



## PLANNING COMMISSION MEETING MINUTES

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

**APPROVED**

**Wednesday, November 28, 2012**

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

### **CALL TO ORDER**

The Planning Commission Meeting of November 28, 2012, was called to order at 7:00 p.m. by Acting Chair Phil Blank.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Commissioner Jennifer Pearce.

### **1. ROLL CALL**

Staff Members Present: Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Marion Pavan, Associate Planner; Jenny Soo, Associate Planner; Rosalind Rondash, Associate Planner; Natalie Amos, Associate Planner; Kaushik Bhatt, Acting Development Services Manager; and Maria L. Hoey, Recording Secretary

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

Commissioners Absent: None

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

There were no Minutes for consideration.

**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 Planning Commission.

**4. REVISIONS AND OMISSIONS TO THE AGENDA**

Janice Stern advised that there were no changes to the agenda. Acting Chair Blank announced that Item 6.c, Sares Regis/E&S Ring – Auf der Maur/Rickenbach Property, has been continued to the December 12, 2012 meeting.

**5. CONSENT CALENDAR**

**a. P12-1744, John Omar Suer/Dusty Cars**

**Application for Conditional Use Permit to operate an internet-based automobile sales business without service and with interior vehicle storage and one outdoor parking space designated for vehicle display at 3724 Stanley Boulevard, Suite B. Zoning for the property is C-S (Service-Commercial) District.**

**b. PUD-93, Bruce Myers, Danville School Street Investment**

**Application for Planned Unit Development (PUD) Development Plan approval to construct a four-lot detached single-family home development on an approximately 2.23-acre site located at 362 Sycamore Road and a vacant lot (APN 948-17-7-4), within the North Sycamore Specific Plan area. Zoning for the properties is PUD-LDR/O (Planned Unit Development – Low Density Residential/Office) District.**

**c. P12-1693, Arun Pai, General Contractor**

**Application for Design Review approval to construct an approximately 4,268-square-foot single-family home with a 719-square-foot attached garage at 6069 Kolb Ranch Drive, Lot 5 of the Kolb Ranch Estates Zoning for the property is PUD-LDR/C/PHS/WO (Planned Unit Development – Low Density Residential/Commercial/Public Health and Safety/Wildlife Overlay) District.**

**Commissioner Pearce moved to make the conditional use findings for Case P12-1744 as listed in the staff report; to find that the proposed PUD Development Plan, Case PUD-93, is consistent with the General Plan, the North Sycamore Specific Plan, and the purposes of the PUD Ordinance, and to make the appropriate PUD Development Plan findings for Case PUD-93 as stated in the staff report; and to approve Cases P12-1744 and P12-1693 and recommend approval of Case PUD-93, subject to the Conditions of Approval as listed in Exhibit A of the respective staff reports.**

**Commissioner Narum seconded the motion.**

Commissioner O'Connor noted that in one of the letters received by the Commission for Item 5.b., PUD-93, Bruce Myers, Danville School of Street Investment, reference was made to the North Sycamore Specific Plan (NSSP) as allowing only single-story homes. He stated that he checked the NSSP and did not find anything relating to one-story or two-story homes and asked staff to confirm the reference.

Ms. Stern stated that a map on page 22 of the NSSP shows a setback area along Sycamore Road and on Sycamore Creek Road which was established on the basis of a traffic assumption of 10,000 average daily trips (ADT) at the time the NSSP was adopted because it was estimated then that there would be a lot more potential development, about 400 homes, around the golf course area. She explained that this setback was established to address any noise impacts anticipated from the 10,000 ADT. She noted that a revised traffic study was prepared subsequent to that, in the late 1990's, showing that the ADT would not exceed 5,000, and the setback was substantially reduced and was reflected in the Greenbriar Homes development in the North Sycamore area. She indicated that all these homes have setbacks of around 45-50 feet, the new established setback for that area.

Ms. Stern stated that to ensure that the proposed project is within the current ADT range for the area, she conferred with Mike Tassano, City Traffic Engineer, who indicated that the current ADT is approximately 2,600, and with the anticipated remaining development of possibly another 50 units in the Lund Ranch II area, the ADT would increase to 3,000-3,500 ADT. She stated that with those numbers, staff had determined that proceeding with the same established setbacks as the Greenbriar Homes would be appropriate.

Commissioner O'Connor inquired if the setbacks for the proposed project are the same as those of the Greenbriar Homes.

Ms. Stern replied that the setbacks for the proposed homes are greater than those at the Greenbriar Homes.

Commissioner O'Connor inquired if the Specific Plan addressed one-story versus two-story homes.

Ms. Stern said no. She explained that the Specific Plan established a setback of 45 feet for one-story homes and 55-feet for two-story elements of the home. She noted that Lot 1 of the proposed development has a 45-foot setback to the one-story garage and another 10 feet before the two-story element starts. She added that she was not sure what that had to do with noise and that two-story elements were set back a bit further possibly for aesthetic reasons.

Acting Chair Blank inquired if there are view easements in that area.

Ms. Stern replied that there are none.

## **ROLL CALL VOTE**

**AYES:** Commissioners Blank, Narum, O'Connor, Olson and Pearce  
**NOES:** None  
**ABSTAIN:** None  
**RECUSED:** None  
**ABSENT:** None

Resolutions Nos. PC-2012-51 approving Case P12-1744, PC-2012-52, recommending approval for Case PUD-93, and PC-2012-53 approving Case P12-1693 were entered and adopted as motioned.

*[Note: Due to the late arrival of neighbors who wanted to speak, the Commission reconsidered Item 6.b. later in the meeting as a Public Hearing item and then continued the item to the December 12, 2012 meeting. Its recommendation for approval was, therefore, withdrawn, and the Resolution No. for Case P12-1693 was changed to PC-2012-52.]*

## **6. PUBLIC HEARINGS AND OTHER MATTERS**

- Items 6.a. and 6.b. were switched; Item 6.b. was heard first.

### **b. P12-1731, Jeff Schroeder, Ponderosa Homes**

**Work Session to review and receive comments on a preliminary application to demolish the existing residence and remove the 32 mobile home spaces and to construct a 14-unit, single-family residential development on an approximately 2.09-acre site located at 4202 Stanley Boulevard. Zoning for the property is C-F (Freeway Interchange Commercial) District.**

Ms. Amos presented the staff report and described the scope, layout, and key elements of the proposal. She pointed out an error on page 9 of the staff report, which stated that 27 heritage trees are proposed to be removed; the actual number of heritage trees to be removed is 21.

Commissioner O'Connor inquired what the planned average distance between the homes is in terms of setbacks.

Ms. Amos replied that the typical side yard setback would be about five feet from the property lines.

Commissioner O'Connor requested clarification that the distance between the homes would be five feet on each side for a total of only ten feet of separation.

Ms. Amos said yes.

Commissioner Narum requested that a copy of the slide on the trees be provided to the Commission tonight as this would be one of the topics to be discussed.

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

Jeff Schroeder, Ponderosa Homes, stated that he is pleased to be before the Commission tonight with this first look at a proposal for the two-acre site off of Stanley Boulevard. He noted that this site has been a mobile home park since the 1970s and is probably one of the most unsightly properties in and around Downtown Pleasanton.

Mr. Schroeder stated that the 2.09-acre site, which is actually 1.82 acres from a density calculation because of the wildland overlay, has 31 pads, plus an older single-family home on the site. He noted that including that portion of the property in the density calculation would result in 6.6 units per acre, which is a significant difference in the calculation. He indicated that an aerial picture of the site shows a pretty significant part of the Arroyo that is included in this property and will have to be owned by whoever buys this property. He added that a Homeowners Association will have to be established to maintain this common space. He noted, however, that he did look at some site plan alternatives and is open to having houses back up to the Arroyo, although that would be less desirable from a public planning perspective. He indicated that the current plan ends with a cul-de-sac, which would be a public street with public access to the open space and wildland area. He further noted that pretty much every other property along that section of the Arroyo is private property with no public access.

Mr. Schroeder stated that the pedestrian pathway is really not something that Ponderosa would normally propose. He indicated that it was raised by staff as a possible way to provide circulation, but they would prefer not to provide it. He noted that they do not usually have a lot of success selling homes next to those types of pathways, and those homes would have to be discounted. He added that in this case, staff has agreed that it could be gated and locked so only those people who live in the community can use it, thereby preventing a cut-through space for people coming to or from the Downtown through the neighborhood in a small area like that instead of going down a block. He noted that it is not a shortcut that would shorten the distance as it is the same distance as getting around the corner. He indicated that it would not be a big deal to keep this wildland open space in the plan if it is important to the City.

Mr. Schroeder then talked about the historic aspects of the property, which is the most controversial issue about this proposal. He stated that they are proposing to demolish the residence and the rest of the mobile home park. He indicated that early on, they hired a qualified historical architect/archaeologist to do a State-level survey on the property, and his report stated that there is nothing of significance about the property in terms of California requirements for historical registration. He added that he has gone through the entire historical context document which is currently being used by the Historic Preservation Task Force, looked at every category in the document, and found that this property does not qualify under any of the categories therein to make it worthy

of preservation. He added that within what might be considered the residential context, the house does not meet any of the State requirements and does not have integrity either. He noted that the property has been modified: a second-floor apartment with dormers has been added, and the interior is completely modernized to a 1970's standard. He further noted that the house is in very poor condition and would require extensive remodeling and a considerable amount of dollars to bring up to habitable standards, and would probably exceed the value of the property if it were to be sold as a home. He pointed out that just because a property is old does not mean it is worthy of preservation. He reiterated that the property does not have any significance from any of the perspectives in the historical contexts or from the State standards.

Mr. Schroeder noted that the trees were brought up as an issue. He stated that the property has a considerable number of trees and that all of the heritage trees on the property within the development area are decorative trees that were planted at some point by a developer or property owner. He added that the only heritage trees that are native trees are within the creek setback area and would not be touched by the proposal. He noted that because these are small lots, it would be difficult and pretty much impossible to save the trees on the site plan. He indicated that they obviously went through the standard process for evaluating these trees in the tree report and created a value for the trees to be removed. He added that they would replace those trees that would be removed by their development proposal, which, they believe, would resolve that issue.

Commissioner Olson noted that there is a large heritage tree all the way back with a mobile home sitting right against it and inquired if that tree is in the wildland overlay.

Mr. Schroeder replied that that tree would not be removed. He explained that the site plan indicates a 25-foot setback from the top of the bank, right where the chain link fence is. He noted that he was not certain if that matches with the wildland overlay. He stated that the geologist did a preliminary slope stability analysis based on that setback and indicated that it was fine; however, it also incorporated some concerns over the wildland area, so the biologist is now working with staff to go back and look at where the actual top of the bank is from a Fish and Game standpoint. He indicated that it may actually be somewhat lower because this is the accretive side of the creek; the creek is migrating away from this property and accreting soil over time to this side of the property. He stated that if staff and the policy-makers were not concerned with that and would allow them some flexibility, they could adjust the setback closer to the creek, which would mean more development of the site, although it could change the configuration of the site. He noted that this would allow homes to be closer to the creek, and that goes back to the whole discussion about whether that area should be open space with public access or if it should be a private space. He explained that having the site plan configured as it is now would make that area a common space to be owned by a homeowners association, as opposed to if the houses are lined up to the back like the rest of the property along Stanley, it would then be private space and would have to be maintained by the property owners. He indicated that he is indifferent to either configuration and requested feedback from the Commission.

Commissioner O'Connor inquired if the lots would be the same size as what is currently being proposed if homes were constructed in that green area.

Mr. Schroeder said yes and that they would just have to reconfigure the plan. He noted that the proposed site plan represents this as a cul-de-sac design. He added that when they originally proposed this, they looked at two or three different designs with the Fire Department, including a hammerhead, which is a little unusual, and the cul-de-sac, which they thought worked better. He stated that if they did a hammerhead, two or three houses could be lined up that would back-up to the creek and facing the end of the cul-de-sac or street.

Commissioner O'Connor inquired if this would be a kind of land-locked private area if it were left as a common area open space with no public access.

Mr. Schroeder replied that was correct. He added, however, that it is a public street so anyone could drive down the public street and park there. He stated that for him personally, it is more of a visual thing; it feels open, as opposed to feeling closed off if there were houses at the end. He indicated that a builder/developer or someone who has to sell homes to the public wrestles with these kinds of issues because they will have to sell homes to people who have to figure out if they want to buy that house which has a creek in the backyard that is part of their lot.

Acting Chair Blank noted that houses at the end of a cul-de-sac are generally the premium homes.

Mr. Schroeder agreed. He noted that some people will not want to buy that lot because they do not want to be responsible for that open space. He added that if the open space were to be the backyard, the lot would probably be developed in a way that the top of the bank would have a tube steel fence to prevent any access down the slope; but the lot line would still go down to the middle of the creek. He noted that the lot would actually be larger, but most of it would be unusable.

Commissioner O'Connor stated that he was just trying to contemplate whether or not, if some or all of that area is utilized for construction, more open space could be created between the homes so they did not look like they were stacked on one another. He added that if the Pleasanton Heritage Association (PHA) is concerned about preserving the house on Lot 1, one or two more lots could be added into the back area, and that could offset any cost associated with renovating that house. He stated that he has not seen the house so he has no idea what it is or if it is even worth preserving.

Mr. Schroeder stated that he was trying to address that point. He noted that when they get the study about where the top of the bank actually is, and if there is an opportunity to move the setback line based on further geological analysis, his thought would be to try to open up the side a little bit more and probably do a little more side yard setback. He indicated that the five-foot side yard setback is not unusual and is the standard

subdivision side yard that they used in the homes they built all over Pleasanton. He added that the lots are conventionally plotted lots and the houses will be ten feet apart. He stated that this site was on the 30-to-the-acre and 23-to-the-acre Housing Element list, and, therefore, in his mind, this could be considered relatively low density for the site with a much different type of development than was potentially envisioned and is really fairly different than most of what else is out there. He noted that the site has a higher General Plan designation, and the properties adjacent to this site as well as those on the other side of Stanley Boulevard are significantly denser than this. He further noted that there is a lot of second buildings, detached garages, and other buildings that have been built on those properties and have a higher coverage ratio than what is being proposed on the site. He added that this kind of project is a PUD and has standards: it is going to be what it is approved to be, and it is not going to change; the property owners will not be adding buildings on their lots.

Commissioner O'Connor stated that he was trying to change the aesthetics because having some green area as one drives down the back road or come through the court gives that feel of open space. He added that the houses on Lots 7 and 8 in the cul-de-sac are pretty close, and he just did not know if there were any options available; for example, moving another 10 or 15 feet just on one side of the street without wrapping around could result in more open space between the houses. He noted that a lot is gained from having that more open feel between the homes as well if it does not dramatically impact the feel of the open space at the end of the court.

Mr. Schroeder stated that he is certainly willing to look at that and is what they hope to accomplish with this additional analysis they are doing. He indicated that as is stated in the staff report and as has already been discussed a bit, to retain the existing house where it is would lose take away three lots in this plan, and to get the same lot count, they would have to do smaller lots and obviously some smaller, tighter product. He noted that there would also be the issue of ownership of that house, which would be retained by the property owner. He added that it is not something he would really want to be selling new homes next to as it is not very attractive and he does not see anybody having any real economic incentive to do anything with it.

Commissioner O'Connor asked Mr. Schroeder if the loss of three lots would be because of the positioning of that house.

Mr. Schroeder said yes.

Commissioner O'Connor inquired if the house would crumble if it were lifted and what it would cost to move it ten feet.

Mr. Schroeder replied that he has not looked into that. He indicated that he has a full home inspection report which he has not yet submitted to staff; it does not even include a structural analysis but is pretty extensive in terms of the outdated nature of the property in its existing condition, termite damage, structural damage, outdated wiring, plumbing, etc. He added that from the outside, the house appears to have some



endearing characteristics, but inside, there is nothing really endearing about it with its popcorn ceilings and a 1970s kitchen. He noted that from a historical perspective, it does not have that much significance. He further noted that in Pleasanton's Historic Context Statement, there is a lot of really attractive examples of homes that would be worthy of preservation, and this house does not approach that level of detail or characteristic.

Commissioner Pearce disclosed that she met with the applicant a few months ago, walked the property, and walked inside the house. She then asked Mr. Schroeder if this application is time-sensitive.

Mr. Schroeder replied that from his standpoint, it is as he has an obligation to proceed with this project. He indicated that he has a contractor who purchased the property and that he had only so much time to do it with him.

Commissioner Pearce explained that she is trying to understand why Mr. Schroeder would bring this project forward in the middle of a Task Force process designed to ascertain a new method of doing things, specifically within the Downtown Specific Plan area.

Mr. Schroeder replied that he has had this property under contract for quite some time and that he is really somewhat behind schedule. He indicated that he had told the property owner that they need to wait and see how this rolls out, and it has taken a lot longer than he had expected it to roll out and he could not wait any longer; they needed to move forward.

Commissioner Pearce asked Mr. Schroeder if he wanted to move forward before the Task Force finishes its work.

Mr. Schroeder replied that he did not have an option. He stated that he had hoped the Task Force process would have been done a little more quickly but that he understands that these things take time and that he obviously has had no control over that.

Acting Chair Blank told Mr. Schroeder that since he was at the last Task Force meeting, he would have heard the Task Force discussing the possibility of setting a hard date. He noted that had that happened, the Task Force would be over. He asked Mr. Schroeder how he would have proposed this property.

Mr. Schroeder replied that he would have proposed it just as it is: demolish the property as it is not of significance. He noted that just because the house is old does not mean it is significant. He indicated that he has a report here by a professional which indicates that the house is not historical. He added that he is certain another professional would say the same thing.

Acting Chair Blank noted that Mr. Schroeder had specifically mentioned a homeowner association and stated that he wants to make sure Mr. Schroeder is not talking about a maintenance association, which is a lot different.

Mr. Schroeder replied that if there is common property, there needs to be a homeowners association.

Acting Chair Blank commented that he thought a maintenance association could also serve that purpose. He then asked Mr. Schroeder what he speculates the properties would sell for.

Mr. Schroeder replied that in today's market and just off the top of his head, it would probably be in the low to mid-\$700,000's. He added that it is going to take a while from where they are right now to actually bring this property to the market, and he does not know what the market is going to be like then.

Acting Chair Blank inquired how long it would take.

Mr. Schroeder replied that it would depend on the Planning Commission and the City Council.

Acting Chair Blank asked how long it would take after he gets a final approval.

Mr. Schroeder replied that should the project is approved before the middle of 2013, it would be winter by the time they complete designing the plans and getting through plan check and everything else, so realistically, they would be starting the demolition and grading in the Spring of 2014.

Commissioner O'Connor noted that this site is located in a sensitive area of Historic Downtown and inquired about the design of the homes and the materials to be used. He stated that at final project submission, he would like to get better drawings that would make the project look like it is more of a historic area as opposed to using too much stucco or the wrong type of stucco on a craftsman-style home. He indicated that a lot of craftsman homes have a lot of stucco but they also have other architectural design elements that make them look a little more unique. He noted that some of the actual drawings display false rocks that stack very evenly, which make it look more like a newer development as opposed to a historic development. He asked Mr. Schroeder if he is open to having some different materials but would not drive costs up more than they already are.

Mr. Schroeder said they are certainly open to alternative materials and variations in elevations. He indicated that he has a project architect who has knowledge of these items and will be in shortly. He noted that the architect did consult the Downtown Specific Plan Guidelines in looking to develop the elevations, and so those materials are an attempt to create the type of elevations and character, using materials that are in

those Guidelines. He pointed out that this is their first pass and that they are definitely willing to hear comments.

Commissioner O'Connor stated that he is aware it is tight as far as setbacks in front are concerned; however, he was hoping to get an extra foot or two to create a little deeper porch where people could actually sit as was done in the old homes.

Mr. Schroeder replied that he would certainly be willing to look at those types of details. He added that he would shoot for at least six feet on the portions that are useable porches for an elevational character. He noted that this project would have a different character because of its density, and the goal is to create a more typical, conventionally-plotted single-family detached home subdivision rather than the cluster-type project reflecting what was done across the street. He indicated that they believe there is a real need and demand for this type of housing in the Downtown area and that it would bring the type of buyers with disposable income who can walk to the Downtown and spend there. He added that this would be a real positive thing for the Downtown and certainly be an improvement over what is on the site now.

Mr. Schroeder stated that one of the issues of concern is the Floor Area Ratio (FAR). He indicated that they had pushed the FAR a little bit, although not a bad way in terms of design of the homes, and this was driven by what they think the market is. He referred to his earlier discussion about the density and coverage of the surrounding neighborhood, and he pointed out that with this FAR and this design, they are certainly not exceeding but probably would be on the lower end of the overall coverage compared to the surrounding neighborhood.

Mr. Schroeder then summarized other points that may not have been discussed:

- General Plan Amendment – If he had the time to go through a General Plan Amendment, he would raise the density on this site because he thinks it is too low for this location
- Pedestrian walkway – He is open to whatever the Commission thinks is best for the community.
- Existing Structure – The proposal is to demolish the structure because it really will not work by keeping the structure. They will not buy the property if they have to keep the structure. The sellers will retain ownership, and he [Mr. Schroeder] is not sure he wants to do the project with that structure there. He reiterated that the structure is not historically significant and that it would be uneconomical to make it useable; it is a detriment to the neighborhood.
- Lot Sizes and the Homes – He has heard some comments about design. He believes the driveway length of 20 feet is adequate; 22 feet can be considered depending on what setbacks are acceptable. He can fiddle these footprints a little bit and tighten them up to get better setbacks in those areas where there is enough room.
- On-Street Parking – This is adequate; it is a conventional public street with parking on both sides. All the houses have full driveways and two-car garages.'

- Heritage Trees – The native trees in the setback area along the creek will be preserved, but not the others.
- Cul-de-Sac – He is willing to look at various configurations, and he is open to having a common public space versus private space.

Christine Bourg, PHA Boardmember and resident and owner of a Downtown Historic home, stated that she has attended all the Historic Task Force meetings, although she is not a member of that Task Force. She indicated that she concurs with the comments made by Commissioner Pearce about considering the demolition of the 100-year home while the Task Force is still meeting. She agreed that Ponderosa Homes has done its work based on what the Downtown Specific Plan and the Downtown Design Guidelines currently say, and to establish the house in order to save the house sometimes requires proof that it would be a historic resource according to the California Historic Register. She noted that these are not being considered now in the Task Force; however, the documents indicate that an early occupant of the home, the Hall Family, has significant history here in Pleasanton. She recalled that during discussions on a Neal Street application to build a home, the Hall Family home at 215 Neal Street came up and the family was considered to be significant locally as they were involved in bringing the County Fair to Pleasanton. She added that Mr. Hall had significant holdings Downtown in warehouses and granaries, and the Hall Family also purchased this land and built the house that Ponderosa is proposing to demolish.

Ms. Bourg noted that the staff report states that the house shows some disrepair, but it could possibly be restored and/or relocated. She stated that rather than looking at this as an opportunity to demolish a house and develop 14 new homes, it should be considered as an opportunity to save the old home in front and restore it so that there will actually be a heritage home on that south side of Stanley Boulevard, the side that has most of the old homes left. She continued that it could be a win/win situation with a great frontage to whatever homes are put behind it, and it could also be used as a great marketing tool as people come to Pleasanton because they like the old homes and the old feel.

Ms. Bourg stated that if the City required restoration/relocation in more cases, the City would have kept more of the homes we had/have, which are diminishing in number. She noted that there was one building demolished on Third Street within the last six months and building is starting on that; and the one directly across the street from the subject property is the 1908 bungalow which was approved for demolition within the last year, and which the developer of the property would now like to relocate that home. She added that it would be a great idea to relocate it across the street so there could be two actual heritage homes which fit in with the character of the Downtown.

Ms. Bourg agreed with Commissioner O'Connor that the homes be designed to look a little bit more like craftsman, and it would really be great if they took on some of the characteristics of the 100-year-old Victorian home in front.

Michael Swift stated that he owns the property on the east side of the project site and that they are also looking at developing. He indicated that he bought the property about six years ago and plans to build on the property, expanding the actual residence there and having a big backyard for his children to play in. He stated that he was worried that there would be high-density buildings next to him with people looking into his backyard while his children were playing there. He wanted to be on record that he supports the proposal. He added that he supports this plan because it had nice homes in a nice development, and he would rather have that than high-density residential buildings. He expressed only one concern regarding the kind of wall or fence that would be installed between the two properties

Mr. Schroeder indicated his appreciation for the comments on the historical property. He noted that he understands what the Task Force is doing, but he also thinks it is important to consider people's property rights when looking at historic property because this is about a subjective area. He stated that a lot of time, what is worth preserving or not is up to people's judgment, and that would be restricting people's rights. He indicated that this is one of those cases where he does not think it is a historic property. He noted that if this were something that were really valuable and could be a perfect example of a Queen Anne Victorian or a craftsman bungalow home with all the details, then maybe there would be incentive to spend half a million dollars to repurpose this house and make it something that could actually be sold to someone who would actually want to buy it; unfortunately, this is not the case, and neither he nor the property owner are willing to do that.

Mr. Schroeder stated that, which it was not discussed, the reality is that the property owners could continue to operate this mobile home park forever, and it is actually worth more money as a mobile home park. He added that he could buy it and operate it as a mobile home park, but he did not think that is the best thing for the community. He indicated that he believes what would be best for the community is to add a plus through the creation of a new neighborhood on this site within the confines of the General Plan and bring the type of housing into the Downtown area that supports the Downtown businesses in the area.

Mr. Schroeder stated that there are a lot of other houses in town that are worthy of preserving, but this is not one of them for a lot of reasons that he has already brought up and which, he is sure, will be discussing again.

Commissioner Pearce referred to Mr. Schroeder's comment that the property could continue to operate as a mobile home park and stated that it was her understanding that the place was outdated, the hook-ups were from the 1960's, and unless it has significant upgrades, it could not be utilized as a mobile home park.

Mr. Schroeder replied that it has a legal right to operate as a mobile home park and can still do so.

Commissioner Pearce asked if this was true as a practical matter.

Mr. Schroeder replied that it may not be a mobile home park that is up to current standards as may be found in other mobile home parks, but it is a great location. He indicated that he could guarantee that pads there could be rented and it would be worth more in that configuration; and the value of it is such that putting capital into it to upgrade it can be justified and then get even better rental rates. He indicated that Mr. Wagner left the property in trust to the Lutheran Church, and Thrivent Financial Bank is the financial arm of the Lutheran Church. Mr. Schroeder stated that he does not think the property owner has the desire to operate a mobile home park. He further stated that he could also repurpose it as a mobile home park, upgrade it, and then run it that way; but that is not what Ponderosa does, and it is not what the community wants.

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

Acting Chair Blank noted that Ms. Greene just arrived in the audience and would like to speak on an item on the Consent Calendar. He advised Ms. Greene that the Commission will have to get through this part of the hearing and will then come back and revisit that Consent Item.

The Commission then proceeded to the Discussion Points

Discussion Points No. 1 and No. 2 were considered together.

- 1. *Is the proposed density acceptable?***
- 2. *Is a pedestrian walkway to Vervais Avenue an appropriate amenity to exceed the mid-point density?***

Commissioner Olson stated that his initial reaction when he received the packet was that it was too dense at 14 lots, but driving through it, there is quite a bit of space there. He stated that he liked the idea of trying to put a couple of homes at the very end up against the wild life overlay, and then put a little more space between the homes along the common road and still end up with 14 homes. He noted that he would not want to buy a home next to a pedestrian walkway. He added that from a marketing point of view, the walkway should not be done.

Commissioner Pearce stated that the 14 units are reminiscent of the DiDonato property. She noted that she has concerns when she see projects come before the Commission that have one unit less than the 15 units required to trigger the Inclusionary Zoning Ordinance. She indicated that she would rather see it significantly lower with more space between the homes and that she was not opposed to a concept that creates more open space by having a development of attached housing such as townhomes. She noted that going over the mid-point requires a public amenity, and this project does not appear to be proposed to be anything remotely public; it is a private landscape pedestrian walkway that is now being proposed to be gated. She indicated that she is

not inclined to go over the mid-point at all if there is not provision for any kind of public amenity. She stated that her answers to No. 1 and No. 2 are "No."

Commissioner O'Connor asked Commissioner Pearce what density she was thinking about.

Commissioner Pearce replied that she would like to look at something closer to the mid-point. She added that 14 makes her edgy for a variety of reasons and without any kind of public amenity.

Commissioner Narum stated she was fine with the density but would prefer to see a couple of houses more at the end of the cul-de-sac to free up some space and spread out the houses a bit with a little more distance between them. She indicated that she lived in a development in Santa Rosa where they had a homeowners group to maintain common area, and then people trespassed and damaged and they had no control. She indicated that she sees this as fraught with that sort of problem, particularly if it gives the public access to a creek. She added that she does not think it necessarily bodes well in the long-term. She then stated she would like to see an effort to save a couple of the heritage trees that were rated 4 and 5, even though they are not necessarily native, because they still look pretty nice and would be a benefit to the project.

With respect to the walkway, Commissioner Pearce stated that it does not really make sense to her because the talk is about helping to continue to vitalize Downtown by bringing more people there. She indicated that she would rather see funds put into the Downtown for art or a bench. She agreed with Commissioner Olson that she would not want to live in Lot 5 or Lot 6 because she would be irritated with people probably tossing beer cans around.

Commissioner O'Connor stated that he is not thrilled with the walkway either and does not know how much it really adds to the development itself. He noted that it is not that far to walk out to the court and go Downtown. He indicated that it might cause other problems with the public jumping fences or coming into this green space for other purposes, thereby causing more problems for these homeowners. He stated that one way to discourage or close it off to the public may be to move these homes down into that space and somehow make the walkway less attractive to outsiders. He added that it would also create more space between the homes and thereby give the development a nicer look and add value to the homes.

Commissioner O'Connor stated that he is not opposed to the density but would really like to see something in exchange for that. He added that if the property does not have anything to offer the public and there is no public amenity, and if the older home up front were to be demolished, then it might be good to use any additional funds for that amenity to dress up the two front lots so that from the front of Stanley Boulevard, those two front houses would look more in line with what is on Stanley Boulevard rather than like brand new homes.

Acting Chair Blank expressed concern about the 14 homes. He stated that it feels like a lot to him but that he did not go inside the other home. He suggested that before this proposal comes back to the Commission, a tour be arranged for all the Commissioners to go inside the older home. He indicated that in his opinion, the walkway, as it is currently constructed, looks like a blocked-off private amenity and does not appear to be a public amenity at all. He stated that he lived on a cul-de-sac with a homeowners association and did not have problems with the common lands; he was on the Board of Directors and it was very rare that they got damage. He agreed with Commissioner Pearce that if there will not be a public amenity, then he does not understand why it wants to be above mid-point. He stated that considering making the two front homes historic-looking as a public amenity is a whole different discussion. He noted that for him, density is all about the public amenity; the walkway can be included if they wish, but it does not fulfill the requirement for a public amenity.

Discussion Points No. 3 and No. 4 were considered together.

- 3. *Should the structure be demolished to accommodate the proposed development or should the applicant restore and relocate the structure to one of the proposed lots fronting Stanley Boulevard?***
- 4. *Given the age of the structure, should the historic evaluation be revised to reflect information in the Pleasanton Downtown Historic Context Statement?***

Commissioner Narum stated that she is torn: she hears what the applicant is saying that the house needs work, but at the same time, every house that is torn down cannot be taken back. She added that it is unfortunate that the Commission is being asked to make a decision while the Task Force is going on because it was this Commission that went to the City Council and asked to redo that portion of the Specific Plan as the Commission is so conflicted when it has to make decisions like this. She indicated that she would like to see the house for herself as it is hard to get a good feel from pictures where it looks fairly intact; however, if the wiring does not work and the heating does not work, then it is not livable. She agreed with Acting Chair Blank that she would like to have a tour and get a little more information before she makes a hard and fast decision.

With respect to No. 4, Commissioner Narum stated that is part of the problem. She indicated that they can talk about where the Task Force is today, but her understanding of what is going on is a lot like the Downtown Hospitality Guidelines Task Force where there is a lot of different opinions and difficulty finding consensus. She stated that just to step in the middle of the Task Force process and use whatever it has at this point to make a decision is kind of problematic. She added that she does not have enough information on this Context Statement in the picture of the Task Force, particularly since she has not attended its meetings.

Acting Chair Blank agreed and disclosed that both he and Commissioner Pearce are members of the Task Force.



Commissioner Pearce stated that she is in the Task Force and that she has the Historic Context Statement in front of her. She noted that there was a statement made earlier that the Historic Context Statement was a series of criteria. She explained that it is not actually that; it certainly talks about the national criteria and the state criteria, but the purpose was the identification of the City's historic resources. She added that the reason the City spent \$25,000 to do this is because the Task Force is tasked with developing more appropriate criteria for preservation of historic structures in the City, and the way the Task Force decided to go about doing this was to ascertain what periods of history are important to the City of Pleasanton and extrapolate City values from that. She indicated that the Task Force is in the middle of this process, and that is the reason she asked the question about whether or not this project is time-sensitive.

Commissioner Pearce continued that the Task Force was formed by the City Council because the criteria in place no longer made any sense to this City. She noted that she does not care if somebody important lived there or if something important happened there; she cares about whether or not it is important to the City. She reiterated that the Task Force is in the middle of this process, and she is not inclined to make a decision about the demolition of a house at this time because she does not know what the Task Force is going to do. She added, however, that if the applicant really needs to go forward with this, she is inclined to be more conservative and promote the preservation of this structure because she certainly does not want to say it can be demolished only to have the Task Force come back when it has completed its mission and say that this would have been something the City would have encouraged preservation of.

Commissioner Pearce stated that she has walked this structure; she was inside it and around it, and this structure is certainly in much better shape than the structure at the DiDonato site. She indicated that she loves Ms. Bourg's idea, and that ideally, she would like to see this preserved. She indicated that she has talked to David DiDonato and to Paul Martin, and they are encouraging moving the DiDonato house even though they have been given license to demolish it. She stated that she would love to see it moved across the street. She concluded that because the Task Force is in the middle of ascertaining what is important to the City, she cannot support demolishing the structure at this point.

Commissioner O'Connor indicated that he has not been on the inside of the home so it is difficult to really comment on whether or not it should be demolished. He stated that with respect to No. 4, however, given the age of the structure, his gut feeling is that lacking a final conclusion of the Task Force at this time and just going by the historic documents that the Commission is asking applicants to go out and fund in connection with what it takes to get on a registry, there will be no more than five or six homes in the City that will make it. He noted that the Commission is talking about preserving a look and a feel in this town, which means that a lot more than just those that meet the registry-type homes needs to be preserved. He added that when structures are 80, 90, or 100 years old, he thinks the Commission really needs to be very careful. He noted that the City has already taken down too many of them, and if in these sensitive areas, it is much easier for a developer to clear the land and start fresh than it is to have to work

around something like this, the City is going to be wiped out of all its older-looking homes. He added that at this point, without having any further information from the Task Force, he would not suggest demolishing the house that quickly.

Commissioner Olson agreed with Commissioner O'Connor's idea to do something with the two front homes on Stanley Boulevard. He indicated that it was a great idea and would trade it for demolition. He expressed concern, however, that there is a Task Force that is, in his opinion, the tail wagging the dog. He stated that he has not been inside the structure, but it is sitting there like a sore thumb. He added that the Commission has heard tonight that the applicant will probably not go forward with this project if that home has to stay there, and therefore, the Commission can decide that it wants that property to continue to be a mobile home park, which he thinks would not serve the Downtown area as well as a properly planned development on that property. He indicated that he is totally in favor of demolition.

Acting Chair Blank stated that one of the challenges both Commissioner Pearce and he have is to drive the Task Force to represent community values. He noted that if it were not for some Task Force members, nothing old would be demolished, so it is important that the pendulum not swing into "demolish everything" or "demolish nothing" as some of the Task Force members really want. He stated that it is really difficult for him to answer No. 3 because he has not had the chance to walk the inside of the structure, touch it, and feel it; he drove by it, looked at it, and was not all that impressed from the outside. He indicated that he thinks the timing needs to be considered. He recalled that the City has had a lot of events where a hillside development and other very controversial items have come in and suddenly shown up when other Task Forces were working on exactly those items. He stated that he is really concerned about the disruption this could cause in the middle of the Task Force process, and, that is why he recommended earlier that the Commissioners have a tour of the facility to at least provide them with some additional information.

Commissioner Olson inquired if the Task Force has looked at the possibility of moving homes. He stated that if the community feels strongly enough about this, then moving the home, if it is moveable, should be considered because it is standing in the way of a development that is probably going to help the Downtown area.

Acting Chair Blank replied that would be an option if the house is movable; or if the developer came back and said that they can move this home if they get the density they want, or if they get this amenity; or if they put this home 200 feet the other way; or bring that other home in and make them the cornerstones. He stated that the Task Force has not specifically talked about moving homes versus what is a historic home. He noted that right now, they are struggling to create a reliable definition that builders and developers can consider "a stake in the sand"; for example, if it is a home that was built, say, before 1890, it is historic; if it is after 1890, it is not.

Commissioner O'Connor clarified that he did not want to say he is opposed to demolishing the home because I does not have enough information at this time.

Acting Chair Blank stated that he was in the same position.

Commissioner O'Connor continued that if the Commission decided to demolish the home because it just was not worth saving, then he would like the public amenity to be to improve these two front lots and do something special.

Acting Chair Blank stated that he would not want to link the public amenity to the demolition of the home.

Commissioner O'Connor noted that it would be in lieu of a public amenity.

Acting Chair Blank stated that he is not even thinking of that because a public amenity has to be because they are above the mid-point. He noted that if the developer demolishes the house, doing the two front houses would be in addition to the public amenity.

Commissioner Pearce agreed that a public amenity cannot be a house.

Acting Chair Blank stated that it would be unusual.

Commissioner Pearce stated that what the General Plan considers public amenities are parkland and open space, unless it is going to be a museum which would be interesting. She agreed that Commissioner O'Connor's idea is a great one but it just does not qualify.

Commissioner O'Connor agreed that there should be another public amenity of some type if they are going to go above the mid-point; they could contribute to the park on Main Street; however, if they will be given increased density and if the house will be demolished, he would really like to see an additional investment on those two front homes to make them look a little extra special.

Discussion Points 5 and 6 were considered together.

**5. *Is the site layout, lot sizes, and home locations acceptable?***

**6. *Are the length of the driveways for Lots 1-6 acceptable?***

Commissioner Pearce stated that she is assuming the density of the lot size is fine. She noted that the site layout looks typical and something the Commission has seen. She added that the length of the driveways appears to be fine and sounds like the purpose is to accommodate extra cars, which seems appropriate. She indicated that the home locations seem fine and that she prefers this over squashing the homes in the back. She noted that she would love to see if something could be done to make the back more of an open space, which would be an amenity. She stated that she would rather leave it like this but would prefer to see less houses and larger lot sizes.

Commissioner Narum stated that she would like to see some other configurations at the end of the cul-de-sac; if it is a hammerhead with a couple of houses towards the back, she would like to see this with the goal of bigger lots and positioning of the houses such that a couple of the heritage trees that really had good to excellent ratings could possibly be saved. She indicated that the driveways are fine as long as they can accommodate a couple of parked cars and get them off the street.

Commissioner Olson agreed with Commissioner Narum and indicated that he would like to see two of the homes at the end. He indicated that it could be problematic to create an open space back there and provide public access down to that creek as any number of things can happen as a result of that and it would be a problem to the people who would be living there along the road. He noted that the driveways are fine.

Commissioner O'Connor stated that he is fine with the driveways as there is a constraint with the depth of the lots. He indicated that he would like to move two homes, one from each side, so the distance between these homes can be bigger and it would just be a lot more attractive.

Acting Chair Blank stated that he kind of agrees with everybody that what they have here is fine and that there are other ways this could potentially be arranged. He indicated that he still thinks it is a little too dense and would like to see one or two lots less because that would really allow the amenities to come forward. He stated that the driveways are fine

#### **7. *Is the on-street guest parking adequate?***

Commissioner O'Connor stated that if parking is available on all the curb area, then the on-street guest parking is adequate.

Commissioners Narum, Pearce, Olson, and Acting Chair Blank agreed.

#### **8. *Should the layout be revised to preserve any of the heritage trees?***

Commissioner Olson stated that he would like to preserve the two heritage trees located right up against the property line on the eastern boundary, those marked with a blue "x" on the right hand side.

Commissioner Pearce inquired about all those trees marked in purple on the left.

Commissioner Olson inquired if those could also be saved. He indicated, though, that they may be too crowded and the one in the middle might have to be taken out. He indicated that as he drove through there today, he noticed a lot of trees that looked very scrubby that ought to come out. He noted that this property, the way it is right now, is just an eyesore. He added that if somebody came in to Pleasanton and this was the first thing they saw, they would probably leave.

Commissioner Olson added that he would also like to save the huge heritage tree right in the far rear portion on the left on the west side with a mobile home right up against it.

Commissioner Pearce agreed with Commissioner Olson regarding saving the two trees on the right side and the two or three on the left side. She noted that 15 heritage trees that are rated 3 or 4 or 5 are being proposed for removal. She wanted to see how many of those can be saved. She indicated that she is always hesitant to take out heritage trees and that she is aware of the conversations at Council as to whether they are worth preserving if they do not look very good. She noted that the whole point of the heritage tree is that it is old, it has been there a long time, and it has this diameter trunk. She stated that she is not on the Heritage Tree Board but that she understands the broad picture; therefore, if more of them could be saved, it would be great.

Commissioner Narum stated that she would want to look at saving as the priority, the trees with the 4 or 5 rating unless there is something totally wrong with them. She noted that one of them may be a palm tree, which may not make sense to save, but some of the others are not. She added that if some of the ones with the 3 rating can also be saved, that would be fine as well. She noted that this is one of the reasons she would like to see the houses moved around to the end of the cul-de-sac to provide a little bit of an ability to reposition houses to save some of those trees.

Commissioner O'Connor agreed that if a couple of homes were moved down or eliminated to create more variation in the spacing, it would free up potentially a lot of space to save at least a few of the heritage trees. He also agreed with saving the trees to the east with a 3 to 5 rating, and those to the west as well. He added that depending on if the houses can be moved a bit, there are also a couple of trees against the back fence and even one along the roadway that looks like it is in the front yard area that can be saved. He indicated that this is worth looking at, even if not all the trees can be saved.

Acting Chair Blank agreed that not all of them can be saved. He suggested looking at those with a 4 rating and asked staff to pick some off of the charts that look like they can be saved.

**9. *Should the open space, located on the east side of the street bulb, include amenities (e.g., play structure, benches, etc.)?***

Commissioner Olson stated that this would depend on the market and folks who are going to be attracted to this project and would want to buy in here. He noted that people with children would probably want to come here, but there may also be folks who want to downsize from 5,000- or 7,000-square-foot homes who might want to be here as well, and those folks may not be interested in a play structure. He noted that benches would certainly be nice.

Commissioner Pearce stated that she always thinks that a play structure is nice if there are kids around, but she would be open to doing something like what the Commission did at the DiDonato project where they put the money into a fund and then once a majority of the lots are sold, the need is ascertained. She indicated that it seems like a good compromise and would be happy with that.

Commissioner Narum agreed with Commissioner Pearce.

Commissioner O'Connor agreed with Commissioner Pearce as well, but as a minimum, if there is no need for a tot lot or play structure, he agreed with Commissioner Olson that a nice space with benches could be created for the homeowners. He noted that this would not be known until the houses start to sell.

Acting Chair Blank agreed that it is certainly an option, but it would have to wait until later.

#### ***10. Are the FARs appropriate for the development?***

Commissioner Olson stated that, as the applicant indicated, they are pushing the envelope; but again, a re-arrangement of the lots to use the end of the roadway will probably end up being acceptable in his view.

Commissioner O'Connor concurred that he also thinks the applicant said there was some room to work with the FARs. He noted that moving some of the homes may create some larger lots on the end and may get some extra width between homes; but backyards are pretty small. He indicated that he is not really opposed to the FAR but more outside space is always better. He agreed with Commissioner Olson that they are pushing up against the limit if they stay with what they have.

Commissioner Narum stated that she is fine with the FARs and considers them to be just a little bit of a business decision. She added that if the applicant thinks he can sell the homes with this arrangement and closeness, she will not say no; however, she thinks that shifting some of the homes may improve the FARs a little bit which would be a bit of a benefit to the development.

Commissioner Pearce stated that she would agree with that although what the exact FAR is going to be is not known at this time. She indicated that it could be higher than 75 percent and that she would love to see a lower density with larger lot sizes which would help the FAR as well; but she is not necessarily opposed to it.

Acting Chair Blank agreed, stating that given where it is, it is probably not bad; but he would like to see a little less density which would result in larger lots which would lower the FARs.

**11. Does the Commission wish to make any suggestions regarding the house designs or setbacks?**

Commissioner O'Connor stated that the houses need to look a little more like the historic homes in the Downtown; a little more in character. He asked the applicant to make sure that the materials used are those for a real craftsman or cottage without using the newer techniques of some of the fake rock, the stackable rock, the cement rock that are being used in newer developments that are not so concerned with the historic look. He added that more articulation is always better, the length of the overhangs that the older homes had so they do not look like some of the newer developments.

Commissioner Olson generally agree with Commissioner O'Connor.

Commissioner Narum stated that she would like to see more articulation on Lots 1 and 14 on the side facing Stanley Boulevard. She noted that there is a classic craftsman house across the street from the Chamber of Commerce that was actually built fairly recently using a plan from Sears from the 1920's or 1930's that looks remarkable in the sense that one would not know it is a new house by the way it was put together. She suggested that the architect or applicant could look at that a little bit for consideration of details and maybe incorporate them into these homes to make them look a little more of the old world.

Commissioner Pearce stated that was a great idea.

Acting Chair Blank agreed that the homes on Lots 1 and 14 are critical and the more they can be made to look appropriate, the better it would be.

Acting Chair Blank informed Mr. Schroeder that he could come back for a second Work Session or come back with a final application. He strongly suggested that he include some really good visual depictions on what this is going to look like from the street. He indicated that he is aware these are expensive to do, but it helps the Commission understand what this will look like. He recommended that he bring color pallets that are nice and large so the Commission can look at them and get a sense of the colors, and that he coordinate with staff to schedule visits to the house.

Acting Chair Blank asked the applicant and staff if they had what they needed.

Mr. Schroeder stated that a lot of things that were brought up had already been discussed, but he would like to make a few comments:

1. They actually have BMR credits that they were going to use for this project, so the unit count does not really matter to them.



2. The walkway was not offered as a public amenity; it was just something that staff had suggested so it was incorporated in the plan. He plans to come back with a proposal for a cash donation towards a park to be constructed on the property off of Vervais Avenue which is next to this site.
3. He will coordinate with staff to ensure that the Commissioners get to see the house.
4. He will look at the issues brought up regarding the site planning.
5. With respect to the density issue, he pointed out that it is probably going to be one of the lower density sites in the area. They are really at 6.6 units per acre; they should not be penalized because part of the property is in the creek.
6. The trees are really impossible to save on a site like this. None of the trees proposed to be removed are native trees. They are all decorative trees that were planted at some point by someone who owned the property, and a lot of them are not in good shape. If a house were built that close to some of those trees, half the limbs would need to be removed; actually grade the site and preparing for development would require tearing out all the roots, so the trees would not survive. But they will look into it to see if there are any ways some trees can be saved, especially with re-working the site plan based on some of the ideas that the Commission presented.
7. The FAR, in his mind, is adequate because this is what the market would like to see here. In the context of what is surrounding this area, from an aerial viewpoint, this site is probably the lowest density that is out there, except for a couple of single family homes that do not have a lot of out buildings on the property.
8. They will look at some additions and some more articulation and changes to the architecture and some enhancements.

Commissioner O'Connor noted that a neighbor brought up the fencing issue and asked what type of fencing is proposed for the project.

Mr. Schroeder replied that they had not gotten to it yet. He stated that they typically do a standard good-neighbor redwood type of fence. He added that he is not opposed to something other than that and that they have done other projects in town with masonry walls, which are more expensive but are attractive to buyers because they look nice and no maintenance is ever required. He noted, however, that it would need some contextual analysis as to whether it is really appropriate to create that type of fencing for this site. He further noted that they can also use an upgraded wood fence that is a little nicer than the standard six-foot board-on-board redwood fence.

Commissioner O'Connor inquired what type of fencing is prominent in that neighborhood on the side that has most of the homes remaining.

Ms. Stern replied that they are typically residential wooden fences and that masonry walls are not utilized except as a separation between residential and commercial uses.

Mr. Schroeder indicated that they are open to suggestions and that he will talk to the neighbor about it. He noted that the other side of the property is almost all a commercial use except for the one in the back. He noted that he would also talk to the woman who came to their meeting about that as well.

No action was taken.

The Planning Commission took a brief break at 8:47 p.m. and thereafter reconvened at 8:57 p.m.

Acting Chair Blank advised that a somewhat unusual situation has come up, noting that Ms. Greene, an adjacent neighbor of the project site for Consent Calendar Item 5.b., PUD-93, Bruce Myers, Danville School Street Investment, 362 Sycamore Road, had just arrived and wanted to speak on that item. He indicated that the protocol for reconsideration is for a Commissioner to entertain a motion to reconsider the Commission's approval.

**Commissioner Narum moved to reconsider the Commission's approval of Consent Calendar Item 5.b., PUD-93, Bruce Myers, Danville School Street Investment.**

**Commissioner Pearce seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, Narum, O'Connor, Olson, and Pearce**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

**6. PUBLIC HEARING AND OTHER MATTERS**

**Item 5.b. PUD-93, Bruce Myers, Danville School Street Investment**

**Application for Planned Unit Development (PUD) Development Plan approval to construct a four-lot detached single-family home development on an approximately 2.23-acre site located at 362 Sycamore Road and a vacant lot (APN 948-17-7-4), within the North Sycamore Specific Plan area. Zoning for the properties is PUD-LDR/O (Planned Unit Development – Low Density Residential/Office) District.**

Janice Stern presented the staff report and briefly described the scope, layout, and key elements of the application.

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

Bruce Myers, Applicant, stated for the record that he is with Pacific Union Holdings (PUH) and works for a local developer based at 675 Hartz Avenue in Danville. He indicated that for this particular project, they are joint venturing with Branagh Development, a custom-home developer/builder also based in Danville with projects in the Danville, Alamo, and Lamorinda areas. He noted that Branagh also developed and owns properties in Pleasanton, including the buildings in Downtown Main Street where Stacey's Café and the Tully's Coffee are located. He stated that this showcases the quality of projects Branagh delivers and that PUH prides itself on delivering good projects as well. He added that PUH left the home-building business as a result of the recession; they are now active again and partnering with Branagh in this development.

Mr. Myers stated that he believes they have come up with a beautiful plan for this site based on the Specific Plan for this area and their interaction with staff. He indicated that they are very proud to have gone out of their way to save some beautiful oak trees on the site. He added that this is a great project and will be a nice addition to the neighborhood and the entire community.

Mr. Myers stated that he is a big believer in the public process and was glad that he stayed around so he could have the opportunity to be heard and the neighbors could speak on this as well. He indicated that he met personally with all the neighbors surrounding the property and, in fact, has been to the Greenes' home, the Dingmans' home across the street, and the Dingmans' neighbors as well. He stated that he talked to them about the process and really tried to make an effort to try and engage them in the dialogue all along the process so they knew what was proposed to be done and felt like they had some say in the development before the developer filed an application to the City. He added that he is, therefore, interested in hearing what the Greenes' comments are and would be happy to their comments.

Anne Greene, adjacent neighbor, read from a prepared document as follows:

*"Good Evening, Members of the Planning Commission.*

*"My name is Anne Greene, I live at .... I have lived at this home for 56 years. My family has attended meetings regarding the North Sycamore Specific Plan (NSSP) since it was on the drawing board. We have fought to retain the beauty and rural character of our area which, when finally drafted, the Plan was supposed to maintain.*

*"We are opposed to the planned development at 362 Sycamore Road for the following reasons:*

- “1. The height of the houses nearing 30 feet, set back from the property line only 15 feet, will make our house feel buried. We will not longer be able to see the Pleasanton Ridge from our windows. Our privacy will be affected by the second-story windows on the East side of the development. While the Greenbriar Development, residents of Mission Park were allowed input to ensure only single-story homes on certain lots where views and privacy were an issue. On lots 6035 and 6068 on Sycamore Terrace, the neighbor adjacent to 6035 in Mission Park and the neighbor adjacent of 6068 made the developer do major grading to minimize damage to privacy and views. The existing homes on the west end of Sycamore Road are single story. Building two-story homes on top of each other is not consistent with the NSSP to maintain the character of the existing neighborhood.
- **Rural views should be preserved and a spacious transition maintained between existing residences along the northern edge of the Specific Plan area and new development in the Specific Plan area, through the use of large lots, backyard setbacks and single-story construction.**
- “2. Rear yard setback is set at 25 feet in the NSSP. On lots 2 and 3, the fence along our property, in my opinion, is the rear yard, and these are not set back 25 feet. This again is a privacy issue, also an issue for noise and light.
- “3. With regard to construction hours, our family has lived through the building of the so-called Independence Drive, the major Sunol Boulevard widening, the building out of Greenbriar Development, and the grading and subsequent building of sic more homes along our property line on the east side of our home. The 446 Sycamore property has been built and torn down, rebuilt and torn down, driveways poured and destructed. There has been no thought to parking with these new projects. Our driveway has been used for years by the property owners at 446 Sycamore Road even with posted ‘No Trespassing’ signs. I would like parking issues addressed for this new development. I would like hours of construction limited to 9:00 a.m. to 4:30 p.m. It has been like living in a war zone since the approval of the NSSP. The noise level these past years has become unbearable for our entire neighborhood. The house at 446 Sycamore Road was even used by Police for practicing SWAT actions during demolition. These kinds of incidents lead me to believe the City of Pleasanton does not care about longtime folks that grew up in Pleasanton and care for and love their homes.
- “4. Notice of this meeting was mailed very late and within the Thanksgiving Day Holidays. This is a very important issue for my family. This time of year, it was very difficult to get time off work to attend this meeting and especially with such short notice.

“The NSSP is to

- “5. Preserve and enhance the unique character of existing development within the Specific Plan area.***
- “6. Provide for an appropriate transition between existing and proposed newer residential areas and the existing rural residential character along Sycamore Road.***
- “7. Ensure compatibility between land uses within and adjacent to the planning area. Establish a development program which maintains the value of the property within the planning area, and protects the rights of adjacent owners as well.***

**“C. VISUAL AND NATURAL RESOURCE GOALS**

- “1. Design new development to protect important natural resources and views, give a clear structure to development within the planning area, and avoid natural hazards.***
- “2. Account for significant views from within the planning area to surrounding hillsides when designing new development.***
- “3. Preserve existing heritage trees whenever possible.***

**“7. Height/Privacy**

***“Project applicants may be required to provide view studies at the planned development review stage to demonstrate view impacts. Various techniques including lot layout, judicious grading, setbacks, and window placement should be employed in the site planning to minimize view disruption and maximize privacy.”***

Ms. Green indicated that she read directly from the Specific Plan and would really like the Commission to consider any options that could minimize those effects on their property and their home.

Mr. Myers presented an exhibit to show the thought that went into the design of the homes and the setbacks both from Sycamore Road and from the Greene property when they were laying out the property. He noted that on Lot 1, the issue regarding the setback from the road, not only is the single-story element of the garage at just the front corners at 45 feet, but the bulk of the house is at the two-story portion which is set back at least either 70 feet or more. He further noted that the far right corner of the front porch is set back 81 feet, so the two-story element is actually set back about 89 feet. He indicated that he believes this is a significant setback from Sycamore Road.

Mr. Myers continued that along the Greene property line, the first house on Lot 1 is in front of that part of the Greene property that looks like a horse corral area, for lack of a better word, so there is not much impact on existing structures. He added that more attention was paid to Lots 2 and 3 with respect to potential impacts. He noted that on Lot 2, they tried to keep the house close to the driveway, but the driveway unfortunately got pushed away from the property line in order to avoid any impact on the trees along there. He added that there is a 30-foot setback to the structure, and on the second-story portion of the structure, a porch encroaches into that 30 feet. He indicated that Lot 3 has the same situation with a 15-foot setback to the garage component and 29 feet to the second-story element, stair-stepping away from the Greenes' property line.

Mr. Myers stated that they could have pushed the envelope and built much bigger houses with smaller setbacks, but they tried to strike a balance between what was permissible in the Specific Plan and what would work for the neighbors, and what would preserve the trees on the site in order to come up with a good balanced project for the City.

Commissioner Olson inquired if it is possible to increase the footprint and build single-story homes on Lots 2 and 3.

Mr. Myers replied that it would be possible to do so, but enlarging the footprint would actually bring the houses closer to the neighbors. He noted that on Lot 3, they had some difficulty with the large oak tree and potential encroachments into the drip line of that tree. He indicated that they are trying to preserve that and minimize impacts to the tree as best they can. He added that building a single-story home would mean making it as big as possible in order to be a pay-off on the value of the land.

Commissioner Olson inquired if one option would be to take out that tree.

Commissioner Narum inquired if that tree was the one pictured in the arborist's report and called an unbelievable specimen.

Mr. Myers stated that he would not even think of removing the tree. He pointed out that they are preserving the creek area in the rear and are trying to work within the constraints of the site to come up with a project that makes good sense.

Commissioner Olson inquired if the all the trees on the Green property by the property line are in the way of the Greenes' view.

Mr. Myers replied that he has not been to the Greenes' property to be able to say what their views are or are not and that he would not want to speculate. He indicated, however, that there are some nice trees there that provide some natural screening of the proposed development.

Commissioner Olson noted from the plans that the second-floors of all the houses are bedrooms and bathrooms. He inquired if there were living areas upstairs.

Mr. Myers said no.

Acting Chair Blank asked Mr. Myers if he had thought about putting up some story poles and taking some pictures just so he would have a sense of what would be blocked and what would not be blocked. He indicated that this is not the Commission's ideal solution but that it is not all that expensive to do. He stated that that applicant can install them, and the Commission can come out and look at the place. He added that it is a way to quantify, and sometimes, once the neighbors see the story poles, they realize that it is not as bad as they originally thought it would be.

Mr. Myers stated that he was open to that concept if the Commission thinks it is necessary. He reiterated, however, that the project has some substantial setbacks.

Commissioner O'Connor asked Mr. Myers if these issues came up in his earlier conversations with the neighbors or if tonight is the first time he is hearing about them.

Mr. Myers replied that they had conversations about them. He indicated that they had actually staked a corner of the building when they were looking at the orientation of the home and was sharing those plans with the neighbors as we went so he could educate them a little about what was being doing. He stated that he showed them the elevations and the setbacks, and they talked about the building a seven-foot tall fence leaving the existing chain-link fence.

Commissioner O'Connor inquired if they had come to some agreement.

Mr. Myers replied that part of the feedback was that they were concerned about the yards being close to their home, but expanding the footprint would bring the living area and the outdoor living area closer to their homes as well. He reiterated that this was a balancing act to arrive at that right mixture and thoughtfully incorporate everything into the design.

Commissioner O'Connor noted that there were no view easements here but the Specific Plan does reference trying to preserve views and includes a big section on the transition area. He further noted that the homes coming in from Sunol Boulevard are all older single-story homes, and further down onto Sycamore Road and Sycamore Creek Road are the newer two-story developments. He indicated that he is now torn about being consistent in the transition area, there being mostly single-story homes there on both sides of the street. He noted that he can understand the argument in relation to the Specific Plan, but it does not mean that there can be some variances from the Plan if the Commission so desires. He added that he did not know if the Greenes really have a view that the project is obstructing or if it is really less significant because they do not really have a view. He indicated that he liked the idea of installing story poles because they can answer a lot of questions when there are controversial things like this.

Commissioner Olson agreed.

Acting Chair Blank asked Mr. Myer if he is under a specific time constraint to get this done quickly.

Mr. Myers said yes and no. He explained that their agreement with the bank is not specifically connected to this project, but they have a timeline for recording the lot-line adjustment which allows them basically to sell off the front part of the lot. He added that, in fact, they were trying to get some sense of the City approval level for the project before they closed escrow on the back half of the property. He indicated that they already own the three lots on the one side. He added that he filed his application for only four houses in August; it took several months before he came to the Commission; and he still has a long way to go.

Acting Chair Blank stated that the reason he asked the question is because one of the Commission's options is to continue the matter and ask the applicant to install some story poles; the Commissioners can then go out and look at the property and bring the item back for discussion and a decision. He noted that it would be good to send this forward to the Council with the full support of the Commission rather than have it go to the Council with unresolved issues and have the Council send it back to the Commission for further consideration.

Commissioner Olson noticed that Thrivent is a common owner here and inquired if the lot lines on the parcel to be sold are cast in concrete or moveable.

Mr. Myers replied that after the lot-line adjustment is recorded, the property lines will be set and will not be moveable. He noted that they are at the very end of the process and it should be recorded any day soon.

Commissioner Olson inquired if the house on Lot 3 can be rotated to the left toward the creek to move the front door away from the Greenes' property, then move Lot 4 somewhat toward Sycamore Road.

Mr. Myers stated that he does not think Thrivent would support that. He noted that Thrivent is in a contract to sell that home to another party right now, and it is contingent on the approval of the lot-line adjustment.

Acting Chair Blank stated that one possibility with Lot 3 would be to rotate the home clockwise.

Mr. Myers stated that that was the initial layout but it would have a worse impact on the Greenes' rearyard and the oak tree. He noted that the proposed layout is the superior layout.



Commissioner Narum asked Mr. Myers how he feels about changing the construction hours from 8:00 a.m.-5:00 p.m. to 9:00 a.m.-4:30 p.m.

Mr. Myers stated that he does not have any problem with reducing the construction hours if that is going to help. He reiterated that he is a believer in being a good neighbor and that he really has done everything he could to try to reach out to the neighbors and make them feel like they are a part of this process. He noted that what he has here is a little bit of suffering from the previous developments that have occurred in this area, especially with the property on the other side. He indicated that this was unfortunate but that he is more than willing to try and be thoughtful with this in a reasonable way.

Commissioner Narum asked Mr. Myers if he could quickly walk the Commission through the available off-street parking for each of the houses.

Mr. Myers stated that this is something they thought about when we were laying out the site. He noted that because there is no parking allowed along Sycamore Road right now, they created three-car garages and large driveways for a minimum of three-car parking on the driveway aprons, which provides plenty of parking on Lots 3 and 4. He indicated that for Lot 2, because they were trying to keep the house as far away from the Greene property as possible, there is a minimum of the three-car driveway apron spacing, but they included a couple of parking spaces along Lot 1 as well as a space on Lot 4 for extra guest parking.

Commissioner Narum stated that she recalled there were parking issues on the other side of the Greene property and asked staff how the parking for the proposed project compares with that.

Ms. Stern replied that the parking situations are comparable. She noted that the houses on Sycamore Terrace generally just have their driveways because there is no parking on Sycamore Terrace and added that some of the houses have longer driveways.

Commissioner Narum noted that the proposed project seems to have more parking.

Mr. Stern replied that was correct, due to the fact that several of the proposed homes have longer driveways.

Commissioner O'Connor inquired if Saturday construction was allowed for those homes.

Commissioner Narum said no; it was Monday through Friday with the possibility of applying for exemptions.

O'Connor asked Mr. Myers how long it would take him to construct the story poles, assuming he was amenable to doing it.

Mr. Myers replied that he does not know because he has not done it in a long time.

Commissioner O'Connor asked staff if there is a way, if Mr. Myers built them quickly enough and the Commission could see them, to get this item back on calendar in December.

Ms. Stern replied that it could be done. She added that Mr. Myers would not lose any time on Council because the Council's first meeting in January has been canceled, and staff could take this to the next Council meeting in mid- January.

Commissioner Pearce inquired if the Nssp encourages single -story homes.

Ms. Stern replied that she did not see anything specifically about a requirement for a single-story house. She noted that there is a requirement about height and privacy, employing various techniques in site planning, including lot layout, grading, setbacks and window placements, to minimize view disruptions and maximize privacy. She indicated that staff would look into this more thoroughly and address it at the continued meeting.

Commissioner Narum inquired how many story poles the Commission is expecting Mr. Myers to put up.

Acting Chair Blank said two or three would be sufficient, ideally for Lots 1, 2, and 3.

Commissioners Narum and Olson stated that they were not that concerned about Lot 1.

Commissioner O'Connor noted that he would not want that to be an issue later on.

Ms. Stern inquired if the Commission wanted one pole per property and how much of the Ridge they wanted to show.

Acting Chair Blank stated he would do two poles per property so they can see the corners nearest to the Greene property at the height.

Commissioner Pearce stated that she wanted the Commission to see the massing as best they can. She added that once the story poles are up, it would be great if the Commission could come to the Greene property and look at them from that vantage point. She noted that only two Commissioners can come at a time.

The Greenes said yes.

**Commissioner Pearce moved to continue PUD-93, Bruce Myers, Danville School Street Investment, to the December 12, 2012 Planning Commission meeting. Commissioner Olson seconded the motion.**

Acting Chair Blank proposed an amendment that this item be considered first on the December 12, 2012 meeting Agenda.

**Commissioners Pearce and Olson accepted the amendment.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, Narum, O'Connor, Olson, and Pearce**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: None**  
**ABSENT: None**

The item was continued to the December 12, 2012 meeting as the first item under Section 6., Public Hearing and Other Matters.

- a. P12-1753, City of Pleasanton**  
**Application to amend Title 18 (Zoning) of the Pleasanton Municipal Code to modify Chapter 18.08 (Definitions) and to add Chapter 18.105 (Cottage Food Operations) establishing a permit process and performance standards for home-based food production and sales in residences.**

Natalie Amos presented the staff report and described the scope and key elements of the proposal.

Acting Chair Blank commented that the new State law is so poorly worded, noting that food and food products allowed to be produced at cottage food operations include baked goods without cream ... such as breads. He requested clarification whether custard or filling is allowed.

Ms. Amos said no.

Acting Chair Blank continued that breads are allowed.

Ms. Amos said yes. She explained that the State defined what food is allowed and that it is prepared by an enterprise within the registered or permitted space or area of the home or apartment or multi-family housing where the individual operates. She added that staff is proposing to add this type of use in the Pleasanton Municipal Code, including the lists of performance standards in terms of spacing, which would be similar to large family home daycares where these facilities are to be at least there 300 feet apart for single-family homes and only one within each building for apartment complexes.

Ms. Amos stated that the proposed parking requirements include one parking space for either garage or carport and the driveway, as well as parking for any employees, for single-family homes, and whatever the designated parking space is for apartment buildings. She added that on-street parking spaces can be used for deliveries or

pick-up of any cottage food being purchased from the premises, and for those with no garages, staff is proposing loading hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 4:00 p.m. on weekends.

Ms. Amos continued that the noise requirement would be consistent with what is already in place per the Municipal Code. She stated that the size of the facility would be based on the lesser of two options: 30 percent of the floor area of the dwelling unit excluding the garage area, or the area permitted by Alameda County Environmental Health Food and Safety Division. She added that the terms of occupancy would be what are required by the Building Code, and any internal changes, such as moving walls, would require a building permit. She indicated that staff is also proposing to prohibit signage, outdoor sales, and dining at the facility.

Acting Chair Blank inquired how realistic the no dining proposal is in terms of someone coming in and asking to sample the goods. He added that he thinks the intent is great but that it will be very difficult to implement. He noted that it could be more elegantly worded, unless there is a formal definition somewhere in the text.

Ms. Amos replied that samples are allowed; what are specifically prohibited are café-type settings.

With respect to loading of food products, Commissioner Narum noted that some of these cottage food industries are similar to those at the farmers' market and would need to be there to unload by 8:30 a.m. She inquired if the loading requirements and allowable hours are realistic, given that some may not wish to be loading the night before and risk having someone break into their cars to steal the cottage products, versus loading in the morning.

Acting Chair Blank noted that this requirement is for those loading outside the garage and that loading in the garage is allowed any time. He added that he would not support changing that because people in the house next-door may not want loading to take place early in the morning.

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

There were no public speakers.

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

**Commissioner Olson moved to recommend approval to the City Council of Case P12-1753 as proposed in Exhibit A of the staff report.  
Commissioner Narum seconded the motion.**

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, Narum, O'Connor, Olson, and Pearce  
**NOES:** None  
**ABSTAIN:** None  
**RECUSED:** None  
**ABSENT:** None

Resolution No. PC-2012-53 recommending approval of Case P12-1753 was entered and adopted as motioned.

- c. PUD-87, Sares Regis/E&S Ring – Auf der Maur/Rickenbach Property Work Session to review and receive comments on a Planned Unit Development application to construct 345 apartment units, an approximately 38,781-square-foot retail center consisting of four buildings, new surface parking, and related site improvements at the property located at 3150 Bernal Avenue (southeast corner of Bernal Avenue and Stanley Boulevard). Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) and PUD-C (Planned Unit Development – Commercial) Districts.**

This item was continued to the December 12, 2012 meeting.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

No discussion was held or action taken.

**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**

No discussion was held or action taken.

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

Commissioner Pearce advised that there will be a community meeting for the East Pleasanton Specific Plan tomorrow evening, November 29, 2012.

Acting Chair Blank stated that the Historic Preservation Task Force had a very raucous and challenging meeting. He indicated that there is a wide variety of folks on the Task Force, noting that some members want every home preserved no matter what, and others appear to not care and would be willing to bulldoze homes off. He added that there obviously are two opposing views and he and Commissioner Pearce have to be careful that the Task Force does not become dominated by one view or another, but actually represent the citizenry of Pleasanton, including those who are not present, to the greatest extent possible, and drive toward representing the community values of the entire City.

Commissioner Pearce commented that there were people yelling at one another.

**9. ADJOURNMENT**

Acting Chair Blank adjourned the Planning Commission meeting at 9:53 p.m.

Respectfully,

JANICE STERN  
Secretary