



PLANNING COMMISSION MEETING MINUTES

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

APPROVED

Wednesday, February 9, 2011

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

CALL TO ORDER

The Planning Commission Regular Meeting of February 9, 2011, was called to order at 7:00 p.m. by Chair Kathy Narum.

1. ROLL CALL

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

Commissioners Present: Chair Kathy Narum, and Commissioners Phil Blank, Greg O'Connor, Jennifer Pearce, and Jerry Pentin

Commissioners Absent: Commissioner Arne Olson

2. APPROVAL OF MINUTES

a. January 26, 2011

Chair Narum commended staff on the quality of the Minutes, noting that the meeting was very lengthy.

Commissioner Blank agreed, noting that it was a very complex topic and a very long set of Minutes.

Commissioner Blank requested that the first sentence of the fourth full paragraph on page 6 be modified to read as follows: "Commissioner Blank expressed concern that the Verizon attorney's letter indicates that the two microwave towers that the Commission did not like and had been removed were back on."

Commissioner Blank also requested that sentence in the ninth paragraph be modified to read as follows: “Commissioner Blank referred to the equipment room in the center of the Sports Park and inquired, hypothetically, if someone wanted to put a wireless facility there....”

Commissioner Blank further requested that sentence in the eighth paragraph on page 22 be modified to read as follows: “Commissioner Blank commented that it seems like a long time that the best that can be done is to start construction 1.5 years from now.”

Finally, Commissioner Blank requested that the third sentence of the first paragraph on page 33 be modified to read as follows: “He added that, for example, he believes a two-story building that is less tall than a one-story building should be allowed in areas that prohibit two-story buildings because of visibility....”

Commissioner Pearce requested that the sentence in the third paragraph on page 23 be modified to read as follows: “Referring to Parcel 1 and the design guidelines for Owens Drive, Commissioner Pentin asked Mr. McPartland ~~were~~ where BART is with regard to development on the BART parking lot and property.

Commissioner Pearce also requested that the first sentence of the third paragraph from the bottom on page 30 be modified to read as follows: “Commissioner Pearce stated she feels what the Commission sometimes does ~~of picking~~ is pick numbers out of the air and ~~hoping~~ hope they are right.”

Chair Narum requested that the last sentence of the second full paragraph on page 4 be modified to read as follows: “He asked the Commission to ~~approval~~ approve their appeal and be allowed to return to the Commission to present the project in its entirety....”

Chair Narum noted that Becky Dennis is not a Task Force member, as stated in the first sentence of the fifth paragraph on page 20, and requested that the sentence be modified to read as follows: “Becky Dennis, ~~Task Force member,~~ stakeholder, stated that she was happy with the way the guidelines turned out....”

Chair Narum further requested staff to complete the first sentence of the third paragraph on page 28: “Mr. Dolan stated that all literature on walkable communities indicates that smaller block sizes are needed, and this is what the Task Force and _____ are trying to do.”

Commissioner Pearce suggested that approval of the Minutes be deferred to the next meeting when Commissioner Olson would be present.

Chair Narum stated that she has no objection to deferring the Minutes; however, the Hacienda discussion needs to be included in the report to the City Council for its meeting on Tuesday.

Commissioner Pearce moved to approve the Minutes of January 26, 2011 meeting, as amended.

Commissioner Pentin seconded the motion.

Commissioner Blank inquired how amendments to Minutes are handled.

Ms. Stern replied that if a draft needs to be forwarded to the Council, staff forwards the original set as they are not generally acted upon by the Commission in time.

Commissioner Blank inquired whether amendments to Minutes made by the Commissioners are reflected in the permanent records.

Ms. Stern said yes and added that all changes are integrated into the Approved Minutes.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, O'Connor, Pearce, and Pentin.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Olson.

The Minutes of the January 26, 2011 meeting were approved, as amended.

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

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

4. REVISIONS AND OMISSIONS TO THE AGENDA

There were no revisions or omissions to the Agenda.

5. CONSENT CALENDAR

There were no Consent Calendar items.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. Discussion of Parking Issues at 24-Hour Fitness

Mr. Dolan stated that staff has been tracking the resolution of parking issues at 24-Hour Fitness which had previously been brought by the Commission to staff's attention. He indicated that negotiations between the new facility and Shaklee is close to resolution, and he decided to agendaize the item in the event that no resolution is reached before the Commission meeting. He noted that discussion on the revocation of the Use Permit is premature and that it would be appropriate for the Commission to hear directly from a 24-Hour Fitness representative. He then introduced Mr. Craig Hardy of 24-Hour Fitness, whom Mr. Dolan had invited to update the Commission on developments regarding the resolution of the parking issue.

Craig Hardy, 24-Hour Fitness, Colorado, stated that he has been working with James Paxson and City staff to resolve the parking problem and that they are close to signing an agreement with Shaklee. He indicated that they have two reasons why they want to resolve the parking issue: (1) they want to be a good neighbor to surrounding businesses; and (2) they want to continue to grow their business, and this would not be possible without parking. He indicated that they have also approached Workers Compensation Insurance Fund to enter into a parking agreement and noted that another neighboring business, Polycom, does not have any parking capacity. He noted that Shaklee is their one opportunity to address long-term employee parking problem and that in the short term, they have re-opened the West Las Positas Boulevard facility where their employees have been instructed to park and take the shuttle to the new facility.

Mr. Hardy stated that they had booked 4,000 work outs in the new facility the past month and have also hired Black Tie Shuttle to run along Willow Drive and service 100-120 members a day. He indicated that they are also in the process of negotiating a valet agreement during peak hours so members would not have to park across the street. He added that an alternative would be to add 20 parking spaces along the northern entrance off of Willow Street, which would require negotiating with Polycom because it is in their access easement.

Mr. Hardy stated that he hopes to have a signed agreement within the next two weeks with Shaklee and with the valet service for their members.

Commissioner Blank expressed concern that the Commission was informed two weeks ago that 24-Hour Fitness was very close to an agreement; and tonight, the Commission is again hearing that they are very close to a resolution and that an agreement would be reached within two weeks. He inquired if they would again be told the same thing in two weeks and when it would be appropriate to say, "Enough is enough."

Mr. Hardy replied that he did not have an answer but that they have been acting in good faith in negotiating an agreement with Shaklee. He noted that they opened the facility

just before the holidays and it is difficult to get people to the table at this time as they are travelling. He acknowledged that this is 24-Hour Fitness' problem and not Shaklee's; however, they are not able to get the other party to assume the same urgency they have to resolve the issue

Commissioner Blank commented that it would not be difficult to get the other party to the table if 24-Hour Fitness is willing to pay the price.

**b. PUD-82, David DiDonato, Donato Builders, Inc.
Work Session to review and receive comments on a proposal to construct 13 detached single-family homes on an approximately 1.17-acre site located at 4171 and 4189 Stanley Boulevard. Zoning for the property is R-1-6,500 (One-Family Residential) District.**

Steve Otto presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner Blank noted that the list of questions did not include the noise issue.

Mr. Otto explained that information on the noise issue, such as the train, would be presented at the next meeting.

Commissioner Blank stated that he reviewed his own property's deed of trust and disclosures and noted that the train and railroad tracks were disclosed on three pages in verbiage that could not be understood by a common lay person. He commented that disclosures should be written in plain language. He then inquired what could be done if noise from the train is at 60 dBA.

Chair Narum suggested that this issue be added as Question #12. She added that there was a noise and vibration study report in the reading materials which provided information on noise inside the house.

Mr. Otto stated that the report indicated what mitigation would be required in order to meet the General Plan standards inside the homes. He added that as discussed in the prior staff report, it does not address the train whistle or horn noise.

Commissioner Blank indicated that he specifically was concerned about the whistle and the horn. He concurred with Chair Narum's suggestion to add this as Question #12.

Commissioner Pearce noted that the applicant had indicated that he was planning to install 93 new trees. She stated that the number of trees in Exhibit A does not total 93.

Mr. Otto replied that the number of trees is in the range of 40. He added that the total number of trees could be 93 if the applicant adds trees in the side and rear yards.

Chair Narum referred to the Tree Survey Map and inquired whether Trees #67 and #68 were located inside the wall on the property or outside the wall, or whether the wall was going through them.

Mr. Otto replied that it is not clear from the Map. He added that if the trees were extremely close to the wall, the trees could not be saved due to impacts from the wall footings.

Chair Narum requested that staff clarify this when the applicants return with a formal project.

Mr. Otto replied that he would.

Commissioner Blank commented that Question #6 should be answered prior to answering Questions #1 or #2 because the answer to whether or not the Commission supports the demolition of the existing house would lead to different kinds of issues that would need to be addressed.

Chair Narum suggested that Question #6 be answered first.

The Commissioners concurred.

Mr. Dolan stated that the most important questions should be addressed first. He added that the Commission should recognize that it has already answered all of these questions, and if the Commission ends up in a different position, there would be specific reasons for doing that.

Commissioner O'Connor noted that a study was done and a consultant was hired to determine whether or not the existing house had significant value. He inquired what the City's position is regarding the recommendations of a consultant, generally accepted as an expert in a specific field, who is hired to do a study to be paid for by the developer. He also inquired if, from the City perspective, the City is willing to agree with the consultant who says the house has no significant value so the house can be torn down; or should the City still desire to save the house regardless of the consultant's recommendation, would the City then inform the applicant that he cannot tear down the house. He further inquired if staff informs the developer up front that there are no guarantees on the expert's conclusions would be and what the City would recommend.

Mr. Otto explained that while the developer pays for the consultant's services, it is the City that actually chooses, hires, and pays the consultant. He added that the consultant works directly through staff and not through the developer, that the consultant answers staff's questions, and that staff then comments on the consultant's work. He confirmed that there are no guarantees on what the study's findings would be with respect to whether or not the house needed to be saved, and what staff's recommendation would be.

Mr. Dolan stated that when the City asks the applicant for additional funds for a consultant to do a study, it is implied that the City is asking for an expertise that staff cannot provide, that the study will have a certain outcome, and that staff will defer to that expert. He indicated that it is reasonable for the applicant to understand that staff does not guarantee a particular outcome and that staff's recommendation will be based on the results of the study.

Commissioner Pearce noted that it could also be just as easily argued that there is a factor being used in getting any kind of consultant's opinion. She indicated that she has never heard an applicant return and say that he or she was relying on the study and expected the City to agree with it.

Mr. Dolan agreed that there is a factor involved and that there may be circumstances where other things come into play as well. He noted, for example, that if there were four studies done, three of the studies could say one thing and the fourth say another thing; additionally, there are other professional opinions. He indicated that in this case, the City asked one reputable firm for its conclusion and got it, and staff's recommendation is consistent with that conclusion.

Commissioner O'Connor stated that he thinks the City does rely on tree studies unless a tree is in good health and it is very clear that it can be saved. He added, however, that when a tree is studied and is found to be diseased and will die within a year, he thinks the City would take this as an expert opinion. He acknowledged that a developer would generally expect staff to support a consultant's conclusions; however, this does not guarantee anything because the Commission or City Council could overrule that conclusion due to extenuating circumstances.

Mr. Dolan stated that he thinks this is a reasonable expectation on the developer's part because the City would not otherwise ask for an expert opinion.

THE PUBLIC HEARING WAS OPENED.

Paul Martin, representing the applicant, stated that representatives from the project's architectural firm as well as the project's landscape architect could answer questions the Commission may have regarding the proposal.

Chair Narum requested the landscape architect to respond to the earlier question regarding the location of Trees #67 and #68.

Terry Camp, Camp & Camp Associates, stated that both trees are located off the property on the other side of the property line.

Bonnie Krichbaum, 44-year Pleasanton resident and Vice President of the Pleasanton Heritage Association (PHA), referring to Commissioner O'Connor's statement regarding relying on experts' opinions, stated that on page 1 of the Downtown Specific Plan (DTSP), it states that the Specific Plan is intended to serve as the primary regulatory

guide for preserving and enhancing the 308-acre Downtown area. She added that the DTSP continues that under California law, once a specific plan is adopted, as the City's was after 35 committee 65 subcommittee meetings, and three town meetings, no rezoning, subdivision, or use permit for construction within the Plan Area can be done unless it is in substantial conformance with the Specific Plan. She indicated that while there are many items in this proposed project on Stanley Boulevard that need a tremendous amount of re-direction, the demolition of the house is unnecessary because it is habitable although it is now uninhabited. She added that this would set a terrible precedent leading to a very slippery slope of destruction of small street-side cottages, homes, and rentals that are on property listed as high density in the heritage neighborhoods. She pointed out that on page 68 of the DTSP, #7 very clearly states that, *"Future residential development should generally provide for the preservation and rehabilitation of existing on-site street frontage homes which exceed 50 years of age or which substantially contribute to the 'small town' character of the neighborhood in terms of architecture and scale."*

Ms. Krichbaum stated that a home does not need to be a perfect historic example or a beautiful, maintained home to be valuable to the history and heritage of the City. She noted that new homes, regardless of amenities, never look like older homes or have their character, and new trees never really replace old trees either. She referred to the Land Use map on page 18 of the DTSP and noted that most of the DTSP area is zoned either Downtown Commercial or High Density Residential. She noted that Rose Avenue, Harrison Street, Augustine Street, Peters Avenue, Division Street, and St. Mary Street are blocks of small and interesting historic homes that are over 50 years old which are valuable pieces of property. She added that if the mindset of the property owners, City staff, and the Commission is for these homes to be demolished to make way for the development of high density homes, the small-town character feel and look of the City's heritage neighborhoods would be completely destroyed. She indicated that there are examples in town of street-side older homes that are being preserved with the construction of multiple-family units behind them. She noted that the PHA has consulted with City staff on several proposals by local developers to leave the original home, enhance it with a remodel, and build a moderate amount of homes behind it.

Ms. Krichbaum indicated her appreciation for the concern and effort put forth by City staff, the Planning Commission, and the City Council to make this project the best it can possibly be. She added that it is very important that the City's historic areas be preserved and enhanced as the Downtown commercial and residential areas, as well as the future and feel of the Downtown, depend upon that. She concluded that this can be achieved, but it takes community, political, and staff dedication, with respect and pride for Pleasanton's heritage as the point of consensus in these matters.

Linda Garbarino, President of the Pleasanton Heritage Association, spoke about the character and integrity of historic neighborhoods. She stated that Stanley Boulevard is one of the gateways into the City, and its historic integrity is slowly being eliminated due to thoughtless demolition, as characterized by a leading historian in a report: *"...a street that is losing the inventory that once defined it as a historic neighborhood."* She

commented that this is a critical statement for a historian to make about a city that prides itself in its history. She questioned who was to blame for this loss of historic inventory.

Ms. Garbarino concurred with Ms. Krichbaum that the City has a certified plan in the Downtown Specific Plan, but questioned if its policies and directives are being followed and if it needs to be amended to address the need to save historic properties in the City. She noted that the DTSP was developed in 2001, and many of the homes pictured in the Plan are no longer in existence. She indicated that some of these homes have been replaced through just saving a wall of the original home, which is a strange way of preserving history, or by saving a small portion of the front of the house but certainly not representing what has been there in the past. She commented that she thinks the City is placing too harsh criteria on what would actually qualify for historic significance. She noted that there are criteria from the National Registry and the California State Registry; however, the City does not have an inventory full of those kinds of homes but a good number in-between those criteria such as cottages and street-side properties, such that each loss is keenly felt and makes holes in neighborhood.

Ms. Garbarino stated that she feels Stanley Boulevard is in a historic, neighborhood crisis, with a Craftsman home slated for demolition to make way for a high-density project. She noted that the existing house is not really a throw-away home and that homes like this have been saved. She showed a picture of a similar home in San Diego where the developer took the original home and remodeled it to make it look presentable as a business. She commented that this was a win/win situation.

Ms. Garbarino stated that the Heritage trees that line Stanley Boulevard are typical and are cared for by homeowners and associations along the street because they value those trees. She indicated that the City has a Heritage Tree Ordinance, but noted that payment of fines for removal of trees for the convenience of the developer is not the hallmark of the Ordinance. She noted that there are heritage trees at the entrance to the property that should be protected and, according to Camp & Camp Associates, have a good potential for longevity. She added that there are six trees in good health and suitable for preservation: three Deodar cedars, one Canary Island date palm, one Douglas fir, and one Coast live oak. She pointed out that the tree report almost sounds like there may be a chance to preserve the trees, but then the recommendation makes it sound like what the City has is a Tree Removal Ordinance.

Ms. Garbarino then addressed the project's impacts to Stanley Boulevard. She stated that the proposed project is more than just a question of an old house and existing trees; it is the loss of a vintage property that can be curbed by the City with thoughtful designation of historic neighborhoods. She noted that no thought is given to truly maintaining and protecting vintage homes, and each demolition becomes a lost opportunity they can never be reclaimed as the house is gone forever. She added that the home at 4189 Stanley Boulevard presents the Commission with an opportunity to address this issue. She recommended that the DTSP be updated with language that

will protect the diminishing inventory of vintage homes, which are the true hallmark of this historic community.

Emilie Cruzan, a neighbor, expressed concern about the trees, the house, and parking. She requested that a question be added to the list with respect to parking allowed on only one side of Stanley Boulevard following the proposed City street construction to modernize and underground utilities. She inquired if the limited number of guest parking spaces provided for the many families and visitors has been taken into consideration.

Chair Narum advised that this would be considered under Question #7.

Ms. Cruzan stated that several years ago, residents along this section of Stanley Boulevard did not feel that this particular development was right and had submitted statements of wanting to see four to eight homes which would maintain the existing zoning requirements. With respect to the Deodar cedar trees, she indicated that the developer had noted that these were unattractive and would never be allowed on a school campus; however, these are the same trees that stand in front of Amador High School. She indicated that if maintained properly, these trees are part of the beauty of the street, and she would like every effort be made to preserve them. She stated that these trees form part of the viewscape from her house; they filter out particulate matter and are also fairly close to the watershed. She added that it is possible to preserve heritage trees while providing open space for those who live in the development.

Ms. Cruzan then requested that the nature of the street with the old house be preserved. She noted that the development calls for houses to be built very close to the rear yards of Del Valle Manor next door. She requested that the proposed homes have the same rearyard setback from the fence that Del Valle Manor has, which is about 15 feet.

Darrell Walterson, neighbor, noted that the City encourages people to install Photovoltaic (PV) panels on their homes and that he installed PV panels in his property in 2007. He stated that no one had approached him regarding the proposed project or even noticed that he had PV panels, and voiced concerns about being left out of the process. He indicated that while he will be protected from the noise of the train, the proposed project will affect he in that it will be like living in a canyon with two, two-story buildings on his property line. He added that the efficiency of his PV panels would be negatively impacted by any kind of shade, and he questioned how he would be reimbursed for this.

Mr. Walterson stated that there will be realignment and undergrounding of utilities on Stanley Boulevard, with sidewalks and parking only on one side as the south side will be set aside for a bike lane. He noted that this would cause congestion, and people will be parking in front of the existing houses.

Christine Bourg, Downtown resident, stated that she is distressed to learn about the proposed demolition of the 1908 bungalow and concurred with the comments of other speakers regarding the removal of trees. She noted that this project has been discussed in their neighborhood for some time and that a local contractor who is familiar with the house had indicated that it would be easy to restore and renovate the bungalow; the contractor added that because the renovation would require a new foundation, the house could also easily be moved to accommodate a driveway that would go back to the proposed units behind it. She indicated that preserving the house would be greener than demolishing it.

Ms. Bourg stated that Craftsman homes are currently very popular and have been for years. She presented three periodicals on 1900 Craftsman homes: American bungalows, Arts and Crafts homes, and the Revival homes. She noted that she sees houses like these listed on the market, and, if fairly priced, they are purchased immediately. She commented that she would think that the profit derived from a renovation would be greater than that of one unit.

Ms. Bourg then cited a passage from page 39 of the Downtown Design Guidelines (DTDG) of May 2006, under Multi-Family Zones: *“Duplexes or triplexes located behind single-family homes are preferred over large-scale structures to maintain the small town character of Downtown neighborhoods and to retain the single-family residential streetscape.”* She then read from page 61 of the DTSP, under Historic Preservation: *“The rich character of Downtown Pleasanton stems from its abundance of historic buildings that have been constructed over the past 150 years. The architectural styles, small town scale of buildings, and tree-lined streets all combine to create a setting unique to Pleasanton.”* Lastly, she read from page 76, #22: *“Discourage the demolition of single-family homes which exceed 50 years of age. The replacement of any single-family home should be compatible with the neighborhood scale and architectural style.”*

Ms. Bourg then thanked staff for their assistance with the neighbors.

Mr. Martin stated that he has been at all the hearings for this project and listened to the passion and emotion surrounding the old home. He agreed that Pleasanton does have a rich history. He indicated that he lives in a home that was built in the 1940's and added that while it is a public benefit to everyone, it can be a burden to the owner. Mr. Martin noted that the City has a good method that requires an expert to evaluate the structure and arrive at a recommendation, and this procedure should be given some deference. He stated that in this case, the report concludes that the house does not rise to the level of recognition as a historic structure. He asked the Commission to weigh this in its decision.

With respect to parking, Mr. Martin stated that the project has a good ratio with 59 parking spots for 13 homes, seven of which are for guest parking and 26 are uncovered.

Regarding shading, Mr. Martin stated that ironically, the removal of the Deodar cedar trees might improve shading. He added that they tried to be sensitive to this issue when they proposed an open space area adjacent to the PV panels on the neighboring property.

Mr. Camp stated that they agree that some of the Deodar cedar trees (#61 through #64) are healthy, but they have split trunks and some are very tall and very large. He noted that they have adopted an aggressive mitigation program that would replace the cedar trees with California native species throughout the project and in the backyards. He indicated that one of the most important issues is the public health and safety issues of the trees. He pointed out that the Deodar cedar trees produce small round cones in abundance that land on streets and sidewalks and present great danger to anyone walking by the trees. He added that this specie also has a history of limb breakage, even with maintenance, which may cause damage to the homes.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pearce requested that Mike Fulford, City Landscape Architect, be present at the meeting when the actual application is presented. She indicated that she appreciates the Council's direction to return the item to the Commission. She stated that she has learned more about historic homes after she and Chair Narum attended a California Preservation Foundation workshop on historic preservation and that she does not support the demolition of the house.

Commissioner Pearce stated that the Commission does not look at whether this is a great house, but rather, it tries to evaluate if the house has any historical significance in conformity with Federal and State guidelines, with respect to whether or not the house is associated with an important period or important people in Pleasanton history. She noted that the report concludes that the house does not have these associations; however, the report also states that the footprint, form, and structure of the house has been unchanged, it has good integrity and design, and that if minor modifications were undertaken, primarily the removal of the stucco cladding, the house would be in great shape.

Commissioner Pearce stated that her entire belief regarding preservation of the house has nothing to do with whether or not anyone important ever lived there or whether this particular part of the street was important in Pleasanton history, but rather, with whether or not this is a structure worth saving. She noted that based on the expert report, she believes that it is. She indicated that she thinks a lot can be done with houses like this, especially in looking at what has been presented of the San Diego house. She continued that she believes a lot should be done with houses in Pleasanton based not on whether or not they meet Federal or State guidelines for historic importance, but on whether or not they are good examples of older homes and can help the City retain the integrity of the older districts in town. She stated that she appreciates the applicant's suggestion that the house be relocated to another place, but clearly this is where the house belongs.

As a final note, Commissioner Pearce noted that the applicant talks about the current state of the structure. She stated that, as she understands it, the structure has been owned by the applicant for 30 years, and she is not in favor of rewarding someone for allowing the house to fall into disrepair and then approving it for demolition.

Commissioner Blank stated that this is a tough issue and that while he agrees with some of the things Commissioner Pearce stated, he does not have the same passion or commitment that she has. He noted that the challenge is that the home is an older home, and because a house is old does not, in and of itself, merit its preservation. He stated he has driven by and walked the property several times and does not have the impression that preserving the property at all costs would be of value to the neighborhood. He added that he is not sure how much it will cost to restore the house and whether or not it is economically feasible. He noted that if preserving the house makes this project uneconomical in terms of density, then the Commission might be having a completely different discussion.

Commissioner Blank stated that when the Commission first heard this project, he was in agreement with allowing the house to be demolished, and he did not find anything in the consultant's report that changed his mind. He agreed that the house has integrity; however, the structural portion of the house is not in question. He indicated that the guidance he has operated under is whether or not the house falls under historical preservation, and the report does not support this.

Commissioner Blank stated that he thinks this project indicates that Pleasanton does not need a Historical Preservation Ordinance but an ordinance to preserve older homes and determine the definition of what constitutes this; for example, any home over 50 years or 100 years, and categories of preservation without the word, "historic."

Commissioner O'Connor agreed with Commissioner Blank that older homes should be preserved. He stated that he fears if the Commission limits itself to these criteria, there would be many houses in town that will fail to meet the criteria, even within the DTSP. He added that he thinks it is unfortunate that the wording is the way it is, as many of the older homes that he would like to save would not be saved.

Commissioner O'Connor stated that it is unfortunate that the City has given developers and property owners the idea that if they follow this process they should expect a certain response from the City. He indicated that there are developers and owners spending a lot of money to get direction, and to have the Commission or Council refute this and say they would like to save the older home anyway is not right. He noted that he is torn because while he thinks this home would be nice to save, he does not think that proper direction has been given to developers and builders.

Commissioner O'Connor stated that he does not think the Commission has been given a choice based on how the City's documents are written. He noted that while he is not happy about it, he supports the demolition of the house. He acknowledged that each

Commissioner has the individual right to not support it and that it would be nice if the developer saved the house.

Commissioner Pentin stated that he is in the same quandary as other Commissioners. He noted that he has only seen the project once, and from what he has read and what has been presented, he has been trying to find a compelling reason to save the house as he has seen many houses in town that have been renovated and are gorgeous. He continued, however, that when he looks at this project, he sees how far it has come through the process and how the applicant has developed an entire plan without the house. He commented that the Commission has really not made a finding to save it. He pointed out that staff has asked an authority to tell the Commission what the house really means, and the consultant has indicated that it does not rank as a heritage house to be saved. He noted that he has also questioned what the house would look like with high density development built around it and what would be accomplished by doing this. He added that the street will also change with the addition of curbs and sidewalks; he indicated that he would support the demolition of the house.

Chair Narum agreed with Commissioner Blank that this is a very tough decision. She stated that she also attended the California Preservation Foundation Conference, and she supported demolishing the house but for a different reason. She noted that the integrity of the street is already gone, and there is only one other house left on that street that is more than 50 years old. She indicated that she believes the bigger question is that there are a lot of other neighborhoods that have been identified as having many historic, older homes which may not meet any of the preservation criteria evaluated here but which does not mean they should be torn down. She indicated that those areas are more consistent and where the attention should be.

Commissioner Pearce stated that she would like the Commissioners to remember this discussion and this house when they return and talk about putting together some kind of Historic Preservation Ordinance for the City. She noted that if something were in place 30 years ago, this conversation would not be happening, and the street would be intact with lovely houses. She indicated that she would hate to see this happen to the rest of the City.

Commissioner Blank stated that he was very much in support of a conservation ordinance and that if something were in place five years ago, this discussion would not be happening.

Chair Narum agreed that there is a need to protect the integrity of older neighborhood homes.

The Commission then discussed the questions listed in Exhibit B of the staff report:

Commissioner Narum stated that Question #6, "Does the Commission support the demolition of the existing house?" has been answered, with the majority of the Commission supporting the demolition.

The Commission considered Question #1 and Question #2 together.

1. Is the proposed density acceptable?
2. Should a minimum of 15 units be built in order to require affordable housing units be constructed per the City's Inclusionary Zoning Ordinance?

Commissioner O'Connor stated that he previously supported this density but is now having second thoughts. He indicated that he understands that the plan for the Downtown is to have more density, but he thinks this is too tight. He noted that there will be a shortage of parking with the revamping of Stanley Boulevard. He added that while the project includes 26 covered and 26 uncovered parking spaces, the reality is that people do not park in their garages, and there is not enough guest parking for visitors. He suggested more on-site parking, more open space, and the elimination of one more unit. He indicated that he would not support increasing the density.

Commissioner Pentin stated that he would not support increasing the density and likes the removal of the one unit [from 14] in order to increase the parking and possibly the tot lot, but he would much prefer if another unit were removed.

Commissioner O'Connor added that depending on which unit is removed, some of the trees might also be saved.

Commissioner Blank stated that he supported the original configuration, but after having heard some of the public testimony and reviewing the materials received, he thinks the project should be brought down to 12 total units, which would be the elimination of an additional unit. He noted that this would allow for additional open space, more trees, and perhaps less shading issues on the PV panels. He indicated that he was not supportive of 15 units on the property.

Commissioner Pearce stated that she supported a reduction in density and more open space but that she thinks there could be 15 units if they were not single-family homes. She noted that the staff report states that retaining some of the cedar trees limits the space to install play equipment, and if the project is that tight, then some of the units need to be removed. She indicated, however, that given discussions at the Housing Element Task Force regarding the need for affordable housing, she would not be opposed to 15 non-single-family homes with decreased living space and increased open space.

Chair Narum stated that she supported 13 units but believes the floor area ratio (FAR) is too high and suggested decreasing the size of the homes in order to increase rear yard setbacks.

Commissioner Pearce suggested a significant house size decrease, as the developer may return with ten square feet less off of each home.

Chair Narum agreed and stated that she thinks a 67-percent FAR is too high.

Commissioner Blank suggested that the FAR be identified for each home when the project returns and asked staff to provide both the original and the revised plans in order to identify differences.

3. Are the single-family home lot locations and sizes acceptable?

Commissioner O'Connor stated that he would be supportive of the developer returning with a plan for attached units, such that a significant amount of space could be used in-between homes and for open space.

4. Is the open space parcel acceptably located and sized?

5. Does the Commission have a preference for the improvements in the open space parcel? For example, should the open space area have play equipment?

Commissioner Pentin stated that if the FAR was reduced or another house was removed, this would open up the possibility of having more open space and parking; however, he stated that the plan must pencil out for the developer.

Commissioner Blank agreed but said if the same numbers of lots are kept but with reduced FARs, depending on how the houses are sited, having open space centrally located to all units is a good idea.

Commissioner Pearce agreed.

Commissioner Pearce stated that she has seen a number of different proposals for the tot lot, and she was not sure she had a strong preference as to where it should be located. She added, however, that there should be no encroachment of parking on the tot lot. She indicated that she thinks it is silly to include a tot lot without some play equipment and supported its inclusion. She added that there is also no guarantee that there will not be children moving in or living there at some point in time, and she inquired who would be responsible for the installation of the play equipment at that time.

Chair Narum stated that of the three plans, she likes the "A" location for the tot lot because it is central and alleviates shading for the neighbor. She concurred with Commissioner Pearce that there should be play equipment on the tot lot

Commissioner O'Connor agreed that there should be no parking encroaching on the tot lot. He also agreed that there definitely should be equipment on the tot lot, but if the plan came back to reduce the number of units to 11 or 12, without knowing what the mix is going to be, he would hate to spend a lot of money putting in the tot lot if there are no small children living there or if there is only one unit with children. He added that if there are no children, he would like to see something for adults such as a picnic bench, a

bench swing, and maybe a small tot area. He stated that they definitely should be an amenity.

Chair Narum suggested that the project be conditioned that when 50 percent of the homes are sold, a homeowners meeting be held to vote for or against a tot lot, with the developer devoting a certain dollar amount.

Commissioner Pentin inquired if the Commission could include such a condition.

Commissioner Blank inquired if the project would have a homeowners association (HOA) or a maintenance association.

Mr. Otto replied that the project was originally proposed to have a maintenance association because there was no common open area; however, if the open space parcel becomes common area, there will most likely be an HOA. He noted that there have been some exceptions where the City has implemented maintenance associations for open space areas.

Julie Harryman stated that these types of questions have arisen in the past, and what staff routinely hears from developers is that the cost of setting up an HOA and implementing it on a small project like this does not make sense. She added that staff has also been leaning towards maintenance associations and maintenance agreements for projects of this size.

Commissioner Blank stated that if he were moving into a home, he would want to be represented by an HOA because they are independent of the City and can take legal actions, whereas a maintenance association cannot.

Ms. Harryman concurred and added that they both have their pro's and con's.

Commissioner O'Connor inquired whether or not an open space parcel would belong to the City under a maintenance association.

Ms. Harryman said no. She explained that the open space can be owned in a variety of different ways.

Commissioner O'Connor inquired whether the City could include play equipment if the project were a maintenance association.

Ms. Harryman said yes. She added that the City could also include other things like utilities, shared driveways, and storm water requirements. She noted there would be CC&Rs for the development, and those would set forth maintenance responsibilities.

Commissioner O'Connor inquired if the City could have the developer fund the maintenance area with items not initially installed for the project.

Ms. Harryman said yes.

7. Is the proposed parking adequate? Should an additional guest parking space be added to the open space parcel?

Commissioner Pearce stated that if the number of home decreases, parking will improve. She indicated that she is not in favor of adding more parking to the open space parcel and did not believe parking was adequate for the 13 units. Commissioners unanimously concurred.

Chair Narum noted that if the developer chooses the option for 13 units and decreases the square footage of homes, there will be additional room for parking.

Commissioner Blank stated that if the FARs are decreased equivalent to the size of one lot, that much more space would be available to address parking.

Commissioner O'Connor stated that he did not support adding more parking spaces in the open space areas.

Commissioner Pentin stated that an entire lot opening up should create a design factor that allows for more open space and more parking if needed.

The Commissioners agreed.

8. Does the Commission support the proposed tree removal and mitigation?

Commissioner Blank stated that he would like to retain as many trees as possible and did not support the current plan to remove trees or their mitigation. He noted that reducing the FARs or removing a unit would provide the ability to keep more trees. He indicated, however, that if the density were reduced, he possibly could support a new tree removal and mitigation plan.

Commissioner Pearce agreed and did not support the tree report and mitigation. She indicated that she was also strongly in favor of saving at least two of the three Deodar cedar trees as they represent the character of the area and are in good shape. She requested to have Mike Fulford, City Landscape Architect, to come and talk to the Commission about this.

Commissioner Pentin stated that he would like to see all of the trees stay but suggested a reworking of the map. He agreed that at some point, the development must be realistically feasible; otherwise, the developer may do nothing, which would not serve the entire purpose.

Commissioner O'Connor likened the situation of a consultant providing an opinion on the historic home as with the trees and felt that most of them were worth saving. He

noted that if space can be created through the elimination of at least one or two units, a better design might allow saving the more marginal trees slated for removal.

Chair Narum agreed and supported the priority to save the healthier heritage trees, given a re-design.

Commissioner Blank noted that developers are asked to replace a tree being removed with another, or contribute toward the cost of it in another location.

Commissioner Pearce stated that staff does not believe there is adequate room to do that on this lot, but this may be possible with the reduction of a unit or two.

Commissioner O'Connor stated that if the Commission wants the development to move forward, the DTSP envisions sometimes removing a tree that is in good shape as long as there is a good trade-off. He added that this does not mean removing every tree but noted there are exceptions that can be made.

9. Does the Commission wish to make any suggestions regarding the house type, sizes, height, setbacks, FARs, or design?

Commissioner Pentin noted that FARs and density have been discussed, and given the house's removal, he supported the previously approved design. He added, however, that if the house were saved, then the architecture was not right.

Commissioner O'Connor voiced support as well, but indicated that he would also support a plan for attached homes.

Chair Narum stated that her only comment is that there are two homes with rear yard setbacks of seven feet along the railroad tracks. She indicated that she would like these increased to ten feet to be consistent with those on the east side.

The Commissioners agreed.

10. If the location of the open space parcel remains as is currently proposed, should the location and species of the new trees and tall-growing shrubs planted in the open space parcel be selected to prevent shading impacts on the neighbor's PV panels?

Commissioner Blank noted that this would be difficult to discuss without the new design.

11. Should the applicant further modify the project to reduce shading impacts on the neighbor's PV panels?

Commissioner Pentin stated that he would hope the neighbor's shading issues are addressed by the developer when the plan is returned; however, he noted that in order for open space to be useable in the summertime, some trees are needed.

Chair Narum noted that the Commission directionally wants to minimize shading impacts for the neighbor.

The Commissioners concurred not to shade the PV panels.

Commissioner Blank inquired whether this meant zero shading at all times of the year.

The Commissioners agreed that it meant minimizing or avoiding it if possible and that the Commission would need to see the revised plans.

12. Noise and Vibration.

Commissioner Blank inquired if, when a person purchases a house near railroad tracks and there is disclosure, the train is still obligated to meet the 60dBA interior noise limit.

Mr. Otto stated that the requirement is normally 60dBA outside and 45dBA inside, except when the property abuts railroad tracks or is subject to railroad noise, which then becomes 70dBA outside LDN, 50dBA L-max in the bedrooms, and 55dBA L-max in other rooms. He noted that the whistle or horn noise are difficult to mitigate. He added that the General Plan does allow staff and the Planning Commission to look at not necessarily following the standard if it cannot be done. He indicated that In order to meet the actual horn noise inside the homes at 50dBA and 55dBA, a 29-foot high sound wall would have to be installed along the train tracks which would have to wrap all the way up to Stanley Boulevard at varying heights.

Commissioner Blank stated that the Commission has approved projects along the Foothill Road corridor where it did not require the internal mitigation of the train noise but plain language disclosure of the presence of the train, vibration, whistling, and horn blowing. He recommended that staff ensure this language is included because he would hate for this to be used as a reason for the City to be responsible for a 29-foot tall sound wall when the Commission has not required it in other locations.

Mr. Dolan stated that the issue that came up at the City Council meeting was that the Council was supportive of the same approach, that there be some tolerance for those brief periods of time when the whistle blows, and that the City would not try to mitigate or include that in the average. He noted that for information purposes, Councilmember Sullivan inquired what it is the residents would be subjected to at that particular period.

THE PUBLIC HEARING WAS RE-OPENED.

Mr. Martin stated that he had received sufficient direction and had no further comments. He confirmed he was clear on what he had heard and will discuss with staff any outstanding questions he has.

Ms. Garbarino stated that she wanted to clarify for the Commission that there are actually 14 older homes on Old Stanley Boulevard that are over 50 years old which are in relatively good shape. She noted that there used to be more but they have been demolished thoughtlessly. She added that there are other homes that have been built to echo some past historic look, but they all look new. She indicated that those owners are also quite concerned about the density of this project and voiced the difficulty in driving slowly by the neighborhood. She noted that there are a couple of contractors in the audience and inquired whether they might want to speak about how much it would cost to rehabilitate the house slated for demolition.

Ms. Cruzan requested the Commission to consider the 15-foot setbacks on the east side for the neighbors because of the fact that homes will be two stories and a ten-foot setback is not very far. She cited the uniqueness of the area and invited the Commissioners to visit the neighborhood. She concluded that she would appreciate anything the Commission can do to preserve the home.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Pearce stated that she thinks the discussion was very productive. She agreed with Commissioner Pentin's comments about the Commission striving for balance and while she is not opposed to the developer developing the property, she would like balance in the final decision.

Chair Narum asked for feedback regarding the 15-foot setbacks.

The Commissioners felt that the new plan could address the setbacks.

Commissioner O'Connor stated that he thinks with two less units, there will be more preservation of trees. He added that the entire open space does not necessarily have to be one lot in the center; he would love to see either more space between units for a single-family development, or alternatively, more usable space in the backyards of attached homes.

Commissioner Blank commented that the first home he moved into was 1,000 square feet on a tiny lot with a tiny backyard and an attached garage in front. He stated that he had minimum lot lines on both sides of his property, but this was their home. He commented that there does not seem to be many of these types of homes in Pleasanton.

Commissioner Blank stated that he would like to see a 10- or 11-unit development, but every time a unit is removed and the lots as well as the tot lot are made bigger, the price of the homes is significantly raised. He noted that they are either legally affordable housing or \$800,000 housing and cited the need for something well below that range so that new families can afford to live in the City.

Commissioner O'Connor agreed and stated that there are some homes in the historic area which are quite small at 900 square feet with small backyards, but they usually have other backyards that adjoin each other. He indicated that he is more concerned about a backyard that adjoins a 12 foot tall wall because it is not a usable space.

Chair Narum said the proposed homes are not 900-square-foot homes, but she would not mind seeing the house size decrease as it would make it more affordable for a young couple buying their first home.

Commissioner Blank agreed.

No action was taken.

Chair Narum called for a break at 9:00 p.m. and thereafter reconvened the regular meeting at 9:10 p.m.

c. PV-203, Rahul and Himani Limaye

Application for a Variance from the Pleasanton Municipal Code to allow a garage to be set back 11 feet, 6 inches from the street-side sideyard property line where a 20-foot setback is required. The property is located at 4267 Churchhill Drive and is zoned R-1-6,500 (One-Family Residential) District.

Natalie Amos presented the staff report and described the scope, layout, and key elements of the project.

Commissioner Blank referred to the plan for the proposed garage location and asked Ms. Amos to point out the location of the driveway, which Ms. Amos did.

Commissioner Blank inquired if the driveway would go right into the street, which would be the safety concern.

Ms. Amos said yes. She indicated that the length of the driveway would be about 13 feet, and it is likely that only one car would be able to park on the side of the driveway apron.

Mr. Dolan indicated that this is a short apron, and staff is concerned that people will always park there, and the car would extend out into the sidewalk.

Chair Narum inquired if the garage would have to be shifted three feet to the east if it is to achieve the 18-foot long driveway.

Ms. Amos said yes. She added that 18 feet would be from property line to the front of the garage.

Ms. Stern clarified that the question asked was how far south the garage can be moved while still maintaining an 18-foot long driveway.

Commissioner Blank asked if the original driveway will be maintained.

Ms. Amos said no.

Commissioner Blank inquired whether or not the entire garage could be moved down three feet and whether or not it would shorten the distance between the property line and the property.

Ms. Amos clarified that she was referring to the existing garage, and moving it down three feet would not meet the required minimum setback.

Commissioner Blank requested clarification that moving the existing garage three feet would not meet minimum setback but would be consistent with the required 18-foot long garage.

Ms. Amos said yes, but it would also reduce the street sideyard setback.

Commissioner Pentin clarified that the existing garage is not being proposed to be moved three feet.

Ms. Amos said it was not.

THE PUBLIC HEARING WAS OPENED.

Michael Tolleson, architect/applicant, indicated that the alternative proposal was presented to the Planning staff and generated only for the owners and was never part of the Variance request. He, therefore, requested that it be excluded from Commission consideration. He then presented the history of the house, which was built around 1970 as the model home sales office for the tract, and included the sales office in the garage location on the south adjacent to the entry, a bathroom for employees and buyers built within the sales office, a legal driveway provided between the street and original sales office, and another driveway provided to the west. He noted that the sales office use of the garage is established by historical data, permits, and anecdotal evidence by neighbors in the community.

Mr. Tolleson stated that the owners' request for this Variance application stems from their reasonable desire for a typical condition of house entry by the garage. He noted that the hardship that this has created for them stems from the placement of the attached west garage, which has no direct access to the house, and which can be achieved only by moving the garage; access to the house from the garage would be between the two bedrooms. He noted that moving the garage by only two feet would not achieve this purpose.

Mr. Tolleson stated that the proposal is considered to be an equivalent compliance request which provides for the intent of the Code. He pointed out that two driveways are currently located on the south entry side and west side yard. He noted that staff has indicated that the purpose of the 20-foot side yard setback is to accommodate off-street parking outside the garage. He stated that off-street parking would be provided, taking the place of the west garage driveway at the existing south driveway, with no parking in the west driveway. He noted that the property presents a unique set of conditions that make equivalence to compliance possible.

With respect to the Conditions of Approval, Mr. Tolleson stated that 4267 Churchill Drive is co-compliant with all aspects of the site plan. He noted that the property's special circumstances revolve around the atypical site and floor plan of the sales office model home and its related amenities. Regarding staff's statement that consistency in limitations, he noted that no other similar variances exist in the community because no other properties in the tract are similar to this property. As regards public health and safety, which ties into staff's comments on the passage of pedestrian circulation behind the driveway, he indicated that there will be no parking in the driveway so there will be no cars jutting out to the sidewalk. He added that vehicles will not have to pass behind vehicles to continue their circulation, and parking in the south driveway is assured as it is adjacent to the entry. He stated that existing sight line obstruction at the west driveway is actually generated by the position of the neighboring property fence to the north; vehicles will be parked in the existing south driveway and open area, free of sight line obstructions, thus creating a safer condition than what is currently in place. He noted that the shift of the driveway's position to the south will also create an improved sight line condition when exiting the west garage.

Mr. Tolleson indicated that all the Conditions of Approval are acceptable, except Condition No. 4, which directs that the south driveway be replaced with a curb and sidewalk. He noted that this defeats the equivalent compliance of the two-car parking off-street adjacent to the entry.

Commissioner Blank inquired if there was any garage on the south side.

Mr. Tolleson replied that there was no garage, only a driveway.

Commissioner Blank referred to the west side and assumed that, being a sales office, it is finished with a stucco flat ceiling.

Mr. Tolleson said yes. He added that it was fire resistant.

Commissioner Blank commented that the space would then be habitable. He asked Mr. Tolleson if the proposal is to demolish the existing garage and build a new garage.

Mr. Tolleson said yes.

Commissioner Blank inquired if the garage would also be finished and if it would have a restroom.

Mr. Tolleson said it would be finished but would not have a restroom.

Commissioner Blank then inquired why the ceiling would be finished if it is not required.

Mr. Tolleson replied that this is for fire resistance reasons. He stated that when a garage is adjacent to the house, a one-hour separation is needed between the non-rated house and the garage. He noted that there is a separation in the wall and it is carried into the structure to the next bearing element.

Commissioner O'Connor stated that this is usually the adjoining wall, so the front of the wall would go all the way to the top and a ceiling would normally not be put in.

Mr. Tolleson stated that, for example, for a shed roof, the typical way to resolve this is to protect not only one side of the span but both sides; it would be the same for the garage entry way in order to do this.

Commissioner Blank stated that his experience is similar to what Commissioner O'Connor explained. He noted that the only time he has ever seen a ceiling in a garage is in a model home or if there is living space above.

Mr. Tolleson stated that he would be happy to provide whatever is the least requirement of the Code.

Commissioner Blank asked Mr. Tolleson how he could guarantee there would be no parking on the driveway.

Mr. Tolleson replied that there are several ways to guarantee that, and the most logical is that the owners and guests would always want to park closest to the entry. He added that there would be no reason to park there.

Commissioner Blank inquired if there would be an entryway between the proposed garage and the house.

Mr. Tolleson said there would be one.

Commissioner Blank commented that what he would do in that situation would be, especially when it is raining, to pull into the garage, park there, and walk into the house; and if there is a car already in the garage, he would pull in behind the car and walk into the house.

Mr. Tolleson stated that if necessary, the owners would sign a document stating that there will be no cars parked in the driveway.

Commissioner Pentin commented that this would be an enforcement issue.

Commissioner O'Connor inquired what landscaping would be removed with moving the garage 20 feet.

Mr. Tolleson replied that no landscaping would be removed because the landscaping is effectively low plants and grass. He added that it would be re-landscaped with a second application for Administrative Design Review, which would include the conventional package such as elevations, materials, and colors. He stated that the Code allows the application of a Variance separately from Design Review, which is what they are doing to save the client some money from the additional architectural documentation.

Commissioner O'Connor inquired what is located south of the new proposed location of the garage.

Mr. Tolleson replied that there is a huge tree which the proposed garage would be well clear of. He added that anything uncovered would be re-landscaped, with the new driveway taking its place.

Commissioner O'Connor asked Mr. Tolleson what kind of tree and how tall it was.

Mr. Tolleson replied that it is quite a large tree with a 60-foot wingspan and 30 to 40 feet tall.

Commissioner O'Connor indicated that he was unable to visit the home prior to the meeting and inquired if there were a way to have the driveway angle into the south side of the garage wall as opposed to coming in from the west side.

Mr. Tolleson stated that this is what is called a parallel entry and added that to do this, one would drive right over the roots of the tree, make a big turn and come in parallel to the street. He noted that he discussed this with staff at the time they were beginning the process. He indicated that the amount of concrete would be excessive, and there would also be the problem with the tree roots. He added that perforated pavers would also create a problem for the owner in terms of maintenance and insurance.

Commissioner O'Connor inquired if there was a solution that would meet both having an area to park off the sidewalk and the ability to get through to the home.

Mr. Tolleson replied that staff has mentioned this in the staff report and is inherently problematic. He stated that this would be fantastic in an industrial setting because there is so much hardscape, but it would be a poor solution in this case and is complicated by the tree and geometry of the turn which is tightened because of the trapezoidal shape of the property.

Commissioner Pearce inquired what the current garage space is used for.

Mr. Tolleson replied that it is used for parking. He noted that it is very small in spite of its legal size; because of the size of the opening, the equivalent of 1.5 vehicles, or one car and a motorcycle, can fit into it.

Commissioner Pearce inquired if this was because of the restroom.

Mr. Tolleson replied that there is no restroom in the existing garage; the restroom is part of the original sales office, which is now used as an entertainment room. He noted that the owners do not want to re-convert that into a garage because they would have to demolish the bathroom and lose square footage, thereby reducing the value of the house. He added that they would then have a redundant garage which would further reduce the square footage of the house.

Chair Narum inquired what would happen if the Commission required a legitimate parking space alongside the new garage where the existing garage is.

Mr. Tolleson pointed out that the existing garage is very wide and can accommodate parking for three cars.

Ms. Stern noted that the reason they want to move the garage is to acquire some rear yard space, and adding a parking space above the proposed location of the new garage would not be feasible because it would cut into the rear yard space.

Mr. Tolleson explained that acquiring additional rear yard space is not actually the case but what is stated by staff. He stated that what is the mostly likely scenario and what the owners would like is to have the option of being able to enter the home from the garage when it is raining.

Chair Narum stated that she had a problem with the guarantee that there will be no parking in the driveway.

Mr. Tolleson replied that this could be made a deed restriction.

Chair Narum indicated that as stated previously by Commissioner Pentin, this would be an enforcement issue. She noted that her neighbor's house was built with a short driveway and there is a parking space alongside of it. She inquired if this would alleviate the concern.

Mr. Dolan replied that the short driveway provides another opportunity to park, and he was not sure it would prohibit anybody from parking there. He noted that it would add more pavement where there are already three extra parking spaces around the corner that no other house has. He added that if the Commission is interested in making this happen, it would make the impact slightly less.

Mr. Tolleson stated that if the Commission wants that area landscaped, it could be considered by the property owner.

Commissioner Blank inquired if the primary reason to do this was not to get rear yard access but to allow the owner to park in the garage and access their house.

Mr. Tolleson replied that the primary reason is to access the house conventionally from the garage, and the enlarged rear yard would be a consequence of that.

Commissioner Blank inquired, if the problem is that only one car can be parked in the existing garage, why the owner would not simply expand the existing garage southward. He noted that while they do not get the benefit of the rear yard, they would also not be in violation of the Municipal Code. He suggested adding three feet to the south side of the garage.

Ms. Amos noted that doing this would still be reducing the setback that is required for it.

Mr. Tolleson pointed out on the plans the area between the two bedrooms where the proposed access to the house would be located. He stated that the bedrooms have windows, which would have to be relocated as part of moving the garage. He noted that one of the bedrooms has a window that looks out to the rearyard, while the window of the other bedroom will need to be shifted south for the required lighting and ventilation.

Commissioner O'Connor commented that currently, the garage overlaps the house, and the exit from the garage is in the backyard.

Mr. Tolleson stated that it is somewhat misleading because the eaves make it look that there is more of a connection between the house and the existing garage, but there actually is only about one foot of overlap.

Commissioner Blank requested clarification that there is no real entry from the existing garage and into the house.

Mr. Tolleson said yes. He added that the owners would have to walk along the back side of the house, along the walk underneath the eave, go around the dining room, and come in through the family room.

Commissioner Blank requested further clarification that the south garage, which was the sales office and which is now an entertainment center, does have an entry into the house, and that both garages had ceilings.

Mr. Tolleson replied that the south garage has an entry into the house and that there is a ceiling in both garages.

Commissioner Pearce inquired if the bedrooms would remain bedrooms if a new garage were created with an entry into the bedroom.

Mr. Tolleson clarified that the access would be between the two bedrooms.

Commissioner O'Connor commented that the bedrooms would be somewhat smaller with a three- to four-foot hallway in between them. He inquired if the hallway would be at a minimum of ten feet from the north back wall of the house.

Mr. Tolleson replied that it would be approximately 12 feet.

Commissioner O'Connor inquired if there would still be a problem with the driveway not being long enough if the garage were moved ten feet.

Ms. Amos said yes.

Commissioner O'Connor commented that if the increased backyard space is added bonus, coming down ten feet would create a 2.5-car garage instead of a 1.5-car garage.

Mr. Tolleson stated that this would be a problem because of the traffic on the other side. He indicated that the actual dimension is 19 feet, 6 inches, which is already short of 20 feet, and moving another ten feet would reduce it even more. He noted that staff stated that it was 12 feet, 6 inches, but it is actually 13 feet, 6 inches to the corner, which is at least consistent with the 10-foot setback requirement for anything but a garage.

Commissioner O'Connor inquired what the distance was from the south corner of the proposed garage to the sidewalk.

Mr. Tolleson replied that it was 13 feet.

Commissioner O'Connor commented that it would be to Code if it were habitable space, but not to Code for a garage.

Ms. Amos said that was correct.

Commissioner Pentin inquired if it would be possible to add a U-Turn driveway to the back side coming in from the north.

Commissioner O'Connor suggested that, instead of demolishing and rebuilding a garage that does not meet the Code, the garage be left where it is, make it three to four feet wider to accommodate two cars, then add living space or a workshop within the garage off of the hallway so there is no driveway but still access into the new hallway. He added an alternate proposal of adding an L-shaped hallway which would come down the side of the house and into the new hallway.

Mr. Tolleson stated that would be a weird solution. He noted that whole reason for the 20-foot setback is to provide off-street parking, which has been provided here. He indicated that there is no reason for anybody to park in a shortened driveway, and the owners would pull into the garage if it were raining, which would be the only time they would need to go from the garage to the house. He added that based upon various weather conditions and typical use, the property has a unique set of conditions that effectively provide for equivalent compliance, and the intent of the Code is met in a way that is a little inventive.

Commissioner Blank inquired how long the existing owners have lived in the property.

Himani Limaye, property owner, replied that they have lived there for four years.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank referred to the application for building permit; Exhibit C, and noted that the estimated value is \$1,200 including all material and labor. He inquired if this means the entire structure could be built for \$1,200.

Ms. Amos replied that this building permit was for when the existing garage was constructed.

Commissioner Blank stated that the reason he asked how long ago the applicant has lived in the house is because disclosures tend to vary, depending on the age of the house. He noted that in the last ten years, the disclosures of property conditions are very, very complete. He indicated that he is hesitant because of the potential safety issue that goes with a setback that is too short. He added that he does not know how the City would enforce it and does not see it as an issue of anything other than safety.

Commissioner O'Connor indicated that he has the same concerns. He stated that he believes there are other solutions, although he does not know what it would do to a tree if permeable pavers were used to turn the driveway into the garage which would meet the Code and have off-street parking. He added that the garage could also be expanded which could provide access to the house without moving the driveway itself, and a hallway could also be added. He noted that this may not be a premium solution and would take some ingenuity in design if the owners wanted to enter down ten feet without adding onto the garage. He stated that he believes there are possibilities for other solutions which could be done besides demolishing the existing garage in order to build a new one. He added that moving it down 10 feet as opposed to 20 feet could accommodate a curved driveway which would turn into the garage from underneath the tree.

Chair Narum suggested continuing the item. She noted that the applicant and the owners have heard the feedback and would provide an opportunity for them to think about it and return with other alternatives. She indicated that she has difficulty in supporting the plan as it is, and while she hears the applicant saying they will guarantee

there will be no parking on the short driveway, she sees the issue as one of enforcement.

Commissioner Pearce stated that she thinks this is a serious issue because it is close to Fairlands Elementary School and is a fairly bike-heavy neighborhood with lots of bike paths. She indicated that she appreciates the resolve to not allow people to park on the proposed driveway, but she does not see that happening. She stated that she sees kids on bikes after school, and this situation presents all kinds of potential issues. She supported having the applicant return with an alternative plan.

Commissioner O'Connor agreed. He indicated that he would not have a problem making the variance for the garage if the garage has to be set back 20 feet but the Commission only puts it back 10 feet because the driveway was elsewhere, as long as there are no safety issues in the driveway.

Chair Narum asked the Commissioners if any of them would support the variance. None of the Commissioners said yes.

THE PUBLIC HEARING WAS RE-OPENED.

Chair Narum informed Mr. Tolleson that the Commission has taken a straw vote, which resulted in a 5-0 vote in opposition of the Variance. She explained that if the Commission took action tonight and denied the application, the application could appeal the decision to the City Council, or the Commission could continue the item. She noted that the applicant has heard comments for support of an 18-foot driveway as opposed to 20 feet due to the lot being somewhat unusual in shape. She added that this would allow the opportunity to sit down with the owners to determine if there was something else that would work.

Mr. Tolleson replied that a continuance would be preferable to a denial. He asked to point out a few more things regarding the alternative proposal, which is the significant shift in topography at the corner of the property. He noted that in addition to the complicated geometry to make the parallel turn, this would effectively drive over the roots of the tree and excavate where the roots are to be able to get up onto the property at the corner. He indicated that he did not consider this to be a viable proposal, although it may appear to be.

Commissioner Blank commented that he did not believe the applicant would want the Commission to engineer the plan and suggested there could be other things that could be done.

Commissioner Blank inquired if the motion had to continue the item to a date certain.

Ms. Stern said no.

Mr. Tolleson indicated that they wish to be heard at the earliest date possible.

Commissioner Blank moved to continue Case PV-203 to the March 9, 2011 meeting.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, O'Connor, Pearce, and Pentin

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Olson.

PV-203 was continued to the March 9, 2011 meeting.

d. PV-204, Sia Hashimi

Application for a Variance from the Pleasanton Municipal Code to allow the width of a corner lot located at 364 Linden Way in unincorporated Alameda County to be reduced from the required 85 feet to 80 feet for a proposed three-lot subdivision, to be processed separately by Alameda County.

This item has been continued to a future meeting.

e. PAP-151, Kong Susanto and Catherine Pranoto (PADR-2138, Frederic and Yiping Leroudier, Applicants)

Appeal of the Zoning Administrator's approval of an Administrative Design Review to install a second-story window on the right (south side) elevation of the existing residence located at 5252 Meadowwood Court. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Commissioner Pearce recused herself from the item, stating that she lives in close proximity to the subject site.

Mr. Otto also noted that because Ms. Stern was the Zoning Administrator for the item, he would act on her behalf, and Ms. Amos would provide the presentation.

Natalie Amos presented the staff report and described the scope, layout, and key elements of the appeal.

Commissioner Blank stated that he would never question the sagacity of the City's Municipal Code, as it is very wise in its foundations. He noted that the Code does not require an egress for a solid wall; however, if a window is installed on that wall, an egress is required, even if they could not get out of the room through that wall before the window was installed or there is a window on the opposite wall.

Ms. Amos indicated that the existing window does not meet current Code standards and that the new window would have to meet those standards.

Commissioner Blank inquired if installing the proposed window with a higher sill would meet current Code standards.

Ms. Amos replied that it would meet current Code standards if the east window were enlarged to meet egress requirements.

Commissioner Blank inquired if this is something staff has considered as a possible solution.

Ms. Amos replied that while staff has considered this, the solution is more dependent upon what the applicants and appellants are agreeable to. She indicated that the applicant would like to have the window on the southern side; however, the appellants are not interested in having it there, but are agreeable if some mitigation measures are put in place.

Commissioner Blank inquired if it would be expensive to make the existing window Code compliant.

Ms. Amos replied that it could be expensive.

Commissioner O'Connor inquired why the wall was opened up today.

Ms. Amos replied that while the applicants were repairing a water damage on that elevation, they thought it would be a good opportunity to install a window since the wall was already open.

Commissioner O'Connor stated that he thought it was a mold issue.

Ms. Amos suggested that the applicant respond to this matter.

Commissioner O'Connor inquired if the Municipal Code prevents the applicants from installing a window on the side of the house and whether the applicants are requesting a variance.

Ms. Amos answered no to both.

Commissioner O'Connor commented that he can understand that the applicants want sunlight to come into the house, but he was not certain why they would install a window on the south side of the house. Additionally, he indicated that planting a tree would block that sunlight. He also noted that he received a number of letters and emails and asked Ms. Amos if she knew how many of those letters and emails were in support of the application or opposed to it.

Ms. Amos replied that she did not have those numbers readily available.

THE PUBLIC HEARING WAS OPENED.

Kong Susanto, appellant, stated that staff encouraged them to settle and compromise and presented many suggestions for lighting, higher window sills, opaque windows, planting trees in front of the window, and options other than opening a window on the south end wall, but the applicant rejected them. He commented that at the last hearing, the Zoning Administrator approved the application, and they felt that the City has not been sensitive to the privacy issue they raised so they appealed the decision to the Commission.

He indicated that the distance from the window to the fence is approximately 9 to 11 feet, and the distance from the fence to their sliding door is 16 feet. He stated that a distance of 25 feet is very close, and opening a second-story window would definitely impact their privacy because the window would look into the primary areas of their home. He added that the distance between their own rear window and the neighbor's backyard is at least 40 feet, which is twice the distance.

Mr. Susanto stated that they also have second-story windows on three sides of their house, one of which faces the applicants' home, but there are no privacy issues because the window is approximately 80 feet away. He noted that there are a lot of tall trees in their backyard which the previous owner planted as a screen to provide some privacy. He added that all the structures in their property were in place when they moved in eight years ago, and they had done no renovations or additions.

Mr. Susanto noted that another important fact is that the egress is required only for the window but not to fix the damaged wall. He further noted that they also have a deck in the main patio area which would prevent them from planting trees for screening purposes. He added that installing a window without addressing the privacy issue would decrease the resale value of their house.

Mr. Susanto then stated that other cities are very aware of privacy issues resulting from second-story windows and have guidelines and setback requirements in place for that purpose. He then read excerpts from the residential design guidelines of the City of Palo Alto and the City of San Pablo.

Mr. Susanto noted that City staff had suggested a proposal to plant three trees, and requested that staff discuss the species with the landscape architect. He stated that the proposed 15-gallon trees would be approximately five to six feet tall, which would not be as tall as the fence and would not help mitigate the privacy issue. He added that the growth rate of the proposed trees is one to one-and-a-half feet per year, which would take six to nine years to grow up to 13 to 14 feet to reach the middle of the four-foot tall window at a 12-foot elevation. He proposed that the height of the tree be ten feet so the wait time can be reduced by 50 percent or up to three or four years. He also offered

another suggestion for compromise and offered to share the cost, up to \$200, of making the egress of the existing window on the other side of the house up to Code.

Mr. Susanto stated that there is no absolute right of use in a community with homeowners associations, and where there are no homeowners associations, the right of use falls back on the City planner. He added that the City must act as fairly as possible, make careful decisions, and take privacy issues into account. He indicated that they are not asking for absolute privacy; however, the window would look right into their main area of daily activities. He stated that he finds the proposed conditions in the staff report would work for both sides, but approval of the window without condition is something they cannot willingly accept due to its many negative impacts.

Commissioner O'Connor asked Mr. Susanto if his family has lived in the home for eight years and if the second-floor addition and the deck were done by the previous owner.

Mr. Susanto said yes.

Catharine Pranoto, appellant, added that the deck also includes an outdoor Jacuzzi.

Frederic Leroudier, applicant, stated that they had a situation where water was coming inside the house and needed to be fixed as soon as possible because there was mold and dry rot. He stated that as part of the plan, they thought it would be a good idea to add the window. He added that because they understood there could be impacts on privacy on their neighbors, they discussed the plan with their neighbor, whose initial reaction was positive, but later retracted.

Mr. Leroudier stated that they tried to ascertain whether there was a privacy issue and provided pictures to show that in most cases there would be none. He noted that privacy is always relative, as they can see the neighbors on their raised deck, and they did not feel that what they were proposing would affect privacy. He stated that he felt their request was fair and normal, considering that there are dozens of houses in the neighborhood with second-story windows looking into their neighbor's backyard or windows. He added that they do not see any new points or information to overturn staff's decision.

Yiping Leroudier, applicant, stated that their case is not a precedent. She presented a map of adjacent properties in the Hansen Park and Pleasanton Valley neighborhoods which displayed a number of homes with second-story windows looking down into the sideyards of one-story homes.

Mr. Leroudier stated that they have been waiting for three months now and cannot use their room due to the work to be done. He requested that the Commission make a decision as soon as possible.

Mrs. Leroudier presented the floor plan of the house and pictures of the window to be installed. She stated that the neighbors have a large sliding door on the south side of

the house through which they can receive plenty of light and that they also have skylights in their kitchen area. She noted that their neighbors have many windows that overlook other neighbors' properties and added that it is not fair to ask them to build a wall instead of a window.

Mr. Leroudier indicated that staff is proposing a compromise with trees, but he does not see his request to be any different from other requests. He stated that they have no plans for planting trees as they would not like to entertain any possible liability issues.

Mrs. Leroudier added that the trees will block the light coming into the window, which is the purpose of the window.

Commissioner Pentin asked the applicants if they would be amenable to enlarging the existing window for egress and have a higher window on the side to allow light in.

Mrs. Leroudier said no. She noted that they do not want a wall with artificial light and that they want their daughter to be able to do homework with plenty of natural sunlight.

Susan Spangler, a neighbor, stated that she walked around the neighborhood and found there are many homes that have second-story windows with no mitigating factor in-between them and neighbors' yards or first-story windows. She indicated that she had sent a letter listing 26 situations and does not see the applicants' request as setting a precedent. With respect to the trees, she stated that the Leroudiers' air conditioner is located on the side yard and requires a certain amount of air space for proper circulation. She added that the trees proposed have a mature diameter of 10 to 15 feet, which would fill the entire space and prevent the air conditioner from functioning properly. She suggested Italian Cypress trees instead, which mature to only five feet in diameter and which would not intrude into the air conditioner space. She stated that she feels the application is reasonable and asked the Commission to deny the appeal.

Jane Medeiros, neighbor, stated that she lives in the backyard of the two homes, and all privacy is virtually non-existent. She noted that the appellants have a deck with a sliding glass door that looks right into her master bedroom, and her master bedroom windows look right into their yard. She added that everyone looks into everyone's backyard, and everyone's side yards, ranging in size from five to 15 feet, are not quite usable because all their air conditioners are located there. She expressed amazement that the appellants oppose the window, as they are the ones that most intrude on their neighbors with their huge deck and sliding glass door.

Sherry Chenwest, neighbor, stated that the modern day is one with little privacy. She added that a simple window facing a neighbor's house does not push or reach the threshold of what already exists. She noted that the situation is not an invasion of privacy and requested the Commission to deny the appeal.

Mr. Susanto confirmed that there is a sliding door on his second-floor that overlooks the back neighbor; however, the distance between the door and the neighbor's house is

about 40 to 50 feet, as opposed to the applicants' window overlooking their main patio, which is only about nine feet away and 15 feet to the middle of the patio. He noted that the proposed second-story window would be overlooking everything they are doing in their house.

Mr. Leroudier stated that they have made their case and feel that their application for a window does not affect their neighbors' privacy.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank referred to Exhibit I of the staff report and stated that what struck him is that while he cannot be sure of dimensions, there does appear to be greater distance on one side versus another side of the property. He indicated that he drove and walked the neighborhood and saw many second-story windows; however, the key thing that remains unknown is the number of homes that were purchased with those second-story windows already installed. He noted that the applicants' situation is different because the request is being made after they have lived in their home, so the appellants do not have the opportunity to say they did not want to live in their home. He stated that he did not want to make this so onerous such that it cannot be done, but on the other hand, he suggested a compromise of raising the sill higher or planting trees.

Chair Narum stated that she was in a situation where her next door neighbors wanted to enclose a deck on the second story and put in a window that would look down on her house; additionally the neighbor's lot was higher and looks down on hers. She indicated that she had all the same concerns about privacy, but the reality is that the neighbors are not going to stand in the window and look at her; additionally, the landscaping also grew quickly.

Commissioner Blank noted that his neighbor also built out a deck and the City required him to plant bushes which, after three to four years, covered the view of the deck.

Chair Narum expressed empathy for the neighbors, but at the same time she did not think the request was unreasonable. She noted that the Susantos' deck is high and off the ground about six inches, and she thinks they could plant a few bushes in pots, with the tree not needing to be at the height of the window while still doing the job. She added that she thinks the applicant needs to plant a few bushes or plants as well to mitigate the situation. She indicated that she thinks the proposed trees should not be used if they grow to be 10 feet in diameter.

Commissioner Blank noted that the staff report states the landscape architect indicates that Leland Fall Cypress trees grow 10 to 12 feet wide and 15 to 20 feet tall within five years, unlike Italian Cypress which is slow growing.

Commissioner Blank suggested that the Director of Community Development choose the tree species.

Commissioner O'Connor disclosed that he met with the applicant.

Chair Narum also disclosed that she met with the applicant as well.

Commissioner O'Connor noted that the appellant did not install the second-story addition or deck, but in walking the neighborhood and looking from the applicants' back yard, he noticed that the deck is more than six inches off the ground and that from the side yard, it is very easy to see over the fence. He added that their windows are also very prominent, but not as prominent in the applicants' yard as they are from the other two homes on the back and the other side. He indicated that he walked three courts and noticed that more than two-thirds of the homes have second-story windows that look into the neighbors' yards.

Commissioner Blank commented that it is also unknown how long the windows have been there.

Commissioner O'Connor agreed but stated that this is not unusual. He stated that if he found a home and a yard that he liked, he was not so sure that he would not buy the house just because there were windows on its sides. He indicated that he would like to see the neighbors compromise or agree. He noted that there is no variance request, and the neighbor is not asking for something that is not allowed or uncommon in the development. He stated that he does not agree that people stand in their windows to look at other people's rear yards and added that the applicants' daughter will most likely be off to college before the trees grow.

Commissioner O'Connor stated that it is common that people can see into each other's backyards, and the appellants themselves can stand on their own deck and look into the applicants' yard. He added that putting in large trees would defeat the purpose of the window as the trees would block the sunlight from coming into the room.

Commissioner Blank said there is a process and the Commission has the ability to adjudicate through that process.

Commissioner O'Connor agreed but stated that he does not see this as something out of the ordinary with what many other homes already have.

Commissioner Blank asked Commissioner O'Connor whether he would support denying the appeal.

Commissioner O'Connor said yes. He added that he sees this as a way where staff was looking for compromise and none has been reached.

Commissioner Blank stated that he also supported denying the appeal with conditions as specified in Exhibit A of the staff report.

Commissioner Pentin stated that he has listened to both sides, read emails and letters, and thinks the goal is always to have neighbors go away being happy, but he sees no movement. He indicated that he is inclined to deny the appeal with the conditions as specified in Exhibit A of the staff report.

Commissioner Pentin moved to deny the appeal, thereby upholding the Zoning Administrator's decision, subject to the Conditions of Approval as listed in Exhibit A of the staff report.

Commissioner Blank seconded the motion, with an amendment that Condition No. 2 to be modified to indicate that the choice of the tree species, their number, and their location shall be at the discretion of the Director of Community Development.

Commissioner Pentin noted that the landscape architect recommended the trees and believed that some thought went into this.

Commissioner O'Connor commented that this is one of the reasons why he did not like the condition because by the time a tree is planted that will grow large enough to block the view from the window to a yard, it will also defeat the purpose of letting in the sunlight.

Commissioner Pentin stated that he could still see this as a compromise.

Commissioner O'Connor stated that he also thinks staff should have the flexibility and the ability to have the neighbors add something that would provide more privacy, including potted plants.

Commissioner Pentin accepted the amendment to leave the choice of tree species, the number, and the location to the discretion of the Director of Community Development.

Mr. Dolan assured the Commission that he would not make the decision without consulting with Mr. Fulford, the City's landscape architect.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, O'Connor, and Pentin
NOES: None.
ABSTAIN: Commissioner Pearce.
ABSENT: Commissioner Olson.

Resolution No. PC-2011-06 denying the appeal, thereby upholding the Zoning Administrator's decision, was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Hacienda Transit-Oriented Development (TOD) Design Standards and Guidelines Project

Chair Narum stated that following the last Commission meeting, she received two emails and a text message from those in the audience who were very complimentary of the Planning Commission and the way the Commission handled the Hacienda discussion and forum.

Chair Narum also reported that she and Commissioner Pearce attended the February 8, 2011 City Council workshop on the Hacienda TOD Design Standards and Guidelines. She noted that they did not intend to speak; however, when some in attendance questioned the Planning Commission's recommendations, she spoke that the Commission had not taken this matter lightly: two Commissioners had participated in the Task Force deliberations, and the Commission held over three hours of deliberations during its meeting with a unanimous vote of 5-0, and the sixth Commissioner also in complete agreement with the outcome.

Historic Preservation Workshop/Ordinance

Chair Narum reported that she and Commissioner Pearce attended a Historic Preservation Workshop in Berkeley and thought it was very good. She indicated that there were some eye-opening information, for example, for a house or a building to be considered historical did not necessarily require that it have architectural detail; it could be considered part of a Historic District because of who lived in the house or events that took place there. She stated that one speaker showed a picture of a non-descript house on Cannery Row which turned out to be on the Historic Registry because it was the house of the biologist on whom a character in Cannery Row was based. She added that also noteworthy is that a city does not have to have a historic district; it can have alternative districts to accomplish what it needs or desires.

Commissioner Pearce inquired when staff anticipates the discussion on the Historic Preservation Ordinance to come before the Planning Commission.

Mr. Dolan replied that the item has not been scheduled, but will most likely be after work on Hacienda is completed on March 1, 2011. He added that there would be an opportunity in an upcoming agenda.

Commissioner Blank stated that he will not be in attendance at the next meeting but would like to participate in the discussion of the Historic Preservation Ordinance.

Commissioner Pentin noted he would be traveling just prior to the next meeting.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

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

Commissioner Blank inquired if the Hana Japan project approval had been extended once before.

Ms. Stern said yes.

Commissioner Blank then inquired what would happen after this second extension expires.

Ms. Stern replied that if no building permits are taken out before the expiration of the second extension, the entitlements would be gone and the applicant would have to re-apply.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

12. ADJOURNMENT

Chair Narum adjourned the Planning Commission meeting at 11:01 p.m.

Respectfully,

JANICE STERN
Secretary