



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, November 14, 2007

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

CALL TO ORDER

The Planning Commission meeting of November 14, 2007, was called to order at 7:02 p.m. by Chairperson Fox.

1. ROLL CALL

Staff Members Present: Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Wes Jost, Development Services Manager; Steve Otto, Associate Planner; Jenny Soo, Associate Planner; Leslie Mendez, Assistant Planner; and Cory Emberson, Recording Secretary.

Commissioners Present: Commissioners Phil Blank, Anne Fox, Kathy Narum, Greg O'Connor, Arne Olson, and Jennifer Pearce.

Commissioners Absent: None.

2. APPROVAL OF MINUTES

a. October 24, 2007

Commissioner Blank noted that he was not the Acting Chair at this meeting and that any references to that should be changed.

Commissioner Pearce noted that the first sentence of the first full paragraph on page 11 should be modified to read as follows: "In response to an inquiry by Commissioner Pearce regarding the *staff report's statement about the* ability of parents to view the children's activities from the lobby area...."

Commissioner Pearce noted that with respect to the discussion on gated communities on page 35, she believed there was a majority of Commissioners that wanted to change the word to “prohibit,” but there was no bullet to indicate that. She requested that staff look into that matter. Ms. Decker noted that staff would do so.

Commissioner Olson noted that the first sentence of the first full paragraph on page 6 should be modified to read as follows: “In response to an inquiry by Commissioner Olson *regarding* who monitored the number of people who lived in the house.”

Chairperson Fox noted that with respect to the City’s options mentioned in the third full paragraph of page 6, she had mentioned that design reviews had been performed after the fact for items as a result of complaints about its appearance, such as the large play structure in Foxbrough Estates.

Ms. Decker believed she had seen it in the Minutes. Commissioner Narum noted that it was mentioned in the last paragraph of page 8.

Chairperson Fox inquired why that discussion had taken place under “Traffic Safety Study.” Ms. Decker replied that the public hearing had been closed, and there had been discussion about that subject at that time. She noted that the Minutes reflected discussion in the chronological order in which it took place, and there was a great deal of discussion on a variety of topics.

Commissioner Blank did not believe that the “Traffic Safety Study” subheading was intended to address all the discussion that followed. Ms. Decker noted that the header would be removed.

Chairperson Fox believed that Commissioner Narum had discussed what types of projects for design review would be brought forward and that she did not see that discussion in the Minutes.

Commissioner Narum noted that it was discussed in the second-to-last paragraph on page 6 and was included in the motion under Matters Initiated by Commission Members on page 7.

**Commissioner Narum moved to approve the Minutes as amended.
Commissioner Blank seconded the motion.**

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

The motion passed, and the Minutes of October 24, 2007 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 none.

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

There were none.

5. **CONSENT CALENDAR**

Commissioner Blank noted that he had a question about Item 6.b., PCUP-203, Big Valley, L.P.

Commissioner Narum wished to propose a change to Condition No. 29 of Item 6.c., PDR-692, Cedar Funding, Inc.

a. **PCUP-202, Tri-Valley Courier**

Application for a conditional use permit to operate a courier business at 3687 Old Santa Rita Road, Suite 203. Zoning for the property is PUD-C-O (Planned Unit Development – Commercial-Office) District.

b. **PCUP-203, Big Valley, LP**

Application for a conditional use permit to allow piano and guitar instruction Monday through Friday from 3:30 p.m. to 8:30 p.m., including private lessons and classes for two to four students, located at 1258 Quarry Lane, Suite H, in the Valley Business Park. Zoning for the property is PUD-II (Planned Unit District - Industrial) District.

Commissioner Blank noted that Condition No. 4 referred to “party walls” and inquired what this meant. Ms. Decker replied that party walls are common walls shared by two or more tenants.

Mark Anderson indicated that he wished to speak.

Commissioner Narum requested that this item be pulled from the Consent Calendar and placed under Public Hearings.

c. **PDR-692, Cedar Funding, Inc.**

Application for design review approval to construct an approximately 10,000-square-foot commercial building to be located at 3 Wyoming Street. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.

Commissioner Narum proposed that Condition No. 29 be modified to allow construction during the standard construction hours on Saturdays as this project is located in a commercial district.

Commissioner Olson noted a typographical error in Condition No. 32 on page 7 and requested that it be modified to read as follows: “~~A~~ At no time shall balloons, pennants....”

Commissioner Blank questioned the language in Condition No. 50 on page 9 regarding fire sprinklers, regarding the installation of automatic fire sprinkler system unless otherwise determined by the Chief Building Official and Fire Marshall. He would like the condition to be consistent with the current language: “An automatic fire sprinkler system shall be installed in the building.” Ms. Decker noted that staff provided the conditions of approval that were adopted at the time of the previous approval. She added some of the language as shown in the red-lined changes to have them conform to current standards, and this particular condition appeared to have been overlooked. She indicated that staff would make that revision.

Chairperson Fox noted that Condition No. 5 on page 1 states: “Unless waived by the Planning Director, this application shall be null and void unless PUD-81-25-9M is approved....” She inquired about the nature of this application. Ms. Decker noted that it was considered a minor modification and that actions on minor modifications are taken by the Zoning Administrator; the Planning Commission does not take action on them. Staff commonly times design review applications along with the Planned Unit Development (PUD) modification process. She noted that if the applicant continued to want the setback reduction, it was conditioned to be null and void unless the minor modification was approved and accepted by City Council when it considers the Actions of the Zoning Administrator.

In response to an inquiry by Chairperson Fox regarding the height of the tower and whether it met the height restrictions, Ms. Decker replied that it did meet the height restrictions. She added that the building represented the exact structure that was previously approved by the Planning Commission. She noted that the applicant’s building permits were close to expiring and that to date, due diligence in construction was deficient as required in the previous approvals. The purpose of the new entitlements was to ensure the investment in the costs of development fees and plan check fees, as well as ensuring the continuation of the plan check process under the existing Building Code would not be interrupted. She noted that there had been no changes since the Planning Commission last saw the package.

Commissioner Blank moved to make the conditional use findings for PCUP-202 as listed in the staff report and to approve the application, subject to the conditions of approval listed in Exhibit B of the staff report, and to approve PDR-692, subject to the conditions of approval listed Exhibit B of the staff report, with the proposed modifications to Conditions Nos. 29, 32, and 50.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

Resolutions No. PC-2007-43 approving PCUP-203 and PC-2007-44 approving PDR-692 were entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

5.b. PCUP-203, Big Valley, LP

Application for a conditional use permit to allow piano and guitar instruction Monday through Friday from 3:30 p.m. to 8:30 p.m., including private lessons and classes for two to four students, located at 1258 Quarry Lane, Suite H, in the Valley Business Park. Zoning for the property is PUD-II (Planned Unit District - Industrial) District.

Ms. Soo summarized the staff report and described the background, scope, and layout of this item.

There were no questions from the Commission.

THE PUBLIC HEARING WAS OPENED.

Mark Anderson, applicant, noted that he and his wife ran the Music Academy and wished to draw the Commission's attention to Mr. Blank's comments regarding Condition No. 4 in Exhibit B. He noted that he had visited the business next door and added that there was a common wall between one of their studios and his office. He added that the walls were quite thin and had talked to the neighbor about their class schedules; the neighbor indicated that holding classes after 4:00 p.m. was acceptable because he would be gone by then. He stated that he would be happy to schedule the lesson after 4:00 p.m. in that room to accommodate the neighbor. No modifications would then be necessary for this room, and the rest of the rooms did not have common walls.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to make the conditional use findings as listed in the staff report and to approve Case PCUP-203 subject to the conditions of approval listed in Exhibit B of the staff report, with the modification to Condition No. 4 that the room with the party walls shall not be used prior to 4:00 p.m., and the applicant will not be required to soundproof those walls unless a noise complaint is received from the adjoining neighbor on the other side of the adjacent wall. Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

Resolution No. PC-2007-45 approving PCUP-203 was entered and adopted as motioned.

Matters Continued for Decision

a. PCUP-196, Rachelle Nguyen

Application for a conditional use permit to operate an indoor recreation facility for up to 40 children at the property located at 7071-7073 Commerce Circle. Zoning for the property is I-G-40,000 (General Industrial) District.

Ms. Soo presented the staff report and summarized the background, scope, and revised layout of this application.

Chairperson Fox noted that she had visited the site and added that one nearby building had a patio with a gate and a fence. She inquired whether or not staff would recommend a fence and gate in front of this building as well. Ms. Decker noted that the changes to the floor plan addressed the Planning Commission's concern regarding safety issues and that gating or fencing in the front area had not been considered; staff did not believe gating and fencing would be necessary.

THE PUBLIC HEARING WAS OPENED.

Rachelle Nguyen, applicant, noted that she was available to answer questions.

Commissioner Blank thanked the applicant for working with staff to address the Commission's concerns.

Ms. Nguyen noted that they also worked with the corporate office, looking at many layouts, to find a solution that would provide a safe pedestrian walkway for the children. She noted that with this walkway, the person at the cash register up front still has the

ability to monitor the rear entrance and can see people entering and exiting the building from the back.

Commissioner Narum thanked the applicant for the modifications and added that she was much more comfortable about this application.

THE PUBLIC HEARING WAS CLOSED.

Ms. Harryman addressed a procedural issue, stating that at the last meeting after the Commission voted, Commissioner Olson made a motion to reconsider the decision, which was seconded, followed by a majority vote (4-1, Fox dissenting). She indicated that at this time, the process would be to reconsider the original motion made at the last meeting by Commissioner Blank and seconded by Commissioner Olson to make the required conditional use findings as listed in the staff report and to approve the project subject to the conditions of approval, with the modifications as spelled out by Ms. Decker. If majority vote to uphold the approval at the last meeting, the decision would stand; otherwise, the Commission should then consider staff's recommendation made at this evening's hearing.

Ms. Harryman brought forward the original motion and second as follows:

Commissioner Blank moved to make the required conditional use findings as listed in the staff report and to approve Case PCUP-196, subject to the conditions of approval listed in Exhibit B of the staff report, with the additional conditions that the applicant ensure that no child shall physically exit the premises without a supervising adult present and work with staff to flip the floor plan, include a lobby area and check-in point to ensure the children's safety, provide sufficient exterior lighting, and install a raised walkway.

Commissioner Olson seconded the motion.

The Commission then took a vote.

ROLL CALL VOTE:

AYES: None
NOES: Commissioners Blank, Fox Narum, Olson, and Pearce.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

The motion failed.

Commissioner Blank then moved to make the required conditional use findings as listed in the staff report and to approve Case PCUP-196, subject to the conditions of approval listed in the revised Exhibit B of the November 14, 2007 staff report.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

Resolution No. PC-2007-46 approving PCUP-196 was entered and adopted as motioned.

b. PAP-109 (PHUP-18), Rebecca Andrus

Appeal of the Zoning Administrator's denial of an application for a non-exempt home occupation for wedding dress sales at the existing residence located at 3463 Windsor Court. Zoning for the property is R-1-6,500 (Single-Family Residential) District.

Ms. Mendez summarized the staff report and detailed the background, scope, and layout of the proposed use and the appeal.

Chairperson Fox noted that she recalled that an ambulance service operated in a residential neighborhood near Noah's Bagel and Safeway and that it was given a temporary use permit until it received a permanent conditional use permit for a home occupation. She inquired why a temporary use permit cannot be granted in this case when one was given in the past.

Ms. Decker stated that a temporary use permit is not the process used for home occupation permits. Temporary use permits are for other applications such as Christmas tree sales lots and outdoor sales. She added that a home occupation permit is not the same as a conditional use permit, which requires that certain specific findings be made. A home occupation permit does not require that those conditional use permit findings be made; it has different conditions that are listed in both the previous and supplemental staff reports for this project. To approve this project, the Commission would need to determine that this home occupation met those required conditions.

Commissioner Blank commended staff for a well-done report for a complex issue. He then inquired if, theoretically, the Commission can condition this project to have a two-year permit. Ms. Decker replied that it could be done. She added that while staff has recommended the denial of the appeal, it has provided a list of conditions in Exhibit B should the Commission overturn the Zoning Administrator's denial.

THE PUBLIC HEARING WAS OPENED.

Rebecca Andrus, applicant, requested clarification of the difference between the home occupation permit and the non-exempt home occupation permit. She clarified that her

ultimate goal was to move to a storefront and did not want to run a long-term shop out of her home. She intended to get the business started and move after two or three years to a storefront. She indicated that she planned to store the dresses in the large room, with a screen for changing and a couch and coffee table for the guests. She requested clarification regarding whether the large room would be considered as one or two rooms. She noted that she was willing to work with the City and the neighbors on the four conditions specified in the staff report and would take the means necessary to comply with them, such as having the dresses delivered elsewhere should the neighbors complain about frequent deliveries. She added that if her mother and sister-in-law (the employees) were deemed to be coming over too frequently, they could forego attending the appointments to show dresses. To reduce vehicle traffic on her street, she stated that she would have only one appointment per night and would allow the client to park in their driveway.

In response to an inquiry by Chairperson Fox regarding whether, in the event of traffic complaints, the home occupation permits would go through the process of a conditional use permit where hearings would be held to see whether the home occupation permit should be revoked. Ms. Harryman reiterated that it was not a conditional use permit but that there was some flexibility built into this section of the Code. She confirmed that this home occupation permit could include a sunset clause and that it could be brought back to the Commission if any of the conditions were not met.

Jaime Zile, owner of J'aime Bridal located at 111 West Neal Street, stated that she was not in competition with this niche market but she was very concerned about the precedent it may set, noting that she had already been undercut by a home-based bridal business in Castro Valley. She noted that the closest bridal shops that sold the style of dresses proposed by the applicant were in Modesto and Sacramento and that there were 112 Churches of Latter Day Saints within a 50-mile radius. She added that this business should be extremely successful in this niche with even only one bridal dress ordered from each of those churches. She presented a letter from the Pleasanton Downtown Association and signatures from Downtown business owners asking that this home use not be allowed. She stated starting a business includes a lot of investment and risk and suggested that the applicants reconsider going into business if they were averse to taking risks.

Wilma Thomas, applicant's mother, stated that she did not see their business as a threat to Downtown businesses and asked that they be judged on what they plan to do rather than what other businesses are doing. She noted that there is a lot of competition in any line of business in any location, including the Internet. She indicated that their neighborhood was fine with their business and that it would not create any negative impacts. She felt there is a good market in this area and would like to give this business a try. She noted that they are willing to cooperate with staff to make this work and requested the Commission to allow them to start their business in this manner.

Ms. Andrus reiterated that she was willing to work with the Commission and was eager to get started with her business. She noted that there was competition everywhere and that she would like to be given an opportunity to open her business from home.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank inquired about a column of the table in the original staff report labeled "Required Conditions Not Met," specifically how each case was handled through staff or the Commission. Ms. Mendez replied that the table listed the 12 conditions required for home occupation permits as spelled out in the Code. She added that any home occupation application that does not meet all of these conditions becomes a non-exempt home occupation application. Staff compared what the applicant proposed against these 12 conditions and determined that it did not meet four of the conditions.

Chairperson Fox noted that the list of non-exempt home occupations on Exhibit H was incomplete and inquired what happened to the home occupation applications prior to 2001, such as the speech therapy application at the Sutter Gate Avenue residence. Ms. Mendez replied that it was difficult for staff to retrieve all the applications prior to 2001 because the data system then did not have a specific classification for non-exempt home occupations.

In response to an inquiry by Chairperson Fox regarding the number home occupations who did not approach the City for a permit or those that for which complaints had been filed with Code Enforcement, Ms. Decker replied that she did not have the figures for home occupations operating without permits precisely because these people did not come to the City for the appropriate permits. She noted that the City has processed approximately 360 exempt home occupation permits and between two to five non-exempt home occupation permits per year. She added that there is a small percentage of home occupation operators who come in either because they were aware they needed a permit or were advised that they did need one. She noted that the City did not receive many Code enforcement complaints on home occupations.

Commissioner Blank moved to deny PAP-109, thereby upholding the Zoning Administrator's decision to deny PHUP-18.

Commissioner Olson seconded the motion.

Commissioner Blank believed that the competitive aspects of this issue were relatively unimportant in his thought process. He noted that the approved home occupations on the list provided by staff had one condition that they could not comply with; this particular one, however, had four conditions which he believed to be too much.

Chairperson Fox liked the application and would like to uphold the appeal. She noted that this was not a full-service bridal shop and was for a niche market that required long-sleeved wedding dresses. She noted that the neighborhood was largely supportive of the use and believed the small scale of the use would not be a detriment to the

neighborhood, particularly if it were conditioned for a two-year time period and that it could come back to staff or the Planning Commission if there were any complaints.

Commissioner Pearce noted that she had struggled with this matter and wanted to support the applicants. She noted that the home occupation did not meet four of the conditions, but the applicants had repeatedly stated that they were willing to work with staff to mitigate the conditions and to ensure that it would fit into a residential neighborhood. Conversely, she noted that if it required that much hard work to make it fit, then perhaps the use did not fit into the neighborhood.

Commissioner Narum noted that she also had struggled with this application; however, she commended the applicant's honest about her intentions and believed that in a sense, the applicant is being penalized for being honest. Additionally, the applicant was willing to restrict the business to one room. She believed that Condition L regarding the home occupation not being visually apparent beyond the boundaries of the site was a big issue, and she understood the points made about supporting retail and the Downtown businesses. She indicated that as a compromise, she could support this application but with a sunset clause, and after hearing from the owner of J'aime Bridal, she would like to shorten that period from two years to 12-18 months.

Commissioner Olson noted that he had not struggled with this application at all and believed that staff was correct in indicating that the proposed occupation was a retail operation best suited for a retail location. He believed that non-compliance with four conditions was too much and that the use was not suited for this location, even if the applicants have stated that they would work with staff.

Commissioner Blank noted that staff had indicated that it would be very difficult for Code Enforcement to assess whether the conditions will be upheld. He added that he did not feel the applicants were being penalized for being honest as all applicants are expected to be honest. He noted that this application happens to fall under this category, and this is what the process for this category calls for.

Chairperson Fox commented that if it is a difficult job for Code Enforcement to follow up on compliance with conditions, then conditional use permits should not be considered and applicants penalized because of that. Commissioner Blank indicated this was a home occupation, and he believed Code Enforcement may not enter a home without reasonable cause, even if there were a violation. Chairperson Fox believed that Code Enforcement should be able to enter homes at any time if there was conditional use permit in the home.

Ms. Decker reminded the Commission that this application is not for a conditional use permit but for a home occupation permit. She advised that the Code Enforcement process operated on a complaint basis and that it was very difficult to conduct Code enforcement when a use was in a home for the reasons previously pointed out.

Commissioner Pearce commented that Code Enforcement should be able to enter a home with an approved permit without a search warrant to see if conditions are being followed.

Ms. Harryman noted that Code Enforcement would have no problem getting into the business that is open to the public. She noted, however, that entering someone's home was trickier and that a warrant may be required to get in because the person would be entering not just the one room from where the business is operating but the home itself.

Commissioner Pearce inquired why there would be conditions for a home occupation if there were no way to get in to the home short of a warrant. Commissioner Blank noted that conditions can be placed on the project, even if they are difficult to enforce. He added that sunset clauses are also difficult to enforce.

Ms. Decker noted that a sunset clause may be added as a condition if the Commission so desired. She noted that the first condition of approval stated that the business shall be operated in substantial compliance with the business proposal. She noted that it is difficult for a Code Enforcement officer to determine if the conditions are being met because he would have to enter a home to check if any room other than the bedroom is being used for storage, or if deliveries are being made in another location which would then need its own home occupation permit. She added that in the same manner, with respect to the condition on driveway parking, it would be difficult to determine whether someone pulling into the driveway was a resident, a relative, or a client.

Ms. Mendez noted that often wholesalers will not sell to a retail or home business unless that business had a business license. She added that non-exempt home occupations without permits are often businesses with limited activities and do not require a business license.

In response to an inquiry by Commissioner Blank regarding Code Enforcement visits in a home, Ms. Harryman believed the courts would set a different expectation of privacy in a home-based business as opposed to a storefront. She noted that a business could go from exempt to non-exempt, such as a minor arts and crafts business that starts with a simple knitting business and then turns into a bigger business when word goes out about the products it was marketing; it may be difficult for Code Enforcement to identify violations, and when the officer is not allowed into the house to check on the business, then he may be required to go to court and request permission to get an inspection warrant. She believed these situations may be difficult, although not impossible, to enforce. She noted that a sunsetted business that did not wish to stop doing business may have to be taken to court as well.

ROLL CALL VOTE:

AYES: Commissioners Blank and Olson.
NOES: Commissioners Fox, Narum, and Pearce.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

The motion failed.

Commissioner Pearce then moved to make the findings for a non-exempt home occupation and to approve PAP-109, subject to the conditions of approval listed in Exhibit B of the November 14, 2007 staff report, with a modification to the second bullet under Condition No. 13 as follows: “Use on-street parking directly in front of the home, *or park on the driveway.*”

Chairperson Fox seconded the motion.

Chairperson Fox proposed an amendment to the motion prohibiting vehicles exceeding one ton in size or with commercial decals from being used in conjunction with the use.

Commissioner Blank proposed another amendment that the truck size be reduced to a half-ton.

Commissioner Narum proposed an additional amendment that this use include a sunset clause of one year.

Ms. Decker noted that Chairperson Fox’s amendment with respect to trucks with commercial decals would preclude delivery trucks such as UPS and FedEx from being used. Chairperson Fox clarified that she intended to state that the applicant may not use vehicles with commercial logos advertising her own business.

Ms. Decker did not recall any other exempt or non-exempt home occupation being precluded from placing a company decal on their vehicles.

Commissioner Blank did not have any objection to the applicant placing a magnetic decal on the side of the applicant’s vehicle.

Commissioner Pearce noted that Condition 17 stated that no attention-getting devices may be used on the site.

Chairperson Fox withdrew her suggestion regarding prohibiting commercial decals in favor of using Condition 17’s standard language.

Commissioner Blank did not believe that a one-ton or greater truck should be used in conjunction with the home business.

A discussion ensued related to truck sizes and whether the Code was interpreted as up to a one-ton or a one-ton and greater vehicle.

Commissioner Pearce was satisfied with the current condition.

Commissioner Narum would support the language “no vehicle one ton in size or greater.”

The amendments were acceptable to Commissioner Pearce and Chairperson Fox.

Ms. Harryman noted that the conditions of approval needed to be cleaned up of language referring to the application as “use permit” or “conditional home occupation” and should be replaced with “non-exempt home occupation.”

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, and Pearce.

NOES: Commissioner Olson.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

Resolution No. PC-2007-47 approving PAP-109 was entered and adopted as motioned.

Chairperson Fox informed the public that the decision could be appealed to the City Council within 15 days.

A recess was called at 8:33 p.m.

Chairperson Fox reconvened the meeting at 8:47 p.m.

Public Hearing Item

c. PUD-32, Daniel and Belinda Sarich

Application for Planned Unit Development (PUD) development plan approval to subdivide an approximately 20-acre site into two single-family residential lots: (1) an approximately one-acre parcel which would include the existing residence and a new detached two-car garage; and (2) an approximately 19-acre parcel which would include: (a) an approximately 9,990-square-foot, two-story home with a 3,150-square-foot habitable basement with second unit; (b) a 1,785-square-foot five-car attached garage; (c) a 660-square-foot cabana; (d) a 165-square-foot pool bathroom; (e) and a 165-square-foot greenhouse would be located on the one-acre lot. The property is located at 5 Tuscany Place (formerly 1630 Vineyard Avenue), in the Vineyard Avenue Corridor Specific Plan Area, and is zoned PUD-LDR/HR/OS (Planned Unit Development – Low Density Residential/Hillside Residential/Open Space) District.

Mr. Otto presented the staff report and detailed the background, scope, and layout of the proposed project, including the improvements.

Commissioner Pearce noted that at the last two workshops, staff had detailed why it believed the plan did not conform to the Specific Plan. With the exception of the more

muted colors, she inquired how staff felt that had materially changed to modify its recommendation with respect to conformity to the Specific Plan.

Mr. Otto replied that the applicants modified the grading to help screen the house. In addition, the applicants had reduced the first- and second-floor area and place a significant portion of the home in the basement area to minimize the visual massing of the house. The landscape plan had been modified which would provide additional screening for the home. He believed those changes enabled staff to support the proposal of the house and met the intent of the Specific Plan.

Commissioner Blank posed several questions regarding the Green Building checklist on Exhibit A, to which Mr. Otto provided answers. He clarified that the conditions of approval require the applicant to comply with this checklist as part of Exhibit A.

In regard to Mr. Reedy's concern regarding the easement at the bottom of the road, Commissioner Olson inquired why the bottom of the road accessing the property cuts the corner of the adjacent property instead of turning at a 90-degree angle so the exit is on the subject property itself. Mr. Otto explained that when the Heinz property was being proposed for development, the appropriate access point to the Sarich property was determined opposite Safreno Way so there would be no conflicts with cars and pedestrians with respect to the future trail. He added that when the neighboring project was approved, it included the easement at the corner with the proposed road located at the easement.

Chairperson Fox noted that on page 19 of the September 28, 2005 staff report, it is stated that there was "general consensus that the Tuscan farmhouse/villa architectural style of the house was acceptable." She noted that on page 18 of the Minutes and transcript of that Planning Commission meeting at which Commissioner Roberts recused herself and Commissioner Arkin was absent, leaving Commissioners Maas, Fox, Pearce, and Blank, it reflected Chairperson Maas' disagreement regarding the Tuscan architecture and that she felt it was out of place; on page 20, Commissioner Blank questioned its compliance with the Specific Plan; and on page 19 she [Chairperson Fox] indicated that the architecture did not conform to the hillside residential guidelines. She noted that there is no indication that any of the Commissioners stated that the architectural style of the house was acceptable.

Commissioner Blank believed that at the time, he was concerned about the mass and the height of the cupola and felt the house was not a good fit on the hill. Mr. Otto recalled that the Commission felt that the architecture was acceptable. He added that on page 20 of the Minutes, Chairperson Maas stated that the architecture was great, but not on a hilltop. He noted that the actual style was acceptable to the Commission; the concerns were about the height, mass, size, and colors.

Chairperson Fox inquired what the Specific Plan and the Environmental Impact Report (EIR) state with respect to watering vineyards with well water versus what was proposed at this point. Ms. Decker replied that the EIR and the Vineyard Avenue

Corridor Specific Plan acknowledged that the use of well water shall be for agricultural purposes, which could include vineyards, grazing, livestock, and so forth. The “shall” language referenced the Vineyard District, which is the flat area of the Bordeaux developments where vineyards were going in. She clarified that the Sarich home site is not located within the Vineyard District. She noted that an email from the Roberts stated that intent of wells is for the existing rather than new vineyards or agricultural uses. She added that the City has taken a policy position that the wells can be used for the irrigation of new vineyards, as shown in the Avignon, Bordeaux, the estate lots and other sites, which would encompass pre-existing and proposed uses. She noted that the City water tanks, including that on the Reznick property, were sized for domestic and home uses and, from an engineering or demand standpoint, were never sized for consideration to provide irrigation water for agricultural uses.

In response to an inquiry by Chairperson Fox regarding the water source for the vineyards provided in the Vineyard Avenue Corridor Specific Plan, Ms. Decker replied that the water came from wells. Chairperson Fox inquired if these were shared wells; Ms. Decker replied that there were shared wells on some properties but not in the Vineyard District. She added that as far as she can recall, the wells were mostly on the estate lots.

Chairperson Fox noted that in the October 23, 2006 memo from Jerry Iserson and the November 30, 2003 memo from Heidi Kline, there was discussion regarding whether the “blob” was meant to be the exact location or if it was open to interpretation, whether the house should be where the accessory structure is or could be located on top of the hill. She inquired what the final word from staff was with respect to whether the “blob” was a location for the second residence. Ms. Decker replied that the memos provided historical information. She indicated that there were some internal discussions on whether the “blob” was conceptual or actual before the project before the Commission on June 8, 2005. She noted that in the September 28, 2005 workshop, the discussion included a memo from then Assistant City Attorney Lynn Tracy Nerland and herself that the “blobs” in the Specific Plan documents were conceptual as far as the intent of where the buildings were generally desired and what would make most sense environmentally. She noted that the “blobs” were not tied to topography or the distance from property lines; these would be examined when a project actually came forward. The Minutes show that the Planning Commission discussed the possibility of putting the house where the “blob” was located or at the existing garage opposite the existing home. She noted that there were three points to consider with respect to the “blobs”: what the “blob” means, whether it is where the structure should be located, and what the best location is that serves the needs of both the City and the applicant.

Chairperson Fox noted that the memo of October 23, 2006 following the workshop stated that staff had consulted with Wayne Rasmussen, former Principal Planner and project planner for the Specific Plan, who stated his belief that due to the environmental constraints in the hillside residential areas, the house locations were meant to be fairly precise, as represented by the blobs. She believed that the conference call with

Mr. Rasmussen seemed to bring back the original interpretation that it was supposed to be where the barn was.

Ms. Decker recalled that at the time this was being sited, Mr. Rasmussen had walked the site, and that there were no proposals of places to put homes or how large the homes would be. The actual process began when the applicant came forward with plans, and it was determined that if the house were to be located at the “blob,” the hillside would be cut back more than 40 percent across entire area. She pointed out that it is not the intent of the Specific Plan, the location of the “blobs,” or the circles with the numbers to limit the size of the house as well. She noted that part of consideration staff looked at in its evaluation is what the best site would be. She added that after discussion with the architect, requiring the applicant to put the house where the previous discussion of the “blob” and the existing garage is and reducing the amount of the cut would yield a 1,500-square-foot home, which would not necessarily be the better option as retaining walls would have to be installed and trees removed. She noted that the Planning process looked at the most viable siting where there would be less tree removal and impact on the site.

Commissioner Blank requested a clarification on Item J of the Green checklist regarding whether the value of 30 points is attained at or over 15 percent. Mr. Otto replied that the possible number of points is 30 and that the applicants intend to meet that requirement. He added that he would clarify this with the applicants and would get the information back to the Commission.

Chairperson Fox noted that she walked the site months ago and met with the applicant and Tom Pico.

THE PUBLIC HEARING WAS OPENED.

Dan Sarich, applicant, noted that he and his wife, Belinda, had worked closely with staff over the past year, following the last workshop. He noted that they had listened very carefully to the Commissioners’ concerns and worked with staff; they had reduced the mass of the house and saved more trees. They also provided increased screening and adjusted the architecture to look more timeless and Old World in nature. They have achieved and exceed the Green points for standard homes and have also lessened the project’s impact on the surrounding environment. He noted that they had addressed the water issue and that the Roberts would be able to continue using the well water for their domestic needs. He added that they will not plant their vineyards until they find a suitable water source but did not want to give up their rights to the well water at this time as they did not know what the water situation is in the area. He reiterated that they do not plan to develop the bottom portion at this time but would keep it in open space and would plant vineyards; however, they want to retain the right to develop it in the future.

In response to Commissioner Blank’s earlier question regarding Green Building, Mr. Otto indicated that the Sariches gained two points for every one percent above Title 24 up to 30 points. He stated that 15 percent would be equivalent to 30 points and

since the Sariches are proposing to exceed Title 24 requirements by 15 percent, they would qualify for 30 points in this category.

Tom Pico, on behalf of the applicant, stated that he believed all the Commissioners have had a chance to visit the site. He noted that he was one of the key architects to the Vineyard Avenue Corridor Specific Plan and that the Plan was designed to provide flexibility through the PUD process. He noted that the Plan included language that site development standards may vary, that the guidelines were intended to be flexible and allow for minor variations to residential development standards, and that hillside residential must be located within the designated development areas as generally located within the area depicted on the land use plan. He emphasized that it was never intended that the hillside residential lots would only exist within the limited circles on Figure 4-2 of the Specific Plan, when in fact the Hillside Residential District provides for a 40,000-square-foot minimum lot size. He did not believe it would be viable that the home would fit inside a very small diameter. He did not believe it was intended that every change within the residential lots would require a Specific Plan Amendment as was initially thought might be the case. He concurred with staff and believed the project location and design met and exceeded most of the objectives of the Vineyard Avenue Corridor Specific Plan. He believed there must be flexibility in the interpretation of some of the Specific Plan requirements. He noted that they had worked very hard in addressing the visual concerns and that they had updated the plan, reduced the massing of the project, and eliminated the proposed new barn and guesthouse that would be very visible. He added that they plan to use the existing structure as a guesthouse and had significantly and extensively re-landscaped the site to address the concerns from the neighbors, particularly the Reznicks and the Roberts. He noted that following questions about the validity of the photomontage, they went and redid a new one. He stated that the photomontage supports the conclusion that the proposed house would be far less visible on the knoll site than where the existing house or the "blob" is. He noted that the area where the "blob" is located is not workable because it is too close to the property line, almost touching the edges of the existing barn and garage.

Mr. Pico noted that while it was impossible to totally screen the home from off-site views, every reasonable effort has been made to mitigate the view impacts. He believed that the applicants complied with the land use objectives that clearly state: "Limit development of hilltop areas to homes that can be substantially screened from off-site areas, and limit hillside development to areas that can be physically and visually accommodated without disrupting the natural character of the site." He believed that the Hillside Residential District guidelines of the Specific Plan contemplate that not every project can be totally screened by location and design and provide that the views of hillside homes should be substantially screened by uses of evergreen tree planting. He noted that they tried every possible means to comply with that intent. The home is designed to incorporate extensive green-building designs, totaling about 160 Green points. He added that the house is a model of a large home built in an environmentally sustainable way.

Mr. Pico noted that if the proposed Southern Hillside Initiative were to be passed, this home would not fall under that Initiative because it had less than ten units. He did not believe this home would create a precedent for any Specific Plan project because it was one of the last hillside residential homes above the 540-foot elevation to be approved and may very well be the only one left.

Mr. Pico stated that the applicants did not believe it was appropriate for the City to intervene in private property negotiations between the Sarich and the Roberts families regarding the shared well. They disagreed with the Roberts' position that the creation of a new one-acre buildable lot connected to City water separated the facility from previous ownership, as indicated in Ms. Roberts' email. He believed that each owner had legal rights, and these legal rights or negotiations for the use of shared well should not be prejudiced by threatening to withhold the approval of an application based on a shared well that the Sariches had not used for years. He believed the Sariches had been good neighbors and that the existing house with a pool was left vacant for several years when they could have rented it out. The only water source for that house was the shared well, and they stated that they would not do that to be good neighbors. He indicated that the Sariches intend to be good neighbors and that priority of use for the well would be given to the Roberts for their household requirements. They would not plant the vineyards until they find an alternative water source, and would not give up their legal rights to the shared well until they find that alternative water source. He added that when the Sariches build their new home, they would connect the existing and new home to City water. He noted that the question of whether the grapes will thrive in the terraces to be created by the relocation of the cut material is a matter between the Sariches and their landscape agricultural consultants and not that of the adjacent property owners. He noted that the two workshops and major revisions to plans made since those workshops demonstrate that the Sariches are good neighbors. He requested the Commission to approve the project and move it forward to the City Council.

John McGinnis, project architect, described the background of his involvement with the project and the design of the house. He noted that when he began the drawings of the house in 2001, he studied the lower portion for the location of the house and noted that the house would not fit there. He noted that stepping the house up the hill would mean literally taking out the trees as they would not screen the house as it went up the hill. He added that with the City's building measurement from where the lowest point hits the ground, a 25-percent slope would not go very far. Additionally, Fire Marshall Eric Carlson had indicated that no structures could be allowed there as it was a high fire risk area.

Mr. McGinnis stated that he superimposed the site plan on the exact scale location of the "blob" and the existing house. At a 25-percent slope, a 2,700-square-foot house could fit in front of the barn. There would be no front or back yard, no major retaining walls, and no way to screen the house. In addition, a 2,700-square-foot house would not be an estate house.

Mr. McGinnis noted that with the proposed plan, a water booster pump had been included, the road widened from 16 feet to 20 feet up to the site, the driveway realigned

several times to save more trees, a second fire hydrant added, the turnout widened, more oak trees added, the guest house removed, and other trees added and retaining walls installed to provide screening for the neighbors. He stated that 37 of the trees were to be removed because of poor condition; and the turnaround was moved to save a large tree and the pool moved six feet to save two large trees. The visuals were revised to provide a better view of the screening from below and from the Ruby Hill subdivision.

Mr. McGinnis then displayed the site plans and landscaping plans and described them in detail; he pointed out the large trees that would be saved. He noted that the poolhouse had been removed, to be replaced by a cabana that would be tucked into the hill with an underground pool bath area. The pad had been raised by five feet, and the two-story design of the house had reduced the footprint of the house by several thousand square feet from 10,400 square feet to 8,890 square feet. The house would be stepped going in different directions. The driveway was realigned to save some trees, and the proposed winery/barn had been removed. The project currently has 160 Green points, and high-efficiency energy star appliances with high-efficiency fixtures as well as on-demand hot water tankless systems would reduce water usage by this house.

With respect to the comment that a 2,700-square-foot home was not an estate home, Chairperson Fox inquired what the specifications of an estate home might be and how the Specific Plan defined and specified an estate home. Mr. Otto replied that there is no definition in the Specific Plan of an estate home or of house size in terms of square footage. He stated that he did not recall any language that specifically called out an estate home. In response to Chairperson's inquiry of what a standard building definition of an estate home would be, Mr. Otto replied that he was not aware of any.

Ms. Decker confirmed that neither the Specific Plan nor the City had a codified definition of an estate home. She added that from a marketing standpoint, many 3,000-square-foot homes were called estate homes or estate developments. She pointed out that the general understanding of an estate home as it is used here is a premier, large home.

In response to Chairperson Fox's inquiry if the 13,000-square-foot home on the Hayward Ridge is an estate home, Ms. Decker replied that staff did not research that home as part of this project and that she was not familiar with the history of that home.

Commissioner Pearce requested clarification regarding the removal of 67 trees, which seemed to be more than previous plans. She noted that the staff report in 2005 stated that 56 trees would be removed, and the 2006 staff report had 38 trees. She inquired how many trees would be saved. Mr. McGinnis replied that many of the trees slated for removal were in poor condition. He noted that John Leffingwell, the arborist, was in attendance, as was Jeff Holmwood, the civil engineer from Ruggeri-Jensen-Azar.

Mr. Otto noted that the number of trees being removed increased from the prior application due to the number of changes in the counting of the trees; there were additional trees that had not been counted previously to install the lower portion of the road. The arborist also recommended the removal of several more trees that were in poor

condition. He noted that staff had recommended a condition to have an arborist re-examine several trees determined to be of poor condition to determine if they can be saved. He added that he did not at this point have the exact number of trees that would be removed or saved.

Ms. Decker added that on page 15 of the staff report, Mr. Otto identified the reasons why more trees had been removed. She stated that 29 more trees were recommended by the arborist to be removed because of poor health. The new accessory structures impacted some trees, and some trees had not been previously reviewed. Trees that were likely to be removed were also included in the analysis, thereby increasing the overall number of trees to be removed.

Mr. McGinnis stated that since the last hearing, a number of trees along the road had to be taken out in connection with the Fire Department's requirement that the access road be widened from 16 feet to 20 feet, grading, and the installation of a large hydropneumatic pump in the area.

Looking at the visuals on the trees, Chairperson Fox noted that the trees look extremely taller and closer to the house than the surrounding existing trees. She inquired what the expected height of the trees would be by the year 2010 and how close a tree could be to the house without creating a fire hazard. Mr. McGinnis indicated that Mr. Daniel Stewart, the landscape architect, would respond to the questions after the completion of his presentation.

Commissioner Narum inquired if the basement would be totally sunk in the ground or if it would be a walk-out basement with windows. Mr. McGinnis displayed the location of the basement and noted that it would be a totally subterranean basement and not a walk-out basement with a natural grade exit and view. He indicated that only one portion of the basement, the caretaker's unit, had a sliding door and stairs that goes up, five feet away above ground, mainly as an access for fire.

Chairperson Fox inquired if the garage was a five-car garage. Mr. McGinnis replied that it was a four-car garage with a workshop. In response to a follow-up inquiry by Chairperson Fox regarding whether the workshop could be considered habitable space and counted with the main structure, Mr. McGinnis replied it was not considered habitable space because it was not a conditioned space but was like a garage with a garage door. He noted that the Code requires habitable space to be conditioned, including heating, and this space could never be heated. Commissioner Fox inquired if staff agreed, and Mr. Otto replied that staff concurred with this opinion. He added that it did not matter if the workshop was counted or not towards the square footage of the house as this project does not deal with floor area ratio (FAR). He noted that the total square footage of the house plus the garage are listed together and does not affect any type of limit as far as what is allowed.

Mr. McGinnis noted that he had seen real estate for sale ads for 1,200-square-foot "estate homes." He noted that as a builder for the past 36 years, he had entered the estate home

process market 22 years ago in Santa Barbara and has gone seen estate homes all over the world. He noted that in his business, he did not consider a 2,700-square-foot home to be an estate home and that most of his clients built estate homes between 9,000 and 30,000 square feet. He noted that in his travels to Europe, he had hired an Italian architect and had access to all his resources. He passed around and explained some materials he had brought back from Europe and described the materials to be applied to the design changes to the Sarich house since the last workshop: 70 percent stucco with 30 percent stone walls; dark bronze-finished doors and windows from Italy; retaining walls of natural stone up to the house and around the driveway and washed split-faced to look like real stone on the back side which faces the Reznick and Roberts homes.

Tim Collins, project visual consultant, stated that he had worked on the Austin project photo simulations. He presented an overview of the process he utilizes to create his images, which is different from the techniques for photomontages. He indicated that his images are based on real 3-D data from civil engineering to which he adds new data from the architect, creating a surface for the data with existing terrain, matched to make all the coordinates correct and to scale exactly real scale. He stated that the photos are taken from a specific location, using actual GPS coordinates, with a 50-mm. lens. In response to Chairperson Fox inquiry regarding what software he uses, Mr. Collins replied that he uses 3-studio max as well as autocad which comes from the engineers. He continued that he uses trees located in a 3-D space and places them in the terrain model, sizing them per the landscape architect's specs.

Mr. Collins then displayed the visual representation of the landscaping plans and the photo simulation aerial, which represented the tree growth over time from Year 1 through Year 10, to show the impact over the years where the top ridgeline of the house is barely visible. He indicated that he did not show the growth progress of the existing trees because older trees do not grow at the same rate as new trees.

In response to Commissioner Narum's inquiry regarding the brown strip seen from the Roberts home, Mr. Collins replied that it was the retaining wall mentioned earlier. He explained that by Year 10, some of the lower brush would grow to obscure it. Commissioner Narum inquired how the dark space above would be hydroseeded; Mr. Collins replied that it probably would not be hydroseeded but would remain as natural as it is.

In response to an inquiry by Chairperson Fox regarding the length and height of the retaining wall, Mr. Collins replied that it varied from three feet to six feet high – three at bottom and six at the top. It would be continuous and not be broken up into segments, starting up short and getting taller as it wraps around the hillside.

Mr. Collins continued that he used the photo simulation as a design tool for placing the trees, putting much bigger 60-inch-box trees in certain vulnerable spots. These trees would be 25 feet tall at initial installation and would grow to 35 feet tall in 10 years, approximately one foot per year. He noted that there were a total of five trees of that magnitude.

Chairperson Fox inquired what kind of trees, how tall, and where on the landscape diagram were the couple of trees obscuring the house. Mr. Collins replied that these were Coast Live Oak trees and pointed them out on the display. He noted how they had been strategically placed, down-slope a bit, with their canopy covering most of the house. He added that the planting elevation of these particular trees is high and that the photo is looking at the house at an angle from the Roberts home. Chairperson Fox inquired why they were taller than the existing mature oaks already in property. Mr. Collins replied that he did not advance the existing trees because it is difficult to determine how the other trees will grow. He explained that the oak trees are irrigated a certain amount, they would grow at a certain rate in a year, about one foot a year, maturing at 35 feet in ten years.

Commissioner O'Connor requested confirmation that the rest of the oak trees in the area will not necessarily grow ten feet in ten years because of irrigation patterns. Mr. Collins said yes.

Commissioner Narum inquired if the replacement trees required in the conditions of approved were included in the simulation. Mr. Collins replied that he was not aware of the condition. Mr. Otto explained that the condition was added by staff at the writing of the staff report and were not included in the simulation.

Mr. Collins noted that he was very comfortable with the quality of the photo simulations and noted that they were very accurate from the perspective of photo simulations in the industry.

Chairperson Fox noted that the roof height to the top of the cupola was 35 feet, and the mature Blue Oak trees were 35 feet but the trees look way higher than the roofline. Mr. Collins explained that the vantage point of where the photos were taken is slightly lower. He stated that the tree is closer to the viewer than the house, and from down lower, there would be a higher angle for the top of the tree than if the tree were farther away from the viewer.

Daniel Stewart, landscape architect, noted that they had worked hard to develop a plan that blended with the existing oaks and topography. They tried to use mostly native and drought-tolerant planting; six of the seven trees called out on the plan palette were non-native trees, but 90 percent of the overall trees used were the native Coast Live Oaks. The proposed landscape includes 438 new, 381 or 90 percent of which are native oaks. The additional 57 trees, such as the peppers, olives, and cedars, were mainly used as accents.

In response to Commissioner Narum's inquiry regarding the condition that the sick trees should not be removed unless they are a safety hazard, Mr. Stewart replied that the removal of trees that are not healthy depends a lot on their proximity to the proposed development. He noted that trees that are really close to the wall or the house or the driveway would be more stressed than if they were standing on their own about 200 feet

away. The trees close to the development would have to be removed as opposed to those standing on their own, whose decline in health rate would be less.

Commissioner Narum inquired if the trees with poor health now would ever get better. Mr. Stewart replied that they would usually decline, and the rate would depend on the prevailing conditions such as stress from drought. He added that there would be no value in not removing a dead tree, which could be a fire hazard or a source of disease; it would be better to replace it with a younger vigorous tree.

Mary Roberts noted that she lived next door to the Sariches and had been very concerned when she heard third-hand that the applicants may have planned to use the well for the vineyard. She noted that was a sensitive subject and appreciated staff's collection of historical documents. She respectfully disagreed with the applicants and with staff that this project was consistent with the Vineyard Avenue Corridor Specific Plan; she did not believe that finding could be made because of a number of issues. She disagreed with Mr. Pico that this project was compatible with the land use objectives in the Specific Plan. She noted that the Specific Plan provides that development be limited to areas that can physically and visually accommodate it without disrupting the natural character of the site. She believed that removing 40 feet off the top of the hill would disrupt the natural character of the site. She believed that the design of the house was graceful and European, but it did not emphasize the rural character and is not characteristic of the area.

Ms. Roberts noted that with respect to Subarea 3 where the Sarich property is located, the Specific Plan states that "the large majority of land within this area is to be preserved as permanent open space." She noted that while open space was discussed in this application, it did not discuss the permanent preservation of the hilltop. She stated that the hilltop was to be open space, and people have made plans around the assumption that no house would be built on top of the hill. She noted that the former owner had wanted 17 houses on the hillside, and Wayne Rasmussen allowed one hillside residential lot.

Ms. Roberts expressed concern with the lot position. She noted that the house design did not fit with the land and that the land was being made to fit the house rather than the other way around. She added that the size and the height of the building did not conform to the Specific Plan. She noted that the Commission had discussed this with the Reznick proposal, who wanted two-story houses above the 570-foot elevation that they would tuck in, and the Commission allowed no more than 27 feet high and only 20 percent of the first floor. She stated that the Sarich home is much larger than this, and much bigger than the Oak Grove development houses, where the size and number of the houses were balanced by an amenity of 497 acres of open space. She added that there is no amenity provided in the Sarich project and that if she and Mr. Berlogar developed, they would provide a trail.

Ms. Roberts also expressed concern about the subdivision of the site and was unsure whether it met the intent of the Specific Plan. She noted that the subdivision is intended to go along with financial plan, that "the original parcel shares are due at subdivision of the first map, creating a new buildable site." She noted that the Council never amended

this item, and several developments that have gone in, including the Berlogar development, which had approval for nine low-density lots, had to come up with the money for his five hillside residential lots. The Specific Plan fees for 198 units are supposed to be paid to fit all the financial obligations in the Specific Plan.

Ms. Roberts expressed other concerns that were not related to the Specific Plan. She noted that the Specific Plan is silent about shared wells. She indicated that there are only two wells left in the area and added that shared wells were not set up for new development.

Ms Roberts cited an article in the April 9, 2007 *Time* magazine which noted that one way to prevent or slow down global warming is to “ditch the mansion.” The article continued that “oversized houses aren’t just architecturally offensive. They also generally require more energy to heat and cool than smaller ones even with efficient appliances. And in the US, bigger houses are becoming the norm, even though a relatively inefficient small house consumes less energy than a greener large house and uses fewer building materials which expand the carbon footprint.” She noted that the applicants have accumulated a great number of LEED points; a house this big could be built if it were contemporary and not Tuscan, probably with straw in between two-foot wide walls, different shaped roofs and different materials. She further expressed concern about the use of the existing house as an accessory structure, which also enlarges footprint. She noted that this is a PUD with a right to build and was concerned that someone could eventually purchase that lot and build an enormous house that would stretch out over the building pad. She expressed concern about the driveway and retaining walls and that a large number of trees than necessary are being taken out. She noted that she proposed that the driveway go up another way or be located on the other side to take up less land, and she felt that the only reason for not doing that is because the applicants would not have a grand entrance. She stated that she had requested the addition of other conditions, and some of them had been included. She indicated that she did not want her property to be used for access during construction.

Ms. Roberts expressed her concern about how staff has changed its recommendation with regard to the project’s conformity to the Specific Plan, when in 2003, staff comments were quite negative. She concluded that she did not believe the finding that this application is consistent with the intent of the Specific Plan can be made because of land use issues, lot position, subdivision, and the enormity of house have to be dealt with. She indicated that the project may have to be continued to find answers to all these questions.

Greg Reznick spoke in opposition to this project and noted that the community’s commitment to planning contributed to the City’s quality and character. He believed the City took the time and effort to develop a Vineyard Avenue Corridor Specific Plan that was thoughtful and comprehensive. The residents of Pleasanton in general, the property owners, and the planner have come to rely on this Plan for a clear commitment to a specific vision for the development of the Vineyard Corridor. He stated that continued commitment to this plan is important to ensure a high quality outcome because property values have been established based on the confidence that the Plan would be followed. He indicated that the

proposed PUD does not conform to the spirit or the letter of the Specific Plan. He noted that while the “blobs” appeared to be imprecise on paper, there was no ambiguity on the ground. He noted that the “blob” was on a flat spot that was big enough and suited to build a reasonably sized house without disturbing the topography or the oak forest. He stated that moving the house to the top of the knoll clearly violates the Specific Plan; it affects the subject property and other properties for which the Specific Plan promised an open space view because this PUD is an oversized and conspicuous development.

Mr. Reznick noted that the Sariches were aware of the Specific Plan when they purchased the property, and he believed that the suitability of the site should have influenced their purchase decision from the beginning. He added that since they bought the land, they have been going around the constraints of the Specific Plan, and they claim that the Specific Plan allows for two houses of any arbitrary size, with an entitlement to move to any area in the property to accommodate their house. He noted that the adjacent property owners are likewise entitled to the benefits promised by the Specific Plan of an unspoiled view of the hills to the east. He felt that changing the rules is unfair.

Mr. Reznick stated that project development in the Vineyard Corridor should honor the open space that is treasured by all. He did not believe this project was suitable for the site and, at 35 feet tall and two stories, was too tall and had too many stories. He believed that the PUD was an effort by the applicants to circumvent the Specific Plan, that the house is inappropriate for location and was in violation of the Specific Plan, requiring the removal of an entire hill to the great detriment of the surrounding area and property owners. He stated that the Sariches need to understand the constraints and that these would be enforced. He believed that the property should be developed in conformance to the Specific Plan and requested the Commission to insist on the consistency as it did with his project.

Steve Brozosky was concerned that the packet became available to the public on a Friday afternoon before a three-day weekend and that the packet did not contain the photomontages, copies of the plan, current grading, IPM report, open space management/fire protection plan, landscaping, and green building checklist. He believed that made it difficult for the public to get a real view of the entire project. He noted that Wayne Rasmussen was one of the original architects of the Vineyard Avenue Corridor Specific Plan. Mr. Brozosky added that from the community, it would be Mary Roberts and himself who were extremely familiar with the Specific Plan and EIR. He noted that the Specific Plan broke down the residential components into different categories and provided spots in the Plan with respect to where the houses would go, the Vineyard Districts, and open space, and how they all co-exist.

Mr. Brozosky did not believe that Land Use Objective No. 7 had been met with respect to preserving the major ridgeline in southern plan area, limiting development of hilltop areas to homes that could be substantially screened from offsite areas, and limiting hillside development to areas that can physically and visually accommodate it without disrupting the natural character of the site. He did not believe that the plan met the criteria of Land Use Objective No. 8 to “ensure that future development of the hilly areas located south of Vineyard Avenue is designed to emphasize the rural character through a careful siting of

buildings, and minimal disruption to the physical terrain, and sensitive architectural and landscape treatments.” With regard to the physical planning concept, the Specific Plan provides that residential development in Subarea 3 is to be sited to preserve the significant natural features, major ridgelines, hilltop areas, woodland and riparian areas, with cluster of homes reflecting the rural character and natural features of the hilly terrain. He noted that the proposed house is not rural in character and does not complement what is already existing in the area. He added that the Rural Density District design guidelines state that house designs should be limited to architectural styles and forms adjusted to conform to the natural character of site, emphasize blending of building into natural surroundings, and limiting primary buildings on existing elevations exceeding 540 feet to 25 feet in height and one story.

Mr. Brozosky agreed that this was a beautiful home but believed that it was more of a 15,000-square-foot palace and did not have rural character and was not appropriate as a hillside residential home. He noted that the applicant’s earlier statement indicated that an estate home cannot fit on the lower portion is true because an estate home should not be built in the area and there is no mention of estate homes in the design guidelines. He noted that page 19 of the Specific Plan lays out the different types of residential areas, including estate homes on the 66 acres of vineyards, not on the hillsides. He added that page 31 of the Specific Plan prohibits entries exceeding 1½ stories, and the entryway of the proposed home is more than 1½ stories. He noted that environmental issues were numerous and believed that the removal of 67 trees was excessive for a single house, to which Mr. Otto noted that the number included the removal of trees required for the road construction.

Mr. Brozosky stated that grading 40 feet on top of a hill does not fit the character of the area. He noted that there was no mention about the cubic yards of dirt that would be quite significant that would go down to the Low Density Residential portion of the property. He inquired if there were any photomontages of what that will look like after it was re-graded with fill; Mr. Otto replied that the photomontage was of the proposed home. Mr. Brozosky noted that this would be one of the more visible sites whose appearance would be changed with the significant amount of fill. He added that he did not know how many retaining walls were proposed, where they would be located, and how high they would be.

Mr. Brozosky noted that building a 15,000-square-foot home did not meet the intent of green building standards. He did not agree with getting points for putting designing the structure to support future photovoltaic (PV) panels as he did not believe that the applicants would place PV panels on their roof. He noted that vineyards are allowed only for Semi-Rural Residential District and not for Low Density Residential District, the designation of the lower portion of the property. He expressed concern about the water for the vineyards, which technically do not belong in that area. He noted that if the vineyards are proposed as landscaping to make the site look better, they should be required to be put in. He noted that the fill and the benches would be put there but without the vineyards, and recommended that the vineyards be conditioned to go in when the house is being built to mitigate the visual impacts.

Mr. Brozosky noted that the Draft EIR states that the proposed vineyard in the Vineyard District will be irrigated with ground water supplied by onsite wells and that City water would be used for all other irrigation needs. He noted that the vineyards would be best irrigated with City water because of the problems with the salt content and total dissolved solids (TDS) in the well water. The use of City water would improve the water quality on-site and below. He disagreed with the staff report, which stated that there was no water capacity for using City water for the vineyards. The vineyards will be located in the Low Density Residential area that could hold six houses. Vineyards will use less water than houses, and when they remove the vineyards to put in the houses, the landscape plan will use significantly more water.

With respect to the shared well, the applicants indicated that the Roberts would have the priority to use it for domestic use. He noted that this would be taking away the Roberts' right to use the water for irrigation. He added that irrigation is not just for aesthetic reasons. He noted the high fire danger on the hillsides, which would be increased when more houses are built in that location, and indicated that a greenbelt around the house added to the fire safety. He stated that the Roberts should be allowed to water the yard for fire safety reasons. He proposed a condition requiring the Sariches to agree to not use the well until the Roberts subdivide the property and are required to receive City water. At that time, the Roberts would release all claims to the well and related easements. If the Sariches have City water, they can actually deplete the well water, and the Roberts will be out of water. He noted that if the Sariches can get building materials from Europe, they should be able to put in another well for \$15,000 and be good neighbors.

Mr. Brozosky would like to see a condition requiring septic tanks to be removed at subdivision, which was a requirement in the Specific Plan. Mr. Otto confirmed that was a condition for this project.

Mr. Brozosky noted that agricultural mitigation fees for the Livermore Agricultural Land Trust must be paid at subdivision map recordation, and he did not see that condition. He noted that part of land at the top is less than 25 percent and fees will have to be paid. Additionally, the Low Density Residential portion at the bottom is also less than 25 percent and fees will also have to be paid for that.

He noted that Condition No. 38 regarding construction hours stated that the Planning Director can allow additional construction times beyond the 8:00 a.m.-to-5:00 p.m., Monday through Friday, time period. He requested that that condition be stricken and not allow the Planning Director to do that. He noted that the same issue was brought forth for the water tank and the Reznick project, and they agreed then not to place that condition. He noted that page 45 of the Specific Plan states that "open space easements are required at the final subdivision map" and inquired whether that was listed as a condition. Mr. Otto stated that he did not believe that was a condition. Mr. Brozosky stated that was a requirement of the Specific Plan and should be included. He expressed concern about the eight-foot-tall fence around the property and suggested that a six-foot-tall fence would be more appropriate. He was very concerned about precedents

for this style of home and if allowed, should allow the same for other Hillside Residential homes. He noted that this would throw out all planning in the Specific Plan with the 11 more residential lots that have yet to be developed and the other seven homes that have been submitted but not yet built. He did not believe the Commission could make the findings in the Specific Plan. He stated that Hillside Residential is rural and not for an estate home.

Mr. Pico noted that the issue of the water in the well was not an issue of whether the applicants had the ability to spend the money to dig a new well; he noted that this process has lasted for so many years that the applicants have become tired of throwing money out without knowing whether they could get a return. He noted that the Sariches intended to dig a new well and did not have any desire to share a well with a neighbor; however, they were not willing to give up their rights to the well at this time until they have found another appropriate source of water. He believed the Sariches did not intend to leave an eyesore and would be happy to start planting the vineyards if they were able to use City water. He noted that the vineyards would be temporary until they decide to develop the six lots, which will not occur for a long time. He added that the Sariches have no intent to take water from the Roberts and that they had shown respect to the neighbors by not renting out the house or filling up the pool. He strongly disagreed with any attempt to portray them as being less than good neighbors.

Mr. Pico noted that the Vineyard Corridor site was intended to represent an Italian rural vineyard area and that the houses in the flat area were clustered to look like a small village in flats with vineyards around them. Very few Hillside Residential lots with a minimum of one-acre lots were created, and people would not purchase one-acre lots and put a 1,200 or 2,400-square-foot home in it. Mr. Reznick's development has up to 9,000-square-foot homes in at least two of his lots. What would be visible of this estate house is about 9,000 square feet. He noted that this is a good design and an Italian-style home that fits the site and which the applicants did everything to mitigate. He added that this is not a significant modification to the entire Vineyard Corridor hillside and encouraged the Commission to take action and not delay the project any further.

THE PUBLIC HEARING WAS CLOSED.

Chairperson Fox noted that in a November 20, 2003 memo, Attachment 6, staff project comments were sent to the applicant. She stated that when this application was first submitted, Mary Roberts had expressed concern that the grading of the top knoll was not consistent with the intent or the requirements of the Vineyard Avenue Corridor Specific Plan. She noted that the memo stated that dark, earth-tone colors were to be used and that the design guidelines for Hillside Residential District homes provided that homes were to be traditional style and have a form adjusted to the natural character of the site. It was recommended that the home be re-designed to conform to the Vineyard Avenue Corridor Specific Plan. Chairperson Fox inquired who wrote the memo; Mr. Otto replied that the staff planner at that time was Heidi Kline, and he assumed that she had the involvement of either Brian Swift or Jerry Iserson in writing the memo. Chairperson Fox continued that the memo talks about the "purpose of this designation, Hillside

Residential, is to allow the clustering of homes in well-defined areas of hills in order to preserve significant natural features such as ridgelines, hilltops, oak woodland, creeks, and steep slopes” She inquired why staff’s recommendation had changed from its original recommendation four years ago when the house has not changed all that much. Mr. Otto replied that Commissioner Pearce had asked the same question earlier, and he had responded that the project has changed from the time of original submittal to the City as far as the placement of additional square footage of the home in the basement as well as additional reduction of the square footage of home; the grading had also been changed. He indicated that there were changes made to the project that allowed staff to re-evaluate and now support it.

Commissioner Narum noted that the accessory structures to be done in the future for both lots seemed like a lot and inquired if this was normal. Ms. Decker clarified that the PUD process allows staff to look at requests for accessory structures and determine if they are reasonable. She stated that the 19-acre estate lot has been defined by the development area rather than the actual parcel or FAR. She noted that the request is reasonable as far as desiring to add accessory structures. She pointed out that Golden Eagle and Oak Tree Farm homeowners have requested to put large accessory structures such as fire pits, entertainment areas, trellises, arbors, and patios. With regard to the one-acre lot, the proposed accessory structures are not atypical; there are smaller homes citywide that have made the same or greater requests as part of the PUD process. Staff’s recommendation is that accessory structures be considered by the Zoning Administrator rather than the Planning Commission; the action would then be brought before the Commission, who can appeal the decision if desired. Additionally, a longer appeal period of 20-days could be required, as in the Mariposa Ranch homes.

Commissioner Blank pointed out the condition prohibiting sports courts and inquired whether there was language regarding accessory structures in the front of the future houses. Ms. Decker noted that the front of the home in this case was along the private drive.

Ms. Decker noted that with respect to the Sariches’ responsibility for the payment of fees, Condition No. 18 states: “Prior to the recordation of the final parcel map, the applicant shall pay the applicable Vineyard Avenue Corridor Specific Plan fees for the development as specified by the Plan Infrastructure Financing Program.” She clarified that they would be obligated to pay all of the fees for all of the lots, whether or not they are developing those lots.

Commissioner Pearce noted that the applicants seemed like nice people and that the home was beautiful; she had been hopeful that the Commission’s concerns had been addressed and that the plan would be substantially changed. Apart from muting the colors, which she appreciated, the plan appeared to have been minimally modified and not substantially changed. She was concerned that the topography was still being conformed to fit the house and not the other way around. She could not support this application as presented and believed that it did not conform to the Vineyard Avenue Corridor Specific Plan land use objectives. Specifically, it did not limit hillside development to areas that would

physically and visually accommodate it without disrupting the natural character of the site. It does not emphasize the rural character of the area. She believed it would disrupt the physical terrain and did not conform to site topography.

Commissioner Pearce moved to find that the proposed PUD development plan is not consistent with the General Plan and the Vineyard Avenue Corridor Specific Plan and to recommend denial of PUD-32.

Chairperson Fox seconded the motion.

Chairperson Fox noted that she did not want to see a structure silhouetted against the sky but would like to see it lowered so that the roofline would have been below the knoll rather than having the knoll removed, and the structure would have the top of knoll as its background rather than be sitting on top of knoll with the knoll graded.

Commissioner Blank noted that he was torn on this project and the article in *Time* magazine notwithstanding, he appreciated the LEED points and believed they were significant in showing a good faith effort on the applicants' part. He noted that there had been numerous discussion in past about one and two stories. He noted that how it looks in the viewscapes were very important to him and that he leaned toward supporting the application with some changes in the conditions, primarily because the applicant has made substantial enough changes in the application to mitigate the concerns about the view. He noted that if the house could not be seen, the issue of the architectural style would be minimized.

Commissioner Olson believed that this was a terrific project and that it was interesting to him that the project has been covered up with trees and foliage; he would actually like to see the home. He agreed with Mr. Pico's point that when up on the property, the water tank could be seen from a distance; he would rather look at this home than at the water tank. He believed the house was appropriate for the area and stated that he would be able to support this application.

Commissioner Narum believed the architecture conformed to what was called out and believed that it would fit in with a European village. She could not find any minimum or maximum size requirements and was open to the size of the house. She believed the applicants made an attempt to mitigate the project by putting a substantial amount of the square footage underground. She added that the trees would also help to hide the home. She indicated that she could support the project with some modifications to the conditions of approval.

ROLL CALL VOTE:

AYES: Commissioners Fox and Pearce.

NOES: Commissioners Blank, Narum, and Olson.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

The motion failed.

Commissioner Blank indicated that he would like to discuss possible modifications to the conditions of approval. He would like to see the 2,900-square foot addition not be an entitlement but brought back to the Commission for specific review.

Commissioner Olson noted that Condition No. 81 referred to a June 22, 2007 letter from TerraSearch. He noted that the June 12, 2007 letter from TerraSearch specifically required a perk test early in the process. He believed they would be able to get out of their obligation if the perk test was not done or if the results of the perk tests were not in line with their thinking in writing those two memos. He believed that Condition No. 81 should also refer to the June 12, 2007 letter as well to be complete. Mr. Otto stated that Condition No. 92 referenced all geotechnical reports and supplemental response letters by the project geotechnical engineer, as well as the peer review. Commissioner Olson noted that would be sufficient.

Commissioner Narum noted that with respect to Condition No. 57, she had difficulty with the idea of leaving trees in poor health, if they are not coming back. She would like them taken out and replaced as they could be a fire hazard. Ms. Decker noted that similar language was included to offer flexibility, as opposed to requiring that all labeled trees be removed. She stated that she has not seen all the trees recommended for removal, and is providing the opportunity for an arborist to look at them and determine if they can be pruned, the dead material removed, or remove some unhealthy trees to provide space for other trees to spread their canopies. She noted that staff wants to be cautious and have the discretion on how the tree could be handled. If the arborist determines that the trees are really bad and need to be removed and the Planning Director concurs, the trees would go. She noted that staff would be able to clean up the language of the condition for clarity.

With respect to the photo simulation, Commissioner Narum noted that the dark color of the retaining wall looking from Roberts' residence was still visible even after ten years and would like it to be softened. Mr. Otto explained that there are two different retaining walls. One is stone-faced and was shown on the photo simulations, and the other is a series of two retaining walls that would be stone-capped with split-face block that is stained to match the stone and include rosemary cover to grow down and up those walls to further soften them.

Commissioner Blank suggested that the dark retaining wall color be softened subject to the approval of the Planning Director. That was acceptable to Commissioner Narum.

Commissioner Blank inquired whether there was language in the conditions of approval to memorialize the Sariches' commitment not to use the well water for the vineyards. Ms. Decker confirmed that was included in the conditions of approval.

Commissioner Blank inquired if Condition No. 38 regarding construction activities could be modified to state that no construction shall be allowed on federal or State holidays.

He requested clarification regarding the situations under which the Planning Director would allow an earlier start time. Ms. Decker noted that the intent was not to allow earlier start times under every circumstance. She pointed out that the hottest months of summer often are a good time for contractors to work an earlier schedule. Neighbors are notified, and if the neighbors did not agree, the contractors would not be allowed to start earlier.

Chairperson Fox inquired if that provision could be deleted to disallow changes as it would take years to build the house.

Ms. Decker noted that the provision gives the flexibility to modify the condition, if it could be demonstrated to the satisfaction of the Planning Director that construction and construction noise would not affect nearby residents.. If the language were deleted, there would be no opportunity to modify the hours.

Commissioner Blank requested that language be added that residents can decline the request to start before 8:00 a.m. Ms. Decker replied that additional language would be provided.

Chairperson Fox did not believe this project was appropriate for the hillside, particularly with respect to the size of the house, and the design is not appropriate as well.

Commissioner Pearce agreed with Chairperson Fox's statement.

Commissioner Blank noted that he was impressed with the photomontage and the use of the 50-mm. lens.

Mr. Otto wished to address Mr. Brozosky's concerns regarding the Livermore Agricultural Mitigation Fee not being included in the conditions of approval. He noted that Condition No. 17 states that "the applicant shall pay all applicable fees." Commissioner Blank requested that the specific fees be listed in the condition so it would not be overlooked. Mr. Otto noted the request.

Mr. Otto recalled Mr. Brozosky's statement that the open space easements were required in the open space areas of the property. He would suggest a condition stating: "The applicant shall create all applicable easements required by the Specific Plan."

Commissioner O'Connor did not see much change in the total square footage from a year ago, minus the basement square footage. He did not have a problem with the size of the home, and he agreed with Commissioner Pearce's assessment of the appropriateness of this home on this site. He also did not like to see the top of the knoll removed and would like to see it located on the lower shelf.

Commissioner Blank moved to find that there were no new or changed circumstances or information that would require additional CEQA review of the project and that the proposed PUD development plan is consistent with the General Plan and Vineyard Avenue Corridor Specific Plan; to make the PUD findings as listed in the staff report; and to recommend approval of PUD-32, subject to the conditions of approval listed in Exhibit B, with the following modifications:

- 1. Modify Condition No. 38 to indicate that in addition to federal holidays, no construction shall be allowed on State holidays and that residents will be notified of any addition to construction hours prior to 8:00 a.m. and past 5:00 p.m., to which they may express their objection and decline the request;**
- 2. Modify Condition No. 17 to add the Tri-Valley Conservancy and the Livermore Agricultural Mitigation Fees as examples of fees which the applicants may need to pay;**
- 3. Add a condition that the applicant will create all applicable open space easements and any other easements required by the Vineyard Avenue Corridor Specific Plan;**
- 4. Modify Condition No. 5 to delete the 2,900-square-foot addition to the existing home on the one-acre lot;**
- 5. Add a condition that the dark retaining wall color will be softened subject to the approval of the Planning Director; and**
- 6. Modify Condition No. 57 to clarify the tree removal process.**

Commissioner Narum seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, and Olson.
NOES: Commissioners Fox and Pearce.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

Resolution No. PC-2007-48 was entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

- a. Tabled motion: Consideration of whether to take the motion made by Commissioner Olson on July 11, 2007 from the table; if majority support to do so, then consider Commissioner Olson's July 11, 2007 motion.

No discussion was held or action taken.

- b. Discussion of the types of projects to be placed on the Consent Calendar.

No discussion was held or action taken.

Speakers' Time During Public Hearing

Commissioner Blank wished to call the Commissioners' attention to the public hearing procedure contained in the agenda. "The applicant will be asked to make a presentation, if desired, or answer questions. Applicant presentations should be no longer than 10 minutes.... Speakers are requested to give their names and addresses for the public record and to keep their testimony to no more than five minutes each, with minimum repetition of points made by previous speakers." While he wanted to ensure that everyone had an opportunity to speak, he believed the Commission did a disservice to the audience by not having any limits at all on the speakers' times. He believed the Commission should be sensitive to following the established procedures as closely as possible.

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

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

Commissioner Narum inquired about the status of the California Splash permit. She indicated that it appears there has been no activity in the area for a long time and the site looks neglected. Ms. Decker replied that the City was still undergoing consideration of that project. The applicants had some prohibitive financing problems, and it is anticipated that the applicants will come forward with requests for additional permits and inspections on the work done to date. Staff would research the status of that project and report back to the Planning Commission. If the building permits were to expire or due diligence, the applicants would have to come back for a use permit.

12. ADJOURNMENT

Chairperson Fox adjourned the Planning Commission meeting at 12:06 a.m.

Respectfully,

DONNA DECKER
Secretary