Commissioner O'Connor also agreed. He added that it is not what he desires, but it looks like it is the only place, if they are to be moved off the south side, which is a big gain for everyone.

5. *Would the Planning Commission support the requested exception if the project were to move forward as proposed?*

Chair Olson noted that the exception is the southeast portion of Building B as set back approximately five feet eight inches from the back of the sidewalk, not meeting the required eight-foot setback. He stated that his sense is that this is a limitation due to the geometry and the layout.

Commissioner Posson stated that he did not see any explanation on why the eight-foot setback was not feasible.

Commissioner O'Connor stated that parallel parking is being added.

Ms. Soo confirmed that this is for the parallel parking provided on the entry street.

Commissioner Posson inquired what the effect would be if the parallel parking is not provided.

Commissioner O'Connor replied that the parking requirements would not be met.

Ms. Stern said yes. She added that the idea is to create a street coming into the project, and the parallel parking helps to do that.

Commissioner Posson inquired if there were no other alternatives to meet the parking requirements.

Ms. Stern replied that in that location, there were no other alternatives than to eliminate the on-street parking.

Commissioner Posson inquired if staff is supportive of that exemption.

Mr. Dolan replied that staff considers it to be pretty minor.

Commissioner O'Connor stated that he thinks going from an eight- foot planter to an almost six-foot planter is fine.

Commissioner Posson stated that, with staff's explanation, he is fine with it.

*6. Is the revised landscaping in the rear acceptable?*

Commissioner O'Connor said yes.

Chair Olson also said yes.

Commissioner Posson noted that Mr. Bowen talked about the acoustic properties of masonry walls. He stated that he knows sound and that noise is a large issue for the Parkside residents. He indicated that he would like to see some evaluation of the attenuation properties of the wall in the design and whether there is not a better design to better abate the noise.

Commissioner O'Connor stated that he does not have a problem taking a look at it. He noted that this was another added item Summerhill agreed to put in for the Commission, so he is glad that they are already doing that. He noted that he does not know how many more iterations are needed and that it looks like there's always something else each time around. He added, however, that he does not have a problem looking at it especially if it is a design. He stated that he heard one gentleman refer to it as a straight flat wall. He noted that he has seen curved walls, but he does not know if it is done for noise.

Commissioner Posson stated that he definitely likes the landscape design. He indicated that he appreciated how the applicant looked at that visual impact and tried to mitigate it to the greatest extent possible.

Chair Olson inquired if all of the landscaping proposed is on the inside of that sound wall so the closest thing to the Arroyo is the sound wall.

Mr. Dolan said yes, plus the vines that staff asked for.

Chair Olson stated that he is fine with what is being proposed.

Chair Olson noted that at the last Work Session, he raised the issue of access to the Arroyo. He stated that he thinks there is no access here and hopes that would remain.

Ms. Stern replied that the access has been eliminated.

Chair Olson noted that there is nothing the Commission can do about the other side of the Arroyo as that is not the responsibility of this project. He then asked the Commissioners if they have any other questions.

Commissioner O'Connor stated that he has one last comment. He indicated that he is a bit disappointed that there are no carports on the one side. He stated that he understands the reasoning behind it and asked if this is all a done deal.

Mr. Dolan replied that it is a question staff did not ask the Commission. He indicated that the applicant would like to put the carports in, but the neighboring properties' interests oppose them. He added that it would be an additional exception from the Design Guidelines. He noted that the parking requirement can be met either way; it is just whether or not the people who live here get the benefit of a carport.

Commissioner O'Connor inquired, assuming there are no carports on that side, how many parking spaces on the complex would be uncovered. He further inquired if there would be more than just those on the west side.

Ms. Soo displayed the site plan and pointed out the carports located on the west and south sides of the project site, the surface parking by Building C, and the parallel parking on the south side of Building A and B and along the entry street.

Commissioner O'Connor noted that there were not too many and estimated that there are maybe 30 in the complex.

Ms. Soo replied that was about right.

Commissioner O'Connor noted that it is a significant number. He inquired if all the surface parking shown on the slide is all guest parking.

Ms. Stern replied that not all of them are for guests.

Commissioner O'Connor inquired if they are all assigned parking and noted that there have to be some guest parking there.

Ms. Stern replied that one space is usually assigned per unit and the rest would be sort of free for all.

Commissioner O'Connor asked Mr. Dolan if he was looking for any additional input from the Commissioners.

Mr. Dolan replied that it would be helpful if the Commission had an opinion about the carports. He added that staff got kind of a mixed message on the story pole discussion.

Commissioner O'Connor stated that he would rather not spend the money on the story poles. He indicated that to begin with, a two-story and three-story complex has to be built. He added that he just wanted to see if there was anything else that could be done about the roof massing.



Chair Olson stated that he was satisfied with the explanation the applicant gave about the four buildings and that he does not see any reason for adding to the cost by doing story poles.

Commissioner Posson stated that he does not see it as a requirement and that he was only suggesting that as something the applicant may want to consider to give the residents a better sense of what the visual impact would be or would not be. He indicated that he would really leave that up to the developer in the discussions with the residents. He then addressed the methodology used to have discussions with the residents. He noted that the applicant had said that they reached out to people who had expressed an interest in the development. He indicated that to him, that is different from going out and sending a notice out to the neighborhood and asking them to come down and give their views about an apartment complex they are planning to construct.

Chair Olson asked staff if the Work Session was noticed to everyone.

Ms. Soo said yes.

Chair Olson asked if the first Work Session was also noticed.

Ms. Soo said yes.

Mr. Dolan stated that he would also like to share with the Commission, which was alluded to a little bit, that City Manager Nelson Fialho and he actually hosted and invited the neighborhood to come to a meeting held in the Council Chamber, and that was a couple-hour dialogue. He continued that it was followed up with the neighbors agreeing to sending a small group, which resulted in yet another meeting with him, and they have been working through some of their issues and continue to do so. He noted that there may be some legal things, for example, the issue about the dogs, and the City Attorney is questioning whether that can be done.

Julie Harryman stated that she has not researched that matter, but hearing it tonight, she is not entirely sure that is something the Commission is interested in. She indicated that she can certainly research whether or not it is even feasible to put a condition on the project that would not allow them to have dogs.

Commissioner O'Connor stated that he does not know how many people have dogs in apartments versus houses. He added that obviously, they would have to be inside a unit and walked by owners, so they are not going to be left unattended in a back yard where they would be barking all day when no one is home; and if they are barking inside, they will only disturb other tenants who will then complain to management. He indicated that he does not really have a problem with dogs.

Chair Olson stated that he is on that side as well.

Commissioner Posson stated that that is where he is too.

Commissioner O'Connor stated that with respect to carports, he is torn because he understands the next-door neighbors and their view and what they are looking at, but he also would really like to have seen the apartment complex have the carport as opposed to open parking because it makes it a more desirable complex. He added that he certainly know what it is like to leave a car outside and get dust all over it all the time. He noted that there have been other variances that the Commission has granted and have had no objections to, and this is the only one which seems to have an objection.

Chair Olson questioned if that item is still under discussion with that property owner.

Commissioner O'Connor stated that the other property owner spoke tonight.

Commissioner Posson stated that he is of the same opinion and understand both points of view. He indicated that from the tenants' standpoint and from the developer's standpoint, it is more attractive to have carports, but he understands the adjacent property owner's concerns as well. He added that he would hope both parties would continue to look at different options, and the Commission can then decide where it wants to go when the project comes back.

Commissioner Posson noted that someone mentioned the large area of grass, and that from an amenity standpoint, a grassy area is nice for residents to have as a recreational area. He pointed out, however, that as everyone present may know, there is a water shortage, and the Governor declared a drought. He addressed the applicant and stated that they may want to look for alternatives to natural turf, maybe some type of artificial turf to reduce the burden on irrigation.

Commissioner O'Connor noted that the open area has been discussed and that he believes that is where the barbecues would be located and maybe serve as a gathering area as well. He stated that children may want to throw or kick a ball around, but maybe it does not necessarily have to be all turf, some of it could be hardscape.

Zacky Abed, Project Landscape Architect from Van Dorn Abed Landscape Architects, Inc., stated that there are barbecues on the south end of the pool and on the north end of the green area which also has trellises and picnic benches. He indicated that the Statewide ordinance allows high water use landscaping for 25 percent of the site, and that is what the open area encompasses; everything else is low water use.

Commissioner O'Connor stated that because water is covered by the owners, synthetic turf is certainly an option if they want to save on their water bill.

No action was taken.

- b. **PUD-98-16-10M and P13-2092, Manmohan and Gurpreet Bal**  
Applications for: (1) a Major Modification to the approved Development Plan for Mariposa Ranch to reduce the minimum side yard setbacks for the custom home proposed on Lot 14 from the required 10 feet minimum and 25 feet combined total to 5 feet minimum and 12 feet 2 inches combined total and to reduce the building-to-building separation between Lot 14 and Lot 13 (5250 Clubhouse Drive) from 25 feet to 17 feet 11 inches; and (2) Design Review approval for the construction of an approximately 5,860-square-foot two-story single-family custom home on Lot 14 (5270 Clubhouse Drive.) Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

This item has been continued to the February 12, 2014 meeting.

- c. **PUD-84, Frank Berlogar**  
Application for Planned Unit Development (PUD) Development Plan approval to subdivide an approximately 37.4-acre site located at 88 Silver Oaks Court into three single-family residential lots: two lots measuring approximately 1.2 acres and 1.9 acres for custom homes; and one lot measuring approximately 34.3 acres for the existing dwelling and accessory structures. Zoning for the property is PUD-HR/OS (Planned Unit Development – Hillside Residential/Open Space) District.

This item has been continued to the February 12, 2014 meeting at the request of the applicant.

## **7. MATTERS INITIATED BY COMMISSION MEMBERS**

### **League of California Cities Conference**

Chair Olson stated that he received a brochure regarding the League of California Cities Conference in March, to be held in San Francisco. He indicated that there are several new members on the Commission who might be interested in attending, particularly since it would involve limited costs. He noted that when he first became a Commissioner, he and Commissioner O'Connor, both newcomers, went to one in San Diego, and it had really good input and gave them a chance to get to know each other better. He added that the League does a really good job. He inquired if there were any plans for this.

Mr. Dolan replied that he saw the brochure and was going to distribute it to the Commission. He indicated that the Department used to have a pretty robust training budget, and then over the years of the downturn, the City shrunk it and has never really grown it back. He noted, however, that that does not mean he cannot look for money, adding that its being local and would not entail any hotel costs make it a lot more economical.

Chair Olson added that there would be no airline fees; just a BART ticket.

Mr. Dolan noted that it would be useful for the newer Commissioners and that he would send the brochure to the Commissioners.

#### American Planning Association Workshops

Commissioner Posson stated that along those same lines, he attended the American Planning Association's four- series workshops last year and found them very helpful and beneficial. He indicated that he just got an email inviting him to those four sessions and that the other new members, Commissioners Allen and Ritter, might benefit from those workshops. He added that they were held on Saturdays in different locations in the Bay Area, and there was no charge.

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

#### **a. Future Planning Calendar**

No discussion was held or action taken.

#### **b. Actions of the City Council**

No discussion was held or action taken.

#### **c. Actions of the Zoning Administrator**

##### P13-2384, Arnold Kruse

Commissioner O'Connor noted that one of the items approved by the Zoning Administrator was reducing the lot size of an address on Second Street. He indicated that he went by the house, and it is an existing residence. He inquired why or how the lot size of an existing site is being reduced.

Steve Otto stated that he was the Zoning Administrator for that hearing. He stated that there are two lots: one fronts First Street and the other fronts Second Street. He explained that these two properties were an anomaly where their rear property line was skewed as compared to the other lots. He continued that the property line for one of the lots was right where the back of their garage was so they were able to negotiate with their Second Street neighbor to acquire some of their property so they could maintain their garage, and moving the property line made it more in conformance with the rest of the block. He noted that it did not match exactly, and they did not get all of it, but it increased it more in conformance. He added that because the lots were already less than 8,000 square feet, a variance was needed so they had to apply for and be granted that.

Commissioner O'Connor asked if they are actually going to move the fence line.

Mr. Otto said yes.

Commissioner O'Connor inquired how the properties are zoned for a minimum of 8,000 square feet when there are so many existing lots there that are less than 8,000 square feet.

Mr. Otto replied that that is the nature of the Downtown; it has a lot of substandard lots.

**d. Selection of Planning Commissioner(s) to act as Alternate(s) for the Heritage Tree Board of Appeals for 2014**

Julie Harryman stated that Commissioners Allen and O'Connor are currently on the Heritage Tree Board of Appeals, and the Board had a meeting earlier this evening. She indicated that Commissioner Allen was unable to attend the meeting, and so Commissioner Posson was kind enough to come and act as one of those Board members. She noted that it makes sense, given that, that Commissioner Posson be selected as the Alternate; or two Alternates can actually be selected: Commissioner Posson for Commissioner Allen, as he served in her place this evening; and if Commissioner Ritter were interested, although he is not here tonight, he could be the alternate for Commissioner O'Connor should he be unable to attend one of those meetings.

Mr. Dolan: stated that Commissioner Ritter did indicate at the last meeting that he was interested, and the reason why he did not volunteer for tonight's meeting was because he had his own conflict.

Commissioner O'Connor added that knowing that both Commissioners Olson and Pearce are terming out soon, there would be only four Commissioners left, two of whom are already on the Board; so it makes sense that the other two would be the Alternates by default.

**Commissioner O'Connor moved to select Commissioners Ritter and Posson to act as Alternate(s) for the Heritage Tree Board of Appeals for 2014.  
Chair Olson seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners O'Connor, Olson, and Posson**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: Commissioner Allen, Pearce, and Ritter**

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

Mr. Dolan advised the Commission to be prepared to work hard at the next meeting.

Commissioner O'Connor inquired what items were on the Agenda for the next meeting.

Chair Olson commented that it would be the two continued items.

Mr. Dolan added that there would be a couple of Work Sessions for two big projects, one of which is CarMax at the Staples Ranch site.

**9. ADJOURNMENT**

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

Respectfully,

JANICE STERN  
Secretary