



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, October 25, 2006

CALL TO ORDER

The Planning Commission meeting of October 25, 2006 was called to order at 7:04 p.m. by Acting Chairperson Fox.

1. ROLL CALL

Staff Members Present: Donna Decker, Principal Planner; Julie Harryman, Assistant City Attorney; Phil Grubstick, City Engineer; and Cory Emberson, Recording Secretary.

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

Commissioners Absent: None.

2. APPROVAL OF MINUTES

Ms. Decker noted that because the last meeting was held just one week prior, the minutes for the meeting of October 18, 2006 will be considered at the November 8, 2006 meeting.

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

Kevin Close, 871 Sycamore Road, noted that the previous week's meeting addressed the PUD in the Happy Valley area, and he was concerned about his perceived lack of knowledge by the Commission with respect to the Happy Valley Specific Plan and the Happy Valley area in general. He realized that staff provided the answers to the Commission's questions and noted that both the public and staff may sometimes be incorrect. Regarding the Heartwood Communities, he noted that that PUD was not part of the golf course development as stated by the Commission during the previous week. He wished to clarify that it was part of the greater Happy Valley area and that if the

project were to be part of the Happy Valley Golf Course, the Happy Valley Specific Plan would need to be amended.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Ms. Decker noted that Item 6.d., PDR-561/PV-158, John Miller Architects/St. Elizabeth Seton Church, would be continued to the meeting of November 8, 2006 as a public hearing rather than a work session. Should the Commission feel that it needed more information prior to the hearing, staff would be available to answer those questions. Staff requested that the public hearing be opened and that the staff presentation be heard on November 8, 2006; should the Commission require more extensive information, it may leave the public hearing open and continue the item further.

A discussion of the procedures ensued.

In response to an inquiry by Commissioner Olson regarding whether a Commissioner can also request a continuation of a work session, Ms. Harryman advised that any item may be continued if it was not subject to a legally- or City-imposed deadline.

5. CONSENT CALENDAR

a. PCUP-180, Huai Ming Chang, Salon Art

Application for a conditional use permit to operate an art school for children ages 7 to 16 Monday through Friday from 2:00 p.m. to 6:30 p.m. and Saturday and Sunday from 10:00 a.m. to 6:30 p.m. in an existing building located at 173 Spring Street, Suite 250. Zoning for the property is C-C (Central-Commercial) District.

In response to an inquiry by Commissioner Olson regarding whether an elevator to the second floor was required to meet State ADA requirements, Ms. Decker did not recall whether there was an elevator. She added that if it were required, it must be included in the plans in order to obtain a building permit.

Commissioner Blank moved to make the required conditional use permit findings as listed in the staff reports and to approve Case PCUP-180, as recommended by staff. Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

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

Resolution No. PC-2006-57, approving PCUP-180, was entered and adopted as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. PUD-93-02-08M/PCUP-181, Mike Callahan/Stealth Street Partners

Application for a major modification to the Ruby Hill PUD development plan to allow the construction of an approximately 19,716-square-foot event center with a 4,800-square-foot winery and for a conditional use permit to allow alcoholic beverage service at the event center after 10:00 p.m. The property is located at the southwest corner of Vineyard and Isabel Avenues, south of Ruby Hill Drive, and is zoned PUD-LDR (Planned Unit Development – Low Density Residential) District.

Also consider the Negative Declaration prepared for the project.

Ms. Decker summarized the staff report and described the background, layout, and scope of this project.

In response to an inquiry by Commissioner Olson regarding whether the project would connect to the City of Livermore facilities, Ms. Decker confirmed that it would. She added that it was part of a blanket condition that the City of Livermore's requirements must be met.

In response to an inquiry by Commissioner Pearce regarding valet parking, Ms. Decker replied that the customers would drive into the site, and valet parking would be provided at an on-site location. Commissioner Pearce noted that there was a small shortage of parking and inquired whether staff believed the on-site parking was adequate; Ms. Decker confirmed that staff believed it would not be a problem. The valet parking would expedite circulation on the site, and parking at the winery production location itself would be used.

In response to an inquiry by Commissioner Pearce regarding why a traffic study was not performed, Ms. Decker replied that at the time the Mitchell Katz Winery was reviewed, the actual hours of operations were off-peak hours (evenings and weekends). Therefore, the Traffic Engineer did not believe a traffic study would be necessary in this similar use. There was an acknowledgement that there may be events in both wineries that may coincide, which led to the condition of approval that if there was an issue, a deceleration lane as well as a left-turn pocket would be provided.

Commissioner Blank noted that he did not see a reference in the noise section of the conditional use permit regarding a particular decibel threshold to serve as a basis for revoking the use permit in the event the noise became a nuisance for the neighbors. Ms. Decker noted that staff did not wish to duplicate standard conditions and that the applicants must comply with the ordinance. If there were cause for complaint above and beyond the ordinance, they would be able to call the City.

Commissioner Blank expressed concern that there may be noise that did not exceed the noise ordinance but was bothersome to the neighbors.

In response to an inquiry by Commissioner O'Connor regarding whether the existing buildings would be accessed from the farm road, Ms. Decker confirmed that was her understanding. She also indicated that the below-standard number of parking spaces at the Mitchell Katz Winery had not become a problem.

In response to an inquiry by Acting Chairperson Fox regarding whether the site was located within the Vineyard Avenue Corridor Specific Plan, Ms. Decker believed it was outside the plan area.

THE PUBLIC HEARING WAS OPENED.

Mike Callahan, applicant, noted that he had worked with staff and wished to clarify the operations and address the Commissioners' concerns. He noted that there were 132 parking spaces shown where 156 was required; if the wine tasting room and the event center were to be run at the same time, that would be the number of spaces needed. He noted that the winery would run from Thursday through Sunday, from 12:00 noon to 5:00 p.m.; almost every event would start at 5:00 p.m. or later. He noted that the event center would be able to use some of the winery's parking. He advised that the latest memo, dated October 25, 2006, contained a compilation of points after meeting with the neighbors. Formerly the hours were 9:00 a.m. to 11:00 p.m. daily; the event would cease at 11:00 p.m., the customers would leave, and the staff would clean up until midnight. The neighbors had expressed concern about those hours during the week, and the hours were changed to 9:00 a.m. to 10:00 p.m. from Monday through Thursday. The closing hours would remain at 11:00 p.m. on Friday and Saturday, as they have at the Mitchell Katz Winery. On the eve of national holidays, the hours could remain at 11:00 p.m., which was agreeable to the neighbors.

With respect to Acting Chairperson Fox's question about the zoning for this use, Mr. Callahan noted that this was part of the original 47-acre Ruby Hill Winery. He noted that there were three parcels carved off from it and displayed the parcels that he owned. He added that the site was also part of the Tri-Valley Conservancy as well as the South Livermore Valley Area Plan. He described the features and uses of the site as well as the necessary renovations of the buildings. He noted that they needed the support of the community for the facility to be economically viable; he realized that having the neighbors unhappy with the facility from the outset would not be smart. They decided to move the two potential noisemakers to the farthest point on the property, which he displayed on the overhead screen. He noted that the architecture was flavored after a Spanish hacienda and noted that the "Spanish Sand" color was identical to that used in the Palm Event Center. He added that the stone on the tower element was the same as that used on the bridge in Ruby Hill (Tahoe River Rock), which he believed would create continuity going through Ruby Hill.

Mr. Callahan noted that they had worked with staff and the Police Department to meet the security lighting requirements without inflicting light pollution on the neighbors from the rear elevation. They worked to mitigate odors by concentrating the dumpsters in one area and added that they were not heavy user of refuse. He described the anticipated traffic and circulation patterns and flow; he anticipated the maximum would be three cars per minute. He believed this was a better project as a result of working with the neighbors and appreciated working with them. He believed this project would be compatible with the neighborhood because it had limited hours and days. He noted that as a member of the community, he intended to be a good neighbor and to create a use that would enhance the community.

Randy Bly, 1022 Zinfandel Court, spoke in support of this project and believed that the two adjacent wineries would make Pleasanton more of a destination for winery visitors. He noted that he was a member of the Pleasanton Downtown Association and believed this would be a positive business to bring to Pleasanton and would support other businesses such as hotels, gas stations, and restaurants. He complimented the applicant on the attractiveness of the building and believed the business plan for this use was sound. He was not concerned about the traffic impact of this business, since most of the activity would occur during non-peak hours. He noted that he did not live in the Ruby Hill neighborhood.

Kerry Lamson, 799 Avio Court, spoke in support of this item and noted that he had participated in the neighboring homeowners focus group. He added that the group had met several times with the applicant and City staff and complimented the applicant on his willingness to work with the neighborhood. He noted that the five major areas of concern that they had were: size and proximity to the homes' location; noise and traffic; hours of operation; landscaping, lighting, and architectural amenities and their impact on the surrounding area; and safety and security. They had requested the use of shoebox lighting that used timing as well as photocell. He supported the use of landscaping to buffer the view impacts. With respect to noise, they would like to ensure that air conditioning, coolers, and other mechanical noises be mitigated; he would like the good faith offers to be memorialized in writing. He requested that staff ensure that that process occur. He indicated that it was important for the architecture to be 360 degrees and four-sided because the neighborhood will be looking at the rear of the facilities.

Masood Amini, 3744 Raboli Street, expressed concern about the service of alcohol and believed it would cause a safety hazard on the neighborhood streets.

Mary Roberts, 1666 Frog Hill Lane, noted that they had just had their twentieth harvest and spoke in support of this project. She believed this was a different kind of project than the previously proposed shops at Ruby Hill, which she believed was an inappropriate use. She noted that part of the Vineyard Corridor Specific Plan was in the South Livermore Valley Plan. She believed this use was appropriate for the South Livermore Valley and noted that many of the wineries had event centers. She noted that all the wineries in the area are supposed to have crushed gravel driveways so the water will perk down. She had been very concerned about noise when the Palm Event Center had opened and noted

that, as in this application, the noise had to be enclosed and that only acoustic music would be allowed outside. She believed this would be a good addition to the over 30 wineries in the South Livermore Valley.

Mike Madden, 1355 Galanti Court, spoke in support of this item and believed the Wente family's involvement would be an asset to this project. He believed any noise from this event center would be more indicative of a vital community, and he would not object to it.

Gary Maceli, 1569 Via di Salerno, spoke in support of this item and added that he had not been bothered by any noise from the Palm Event Center. He believed the revenue brought in to the City by this project would be very helpful. He believed this use would be very beneficial to the area.

Joe Sasek, 1809 Spumante Place, spoke in support of this item and added that he owned the Wine Steward store downtown. He noted the applicant's ability to make a business work and believed this center would benefit the community.

Dominic Scotto, 2439 Pomino Way, spoke in support of this item and added that his family has been in the winery business for 30 years. He noted that the event center would be vital to the economic success of the vineyards.

David Perry, 3504 Mercato Court, spoke in support of this item. He noted that the applicant was well-known and respected within the Ruby Hill community and had been a very considerate neighbor. He had requested the opportunity to present his project to the community, which was well-attended. He noted that there was a small group of people who objected to the project for a variety of reasons and that Mr. Callahan met with them to accommodate them the best he could and still make this a practical business venture. He believed the project was generally welcomed by the community.

Arpad Nagy, 2001 Ruby Hill Blvd., spoke in support of this item and believed that the proposed project would add to the quality of the community.

Laura Cortshell Wu, 1907 Zenato Place, described the process whereby the Tri-Valley Conservancy was funded. She believed that the applicant was a good neighbor and person and that the event center would be a good idea. She was concerned about the proximity to Ruby Hill, when combined with the other three event centers in the immediate area. She believed the entire length of Vineyard Avenue should be considered with respect to traffic rather than looking at it piecemeal. She asked the Commission to think about the quality of life for the residents in Ruby Hill and suggested that the applicant operate just a winery without the event center.

Jack Sum, 708 Avio Court, spoke in support of this item and believed the applicant's spirit of cooperation with the residents has been admirable.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank noted that the application seemed generally sound and would like clarification with respect to the hours of operation. He would like the landscape plan to come back to the Commission for a full public hearing and approval. He would like to see a condition of approval specifying some noise threshold and wished to ensure that any change in ownership or use would bring the use back to the Commission.

Ms. Decker noted that the most recent neighborhood meeting was held the previous day and proposed that the following conditions be amended:

1. Condition No. 1: The applicant will submit color samples for review and approval by the Planning Director;
2. Condition No. 16: The operating hours will be reflective of staff's discussion with the applicant;
3. Condition No. 17: Staggering of timing would not be required unless a problem presented itself. In that case, staff would be notified, and it would be addressed at that time;
4. Condition No. 59: As indicated on the October 20, 2006 memo, the left-turn pocket and deceleration lane would be shown as required by the Traffic Engineer;
5. Condition No. 66: the City Engineer would not typically approve the project's sewer plan without approval by the City of Livermore;
6. To address the concern related to the existing single-family residence and the size, shape, and height of the structures, the following language would be added: "The existing single-family, farm, and accessory structures shall be dedicated to wine production, activities, and storage and shall not be used as a tasting room for retail purposes or any other purpose involving members of the public."
7. To address the neighbors' concerns regarding lighting, the following language would be added to Condition No. 5: "The lighting shall be placed on a timer when the facility is not in use; use photocells; and the maximum height shall be 14 feet shielded away from Ruby Hill's residents, using shoebox or equal, with a sample submitted to staff for review and approval by the Planning Director."
8. To address the concern about maintenance equipment being stored in the back ends of buildings, staff would like to add a condition that "no storage shall be allowed to the rear of the existing buildings for the production facility near the existing single-family homes."
9. With regard to HVAC equipment, Mike Callahan had committed to put any of the condensing units in an area that would shield the noise level. He would be willing to enclose the equipment in a structure if needed.
10. No backup generators would be allowed on the site.
11. Condition No. 15 regarding the equipment on the south side of the production area, staff will tighten-up the language with specific decibel levels.
12. Conditions Nos. 25 and 58 will be combined to address the trash enclosure.
13. A condition would be added to address the neighborhood concern about portable restroom facilities for workers.

In response to an inquiry by Acting Chairperson Fox regarding the landscape plan, Ms. Decker replied that a condition could be added to require the plan to come back to the Planning Commission or to have the applicant provide it and have a conversation with the neighborhood in between the period of time this action was taken and it is brought to the City Council.

Commissioner Blank preferred that the applicant meet with the neighbors and added that there was little information about the landscaping plan for review. Ms. Decker noted that a condition would be added.

Acting Chairperson Fox requested that a 360-degree landscaping plan be presented, including simulations from the most proximate residents.

Commissioner Blank moved to: (1) find that the project will not have a significant effect on the environment and that the project has a *de minimus* impact of the site's wildlife; (2) find that the proposed major modification to the PUD development plan is consistent with the General Plan and the purposes of the PUD ordinance recommend; (3) make the PUD findings as stated in the staff report; (4) make the findings for the conditional use permit as stated in the staff report; and (5) recommend approval to the City Council of the Negative Declaration and Case PUD-93-02-8M and to approve Case PCUP-181, subject to the conditions of approval as shown on Exhibit B of the staff report as recommended by staff, with the following modifications:

- 1. Add the following sentence at the end of Condition No. 1: *“The applicant shall submit color samples for the review and approval of the Planning Director.”***
- 2. Add the following language at the end of Condition No. 5:**

“Fixtures shall be no greater than 14 feet in height, including any pedestal assembly, and shall be ‘shoebox’ shielded standards or equal. The design of all lighting shall be reviewed and approved by the Planning Director. The lighting shall utilize photocells and timers to shut off lighting when the facility is not in use. The parking, building, and general site security lighting shall be the minimum allowed by the Police Department. The applicant shall submit a photometric plan which shall include the following:

 - Photometric calculations detailing all exterior security lighting,*
 - Footcandle calculations,*
 - Fixture schedule, and*
 - Cut sheets for light fixtures identifying the specific luminaire and lamp manufacturer.”*
- 3. Combine Conditions No. 15 and 24 regarding noise emanating from equipment to read as follows:**

“No equipment shall be located on the south of the wine production area. Equipment and machinery used for wine production shall meet the following noise restriction as required by the Noise Ordinance:

- *The noise level produced on the business premises between the hours of 10:00 p.m. and 6:00 a.m. shall not exceed 60 dBA at the property plan between the residential zoning district and the commercial zoning district.*
- *The noise level produced on the business premises between the hours of 6:00 a.m. and 10:00 p.m. shall not exceed 70 dBA at any point outside of the property plane.*

“The applicant shall provide written verification from an acoustic engineer certifying that this requirement is satisfied prior to operation. At the discretion of the Planning Commission, additional sound attenuation mitigation may be required.”

4. Modify Condition No. 16 to read as follows:

*“The proposed facility shall conform to the following hours of operation:
 Sunday through Thursday: 9:00 a.m. to 10:00 p.m.
 Friday, Saturday, and the day before a Federal holiday: 9:00 a.m. to 11:00 p.m., at which time all events shall cease and patrons shall have vacated the site.”*

5. Replace Condition No. 17 with the following:

“Upon receipt of notification from the City, the property owner/facility operator shall implement a staggered event schedule between the existing Palm Event Center and the proposed facility to mitigate traffic congestion on Vineyard Avenue.”

6. Combine Conditions Nos. 25 and 58 regarding trash and trash enclosures.

7. Modify Condition No. 59 to read as follows:

“The existing left-turn pocket on Vineyard Avenue for westbound traffic accessing the site from Vineyard Avenue and the existing deceleration lane from eastbound traffic accessing the site from Vineyard Avenue may be required to be modified to better serve the proposed event center/winery, if so determined by the Traffic Engineer. Said modification will be completed at the applicant’s cost prior to the commencement of operation of the event center/winery.”

8. Add the phrase “and the City of Livermore” at the end of Condition No. 66 regarding the design of the water supply and sanitary sewer systems.

9. Add the following conditions of approvals:

- a) “The existing single-family residence and existing farm and accessory building shall be dedicated to wine production activities and storage and shall not be used as a tasting room for retail purposes or any other purpose involving members of the public.”*
- b) “No storage of any equipment shall be allowed on the exterior of any of the buildings, including all existing wine production and proposed event center structures.”*

- c) *“All HVAC condensing units and related equipment for the wine production shall be located at the intersection of the existing storage structures on the northerly side as denoted by an asterisk (*) on Exhibit A or as approved by the Planning Director. If noise levels from the operations are not successfully mitigated, an enclosure shall be constructed to house the units. All roof-mounted HVAC units shall be adequately screened from view by utilizing adequate parapet heights or other screening methods as reviewed and approved by the Planning Director.”*
- d) *“Back-up generators shall not be allowed unless in case of an emergency whereby product may be at risk of spoiling.”*
- e) *“The placement of any portable restroom facilities during the harvest season shall be located in a visually screened area and shall be reviewed and approved by the Planning Director. After the initial determination by the Planning Director, all future placements shall correspond to the prescribed location, unless otherwise determined.”*
- f) *“Valet parking shall be provided for any event anticipating patronage of 100 guests or more.”*
- g) *“The landscaping plan shall be developed and be subject to the review and approval of the Planning Commission. Additional, the applicant is directed to provide a 360-degree visual analysis/photomontage of the facility from the Ruby Hill development.”*

Commissioner Olson seconded the motion.

THE PUBLIC HEARING WAS REOPENED.

Kerry Lamson noted that Condition No. 15 referred to maintenance equipment noise, and he believed the intention was to do the decibel measurements around the structure.

Acting Chairperson Fox requested that Condition 24 be modified to include decibel levels, as well as event center noise.

Mr. Lamson would like the general concern for traffic to be addressed, as well as what remedies were available if traffic were to become an issue.

THE PUBLIC HEARING WAS CLOSED.

Acting Chairperson Fox inquired whether the Commission believed a 90-day review period should be included in the conditions.

Ms. Decker believed the opportunity was in place with the use permit and the addition of a condition that tightened it up if there were issues with parking, traffic, and noise, once decibel levels could be measured.

Commissioner Blank proposed an amendment that if there was any change in ownership, the conditional use permit would be brought back to the Commission.

Ms. Decker noted that a conditional use permit ran with the land and was not subject to ownership changes.

In response to an inquiry by Commissioner O'Connor regarding whether Commissioner Blank may have meant a change of use, Commissioner Blank noted that a change of use may be considered. He had seen instances where a property had changed ownership, and a cooperative local businessowner may be replaced by a large, out-of-town corporation that may not be as interested in being a good neighbor.

Ms. Harryman noted that she had not seen that kind of condition before and reiterated that use permits ran with the land. She noted that any subsequent owner would be aware of the appropriate conditions and rules that came with the use permit.

Commissioner Blank withdrew his proposed amendment.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2006-58, recommending approval of the Negative Declaration, and PC-2006-59, recommending approval of PUD-93-02-8M and approving PCUP-181, were entered and adopted as motioned.

A recess was called at 9:09 p.m.

Acting Chairperson Fox reconvened the meeting at 9:26 p.m.

b. PUD-01-9M/PDR-528M Mike Renquist

Application for a major modification to an approved PUD for a single-family lot located at 2511 Yolanda Court to increase the maximum building height from 23 feet to 26 feet; to allow a barrel tile roof; and to allow design review approval by the Planning Director. Zoning for the property is PUD-LDR (Planned Unit Development – Low Density Residential) District.

Ms. Decker noted that while this application was also noticed for design review approval, the Commission would only consider a major modification because this was originally a minor modification application that was approved by the Zoning Administrator and forwarded to the City Council. Councilmember Sullivan noted that he had reviewed this project while he was a Planning Commissioner and recalled that he had some concerns about various issues. He wanted the Commission to review this project first and provide some comment prior to its going back to the City Council for action. She noted that it had been a pleasure to work with the applicants on this project and that they had spent

considerable time and effort in meeting with the Park District personnel, Linda Chavez, and with staff.

Ms. Decker presented the staff report and described the background, layout, and scope of this project.

In response to an inquiry by Commissioner Olson regarding whether staff believed this application would have been approved as an original application, Ms. Decker believed that would have been the case. Commissioner Olson expressed surprise that this application had returned to the Planning Commission for 2.5 feet.

THE PUBLIC HEARING WAS OPENED.

Mike Renquist, applicant, noted that the pedestrian path that would be impacted by the height increase was over 1,000 feet away from the property across the lake. This was the area that would be visible to a hiker. He noted that the tiles were chosen to be consistent with the Vineyard Avenue Corridor Specific Plan.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank noted that he was surprised that the original PUD did not contain a condition for automatic sprinklers. Ms. Decker confirmed that was correct.

Commissioner Blank moved to find that the proposed modification is covered by the previously approved Final Environmental Impact Report for the Vineyard Corridor Specific Plan and the previously approved PUD development plan findings for PUD-01 and to recommend approval to the City Council of Case PUD-01-09M, subject to the conditions of approval as shown on Exhibit B of the staff report, as recommended by staff, with the addition of a condition that an automatic fire sprinkler system be installed in the residence as specified by the Fire Chief of the Cities of Pleasanton and Livermore.

Commissioner O'Connor seconded the motion.

THE PUBLIC HEARING WAS RE-OPENED.

Mike Renquist, applicant, supported Commissioner Blank's proposed modification for the installation of an automatic fire sprinkler system.

THE PUBLIC HEARING WAS CLOSED.

ROLL CALL VOTE:

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

Resolution No. PC-2006-60, recommending approval of PUD-01-9M, was entered and adopted as motioned.

c. PUD-32, Daniel and Belinda Sarich

Work session to review and receive comment on an application for Planned Unit Development (PUD) development plan to construct an approximately 13,015-square-foot single-family residence and an approximately 130-square-foot poolhouse on the approximately 20-acre site located at 5 Tuscany Place (formerly 1630 Vineyard Avenue), in the Vineyard Avenue Specific Plan Area. Zoning for the property is PUD-LDR/HR-OS (Planned Unit Development – Low Density Residential/Hillside Residential/Open Space) District.

Ms. Decker summarized the staff report, and described in detail the background and scope of this proposed project. She indicated that the Planning Commission should examine this proposal and determine if the siting is appropriate or not, if it falls within the Specific Plan flexibility or not, and to examine the height restrictions within the context of a site visit.

Acting Chairperson Fox noted a memo received from Planning Director Jerry Iserson addressing the “blob.”

Acting Chairperson Fox disclosed that she met with the applicant, Mr. Pico, and the architect that afternoon as well as in the past; she has also walked the site.

Commissioners Blank and Pearce disclosed that they had previously walked the site with the applicant’s representative.

Commissioners Olson and O’Connor disclosed that they had met with the applicant at the site earlier in the day.

THE PUBLIC HEARING WAS OPENED.

Daniel Sarich, applicant, introduced the project consultant, Tom Pico.

Tom Pico, representing the applicant, noted that a workshop had been held in September 2005 and that they wished to come to a general understanding of how this project should proceed. He noted that several key decisions must be made before the formal application may be presented, especially whether they would be required to build

only where the “blob” was located. He noted that they had listened very carefully to the comments and concerns and tried to respond to them. He noted that when the Vineyard Corridor Specific Plan was developed, many compromises were incorporated; he was especially proud of being associated with its development and how it was moving forward. He noted that they tried to build in some flexibility wherever possible.

Mr. Pico took exception to some of the wording in Mr. Iserson’s memo, which he believed had the effect of amending the Specific Plan unilaterally. He noted that the word “precise” was not part of the Specific Plan and quoted page 25 with respect to hillside residential areas: “In hillside residential areas, all home sites must be located within the designated development areas as generally depicted on the Specific Plan.” He noted that the language did not say “precisely depicted,” and he did not believe it should be portrayed as such. He noted that there was nothing within the Specific Plan that addressed the plan being “environmentally superior” and believed that to rely on the staff memo that says “precisely at the location of the blob” and that any variance may only be approved if it was an “environmentally superior plan” would be inappropriate and not what the Specific Plan says. He believed that if the changed language were to be used as the basis of this project, it would be a unilateral *de facto* amendment of the Specific Plan.

Mr. Pico noted that the blob was over an existing structure and that it was not graphically accurate. He believed that it did not reflect the one-acre building site, and he did not believe the Sarich family had the desire to give up the existing residence for a barn. He did not believe the City had the right to compel the applicants to relinquish an existing residence in order to build another residence. He believed the applicants had the right to retain the existing residence, as well as to build another hillside residential estate lot on their property in the general vicinity of the blob. He noted that the 19 estate lots approved for this property and the lots at an elevation of 540 feet and above had special restrictions.

John McGinnis, project architect, provided a brief history of this application and described previous iterations of this project design. He noted that the overall square footage was reduced by about 4,000 square feet, and the majority of that was from removing the guest house and barn. They planned to use the existing home and the barn to become a working barn for the vineyard. The Sariches would like a very private site and did not plan to develop the six houses below at this time, although they would like the option to do so in the future. They planned to plant vineyards as shown in the portfolio. He noted that if they raised the house and the pads, they could save 18 trees. He displayed the site plan and described the features of this proposed project.

Commissioner Blank noted that he would be in favor of a two-story home if the aesthetic impact were favorable. He inquired whether that would create a precedent for another second-story add-on above 540 feet in the Vineyard Avenue Corridor.

Ms. Decker noted that the question of precedence has come before the Commission on several occasions and emphasized that each project was a case-by-case. She noted that staff did not believe that would set any type of precedent, and future applications would

be considered by staff and the Commission in the same kind of specific detail as this application.

Mr. McGinnis noted that they had created interiors that were authentic to Italian villas and noted that he has collected over 2,000 books on European architecture.

Greg Reznick, 1680 Vineyard Avenue, wished to discuss the Specific Plan, which he believed was well thought-out and respected the area. He noted that not every spot on the property was large enough for a house or a big house. He noted that he considered building a big house on his property and assumed that he would have to use several of the “blobs” on his property. He was unsure whether the Specific Plan guaranteed an estate home in each case, except that the lots themselves had to be large, as opposed to the building itself. Another expectation that he believed was established in the Specific Plan was the question of where the open space was, particularly the water tank. He noted that this project really involved the removal of a hill that was in the plan as open space. He believed this siting violated the intent of the Specific Plan with regard to the fundamental characteristics of the topography and character of the Vineyard Avenue Corridor. Therefore, the blob locations had moved to other sites that were environmentally superior.

In response to an inquiry by Commissioner Fox regarding the definition of an estate lot, Ms. Decker replied that there was not an actual definition that had been incorporated. She noted that it was indicative of a larger lot with a larger home that was associated with it.

Mary Roberts, 1666 Frog Hill Lane, thanked staff for compiling the historical documentation of this project, which she believed was extremely important. She believed this iteration was better than the first one, but she did not support the second iteration. She believed this property was constrained from the very beginning and added that the Sarich property sold for half of what the Reznick property sold for. She noted that the 2003 staff report written by Heidi Kline stated that it did not conform to the Specific Plan; the 2005 staff report reflected that opinion as well. She noted that the staff report had since changed, stating that the Sariches had the right to keep the house rather than demolish it. She agreed that the applicants had the right to keep the house, but she did not believe they had the right to chop off the top of the hill. She believed the house design was controlling the property, not the reverse; she did not believe this design was an environmental superior solution. She noted that Page 16 of the land use section of the Specific Plan stated, “preserve the major ridgeline in the southern plan area.” She opposed moving the house to that area as well as removing the top of the hill.

Mr. Pico believed that the comparison of house prices was not relevant to this discussion and noted that the Reznick property had one hillside residential lot. He added that Mr. Sarich also had six low-density residential houses at the bottom of the hill.

John McGinnis wished to respond to Ms. Roberts' comments and noted that the original house was 13,000 square feet, rather than 16,000 square feet. He emphasized that he had designed the house with the present site in mind; he believed the current site was a superior site.

THE PUBLIC HEARING WAS CLOSED.

At Commissioner Olson's request, Ms. Decker defined the "blob" as stated in Lynn Tracy Nerland's memo; she displayed the changes to the site on the overhead screen.

Acting Chairperson Fox wished to address each question and take a straw vote on each:

1. Whether the Specific Plan means build at the blob, or whether there was flexibility with respect to interpretation of the Specific Plan.

Commissioner Pearce was comfortable with having some flexibility with the blob, given the Commission's actions with Mr. Reznick's property. She did not believe the Specific Plan should be changed every time the blob was moved. She believed the blob should conform to the intent of the Specific Plan, which discussed "preserving natural features of ridgelines, hilltops, oak woodland creeks and steep slopes." She believed that if the blob could conform to that intent, she would support it.

Commissioner Blank noted that he had changed his mind on this item and noted that when he visited the property, he had misidentified the property line. He believed the blob was a general concept piece with some flexibility built into it and that moving it with some flexibility was appropriate.

Commissioner O'Connor agreed with Commissioners Pearce and Blank and believed that flexibility within reason would be acceptable as long as it stayed within the intent of the Specific Plan.

Commissioner Olson shared Commissioner O'Connor's view and added that if a home were to be built at the garage site, there would be some environmental problems such as destroying trees. He noted that there would also be a retaining wall issue. He would be in favor of moving this blob.

Acting Chairperson Fox concurred with Commissioner Pearce's comments that a blob could be flexible as long as it adhered to certain standards. She did not think the residential unit location was intended to be on top of a demolished garage.

2. Is this the appropriate site for a structure, and is the proposed site acceptable?

Commissioner O'Connor did not believe it fit the intent of the Specific Plan or that it preserved the ridgeline and what was originally planned as open space. He believed this was the highest point on the property, which did not meet the intent of the Specific Plan.

Commissioner Olson noted that he looked at the top portion of the site earlier in the day and did not view it as a ridgeline; he viewed it as a knoll. In looking at the existing home and visualizing looking at building a home of this size on that spot, he believed it generated visibility problems on Vineyard Avenue. He believed the top of the knoll was the appropriate place to build the home.

Commissioner Pearce noted that while it was not a ridgeline, she believed that the proposed location was not in keeping with the intent of the Specific Plan, which discussed preserving the topography. She believed the hillside and the knolls were significant parts of the topography.

Commissioner Blank believed that this site was appropriate for “a” structure, not necessarily “this” structure. He believed that siting the existing home would cause more environmental issues, such as those described by Commissioner Olson. He believed there would be view problems from Vineyard Avenue and that there may be a massing problem in terms of the overall size. He believed the geography was being adapted to the home rather than the other way around. He agreed that it was not a ridgeline but believed that the project would take a lot out of the hill.

Acting Chairperson Fox noted that she could envision siting a smaller home on the knoll’s last ridgeline. She had issues with the significant grading and cuts in the hill that would be necessary to support a significant footprint.

3. Over the 540 feet elevation, what is the Commission’s opinion on having a two-story home?

Commissioner Blank believed that if they followed the exact language of the Specific Plan, a Planning Commission or staff would not be needed. Although the Specific Plan encouraged single-story development above a certain level, he would rather approve an attractive, architecturally desirable, well-hidden two-story house than to force someone to potentially flatten the two-story home into a huge, long one-story home that would be an eyesore.

Commissioner Olson noted that they were discussing 2.5 feet and he believed that could be addressed with appropriate trees. He concurred with Commissioner Blank on this issue.

Commissioner Pearce agreed with Commissioners Olson and Blank and liked the discussion on the Reznick property, which she believed was well thought-out and well reasoned. She believed it had more to do with the visual impact to the neighbors rather than the height. She would support an attractive two-story home with minimal visual impact.

Commissioner O’Connor concurred with the other Commissioners.

Acting Chairperson Fox believed that the two-story house over 540 feet in elevation directly impacted the massing of the structure. In general, she favored sticking with the Specific Plan, and would prefer that houses above 540 feet be single-story and conform to the Specific Plan.

4. 27 feet 6 inches (two--story) versus 25 feet (single-story) in height, where the two-story home takes up 7% of the entire roof.

Commissioner O'Connor believed that the Planning Commission did set some precedent when addressing the Reznick property, which went to 27 feet. The second story was only 20 percent of the square footage of the first story, and he believed it had benefits by reducing the mass by eliminating the spread-out look of a single-story home. He noted that the cupola was only 10 feet wide. He did not have a problem with it as long as it reflected the spirit of the Specific Plan by reducing the massing and single-story sprawl.

Commissioner Olson agreed with Commissioner O'Connor's statement and believed that 2.5 feet would not present a problem.

Commissioner Blank concurred with the other Commissioners' comments but noted that while he personally did not care for cupolas, this would not be an issue. He believed the extra height would be mitigated with appropriate landscaping, especially at a distance.

Commissioner Pearce agreed with the previous statements and was especially interested in visual impact.

Acting Chairperson Fox believed that the 27 feet was not a problem, but for a hillside site, she would not support a cupola or a turret from a visual impact standpoint. She was concerned about the visual prominence of such elements at this elevation.

5. Visual impact with respect to landscaping and color of the house.

Commissioner Pearce noted that she appreciated the toning down of the colors and the house architecture in general. She believed the changes moved more toward the intent of the Specific Plan. She appreciated the visuals presented by the applicants, and while she preferred that the neighbors not see the house at all, she realized that might not be possible.

Commissioner Blank agreed with Commissioner Pearce's comments and believed that a little more toning down and reduction of mass would be helpful. He complimented the applicants on the quality of their visuals.

Commissioner Olson believed that if the design can include a fairly high LEED rating, significantly above the 50-point requirement, he would not object to the size of the lot and the building. He agreed with the other Commissioners who discussed the importance of visual impact. He would not object to the cupola.

Commissioner Blank noted that it would be a positive mitigation if this house had 150 points versus 50 points.

Commissioner O'Connor supported the green building comments but did not believe that necessarily took away from the visual impact. He did not object to the size of the home as proposed and believed that a higher green building rating would be helpful. He did have a problem with putting a home of this size on top of the hill.

Acting Chairperson Fox echoed Commissioner O'Connor's comments and noted that she had an issue with the size of the home at the high elevation. She would prefer to see a 5,000-square-foot home at that elevation, or perhaps demolish the barn and the existing home in order to go higher. She noted that while she liked the Reznick project, she voted "no" on it because she believed the projects should be consistent with the Vineyard Avenue Corridor Specific Plan regarding second stories not being above the 540-foot elevation.

Mr. Pico understood the concerns about the size of the house and visual screening and noted that they would address those concerns before coming back with a revised design.

THE PUBLIC HEARING WAS RE-OPENED.

Ms. Roberts noted that she wished this home design were smaller because it was one of the largest homes she had seen this Commission address. She believed the site should be open space and that she would like the road to go the other way; she also believed the home should be resited.

Mr. Reznick believed the Specific Plan tried to keep homes out of the open space.

No action was taken.

- d. PDR-561/PV-158, John Miller Architects/Saint Elizabeth Seton Church**
Applications for: (1) design review approval to modify the Saint Elizabeth Seton Church Master Plan to construct an approximately 22,296-square-foot parish center building with gymnasium and related site improvements on the existing church site located at 4001 Stoneridge Drive; and (2) a variance from the Municipal Code to allow the proposed parish center building with gymnasium to be approximately 34 feet tall, where 30 feet is the maximum height limit.

This item was continued to the meeting of November 8, 2006.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Crown Pub on St. Mary's Street

Commissioner Pearce noted that there was a house on St. Mary's Street that had a sign looking for journeyman carpenters, and there did not appear to be any work occurring.

Ms. Decker noted that they were working on the interior carpentry. They anticipated completing it by the first of the year, and she noted that there had been a lot of interior structural work occurring.

Home Depot

Acting Chairperson Fox understood that the notices for Home Depot had gone out, and contrary to previous workshops, the name “Home Depot” and “Long’s Drugs” had been removed from the notices for the public hearing. She requested that the notices be sent out again with the Home Depot/Long’s Drug names on them. She noted that there was an issue with the address, referring to Nevada Court’s location within Stanley Business Park.

Ms. Decker noted that the Planning Department generally listed the names and that they occasionally did not list them with respect to the actual use, such as “Commercial Retailer with Building Uses.” She noted that this will be renoticed with identifying language including Home Depot and Long’s Drugs.

Commissioner Blank requested that the Commissioners receive the public notices so they would be able to discuss the proposed projects with the public. Ms. Decker replied that would be possible.

City Manager’s Report

Commissioner Olson noted that he had not yet seen the City Manager’s Report. Ms. Decker noted that it would be coming and added that it has been a document that was not private, but needed to go through a particular procedure regarding distribution. She would respond to the request in the very near future.

Brian Arkin Celebration

In response to an inquiry by Acting Chairperson Fox regarding the celebration for Brian Arkin upon his departure from the Planning Commission, Ms. Decker replied that she had not yet confirmed a date with Mr. Arkin, but believed that November 13th may be 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

No discussion was held or action taken.

12. ADJOURNMENT:

Acting Chairperson Fox adjourned the Planning Commission meeting at 12:01 a.m.

Respectfully,

DONNA DECKER
Secretary