



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, June 28, 2006

CALL TO ORDER

The Planning Commission meeting of June 28, 2006, was called to order at 7:04 p.m. by Chairperson Arkin.

1. ROLL CALL

Staff Members Present: Donna Decker, Principal Planner; Janice Stern, Principal Planner; Julie Harryman, Assistant City Attorney; Phil Grubstick, City Engineer; Mike Tassano, Acting City Traffic Engineer; William Cody, Fire Chief; Eric Carlson, Fire Marshall; Darrin Davis, Police Sergeant; and Cory Emberson, Recording Secretary.

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

Commissioners Absent: None.

2. APPROVAL OF MINUTES

a. June 14, 2006.

Chairperson Arkin requested that the minutes of June 14, 2006, be considered at the next meeting.

Ms. Decker added that the minutes were created from handwritten notes due to the malfunction of the audio recording equipment. She noted that a draft of the portion of the minutes relating to PAP-93, Dennis and Barbara Georgatos (PADR-1472, Stan and Stacey Knight) had been distributed but that the minutes in their entirety were still being reviewed by staff.

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

Becky Dennis, 838 Gray Fox Circle, distributed a copy of a demand letter from Public Advocates on behalf of Citizens for a Caring Community. The letter outlines concerns regarding Pleasanton's apparent inability to meet its affordable housing goals, especially in the low- and very-low-income levels. She realized the Planning Commission's ability to address this issue was limited and that growth management and the housing cap limited the City's ability as well. She noted that the Planning Commission was able to initiate rezoning and cited Program 19.1 of the Housing Element, which called for rezoning in the City. She believed a contingency plan would be helpful to the City.

Chairperson Arkin suggested that the Commission discuss agendaizing this item for a future meeting and that Matters Initiated by Commission Members be placed next on the agenda.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Rezoning and the Housing Element

Chairperson Arkin requested comment regarding agendaizing this item for a future hearing date.

Commissioner Blank agreed to hearing this issue on a future agenda; however, he would like the item to be appropriately prioritized after other items have been addressed that the Commission has been looking forward to and because of the large number of projects that are before the Commission. There was consensus by the Commissioners.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Ms. Decker recommended several revisions to the agenda. She recommended that Consent Calendar Item 5.a., PUD-05-01M/PDR-541, Frank and Barbara Berlogar and Item 5.b., PUD-44, Barbara Young, remain on the Consent Calendar. She suggested, however, that if either of these items were requested to be taken off the Consent Calendar, they be moved to the end of the hearing items. She advised that the City had consistently had a policy to have controversial items heard first and, therefore, recommended that the order of the items to be heard be revised as follows:

1. Item 6.a., PAP-93, Dennis and Barbara Georgatos (PADR-1472, Stan and Stacey Knight)
2. Item 6.c., Public Safety Element of the General Plan, and Item 7.b., Residential Sprinklers for New Construction
3. Item 6.e., PUD-50, Ponderosa Homes, due to the high number of residents in the audience
4. Item 5.a., PUD-05-01M/PDR-541, Frank and Barbara Berlogar

5. Item 5.b., PUD-44, Barbara Young

Ms. Decker further recommended that Item 6.c., Generations Healthcare, Inc., be continued. She noted that a number of documents regarding historical approvals had been distributed to the Commission, and staff had been made aware by Commissioner Fox that there were more documents that had not been included. Staff would like to meet with Commissioner Fox to review those documents in order to provide a complete set of documents to the Planning Commission. In addition, staff received a telephone call from Ms. Bonnie Kirchbaum requesting that the project be continued to July 26, 2006 because she would be on vacation and wanted to be sure to have the option to speak at the hearing. She was advised that considerable testimony had previously taken place in this project which would continue to be on record. The applicant also strongly felt that the project should be continued to July 12, 2006. On record, Mr. Steven Black, applicant, wished to address the Planning Commission from the applicant's perspective. She recommended that the Planning Commission hear Mr. Black's statement, and make a determination on the continuation date.

In addition, Ms. Decker recommended that Item 6.d., PUD-32, Daniel and Belinda Sarich, be continued to July 12, 2006, to provide additional time for staff and former Commissioner Mary Roberts to discuss some issues on the application.

Steve Black, Generations Healthcare, Inc., stated that he would appreciate it if Item 6.b. could be heard on July 12, 2006. He was anxious to reach a resolution to this issue regarding the events of 1971-72. He noted that interest rates have been climbing since this project was initiated and would like to be able to move forward on this project. He added that the applicants had adjusted their vacation schedules to accommodate the July 12, 2006 date.

In response to an inquiry by Chairperson Arkin regarding the reason for the neighbors' request to continue the matter to July 26, 2006, Ms. Decker replied that some neighbors would be on vacation and would like to attend in person.

Chairperson Arkin polled the Commission regarding their preferences. Commissioner Fox preferred July 26 because of the large volume of material to review and added that the July 4th holiday cut into available time.

Commissioner Olson preferred the July 26 meeting.

Commissioner Pearce agreed with Commissioner Fox's assessment of the time needed to review the material and preferred July 26.

Commissioner Blank concurred with the other Commissioners.

Chairperson Arkin noted that the Commission's preference was to continue the item to July 26, 2006.

Commissioner O'Connor commented that he concurred with staff's recommendation regarding the order of the items and believed that Ponderosa Homes should be heard respecting the number of people present to speak and so as not to risk the item being continued.

There was consensus by the Commission to hear the items in the following order:

1. Item 5.a., PUD-05-01M/PDR-541, Frank and Barbara Berlogar
2. Item 5.b., PUD-44, Barbara Young
3. Item 6.a., PAP-93, Dennis and Barbara Georgatos (PADR-1472, Stan and Stacey Knight)
4. Item 6.c., Public Safety Element of the General Plan, and Item 7.b., Residential Sprinklers for New Construction
5. Item 6.b., PUD-51, Generations Healthcare, Inc., continued to July 26, 2006
6. Item 6.d., PUD-32, Daniel and Belinda Sarich, continued to July 12, 2006
7. Item 6.e., PUD-50, Ponderosa Homes, due to the high number of residents in the audience

6. PUBLIC HEARINGS AND OTHER MATTERS

Matters Continued for Decision

a. **PAP-93, Dennis and Barbara Georgatos, Appellants (PADR-1472, Stan and Stacey Knight)**

Appeal of the Zoning Administrator's approval of an application for administrative design review to construct: (1) an approximately 180-square-foot covered patio; (2) an approximately 292-square-foot first-floor addition on the rear; and (3) an approximately 1,251-square-foot second-story addition over part of the center and side portions of the existing residence located at 779 Mirador Court. Zoning for the property is R-1-6,500 (Single-Family Residential) District.

This item was continued from June 14, 2006.

Ms. Decker noted that staff had provided the Planning Commission with a thorough presentation describing the background and scope of this item. The Commission had requested more information on a City-sponsored mediation facilitation process for this project. Ms. Harryman had indicated that any mediation process required willing participants. Staff had worked diligently for the past two weeks and determined that the City did not have the funding or the staffing resources to proceed with the costs incurred for the facilitation/mediation process for this process. Internal discussions identified that if a mediation process were to ensue, the Director of Planning and Community Development, Jerry Iserson, would be that facilitator. She noted that a number of neighborhood and on-site meetings with all interested parties had been held with no success in determining compromises that could be easily reached where all parties could agree.

Ms. Decker summarized the discussions that had been held and described the following main points discussed by all parties, none of which had been agreed to.

1. Reduction in the second story significant enough to reduce the perceived visual impacts from the Imperiale, Georgatos, and Bennett homes;
2. The expansion of the first story in lieu of a second-story addition, as well as require variances from the Municipal Code;
3. Planting of trees for screening the second story;
4. Removal of windows along the entire second story on the south elevation;
5. Removal of windows on the southern elevation, keeping the side lights on the east and west elevations for the master suite;
6. Installation of seven-foot fencing along the Georgatos property at the interior fence location;
7. Installation of seven-foot fencing along the Imperiale property; and
8. Installation of a greater-than-eight-foot fence along the Bennett property.

She noted that these points of discussion, with the exception of the fencing and proposed window changes, were not new discussions. Staff has continued to recommend approval for the proposed project per the June 14th presentation and staff report. Staff believed it was reasonable to support the following:

1. Uphold the Zoning Administrator approval with reconfigurations at the second-story addition's east and west elevations, replacing the large windows that were currently joined on the Wensel side (east side) with separated two-foot by four-foot windows;
2. Remove the west window in the master suite which faces the Bennett property;
3. Provide additional trees at the south property line for screening of the second story; and
4. Install a seven-foot tall fence along the Georgatos property at the interior fence location should they so desire.

Ms. Decker noted that she held a conversation with Mrs. Georgatos, and there appeared to be a misunderstanding between them and staff. Mrs. Georgatos stated that they had no desire for a seven-foot fence along the interior location on their property. Ms. Decker explained that staff did not intend that to be a leading question but that it was a standard question asked to address mitigation for privacy issues. The Georgatos also indicated that they were surprised that this item was being discussed and felt there was a two-week period in which mediation would be entered into directly. Ms. Decker noted that mediation and coordination is a complex process, and the issue of City funding had to be explored first. She noted that with no City funding, the Planning Director would act as the facilitator, and he would be going on vacation shortly. Mediation would not occur until late July, and various items must be determined, such as the participants in mediation and representation. Staff found it difficult to mitigate the Bennett's opposition to the existence of any second story. The Imperiale family indicated they wanted a different configuration to the home.

Ms. Decker displayed the floor plan and noted that part of the discussion addressed whether the addition could be moved more forward over the garage and whether the second story could be reduced such that it took 50 percent or less of the entire first-floor footprint. The applicants were not convinced that they could embrace the design compromises that would ensue in the domino effect that change would incur to the interior layout. She noted that the floor area ratio (FAR) was not fully utilized and that the design met all of the zoning development standards in place for the property. She added that there were no view easements for the benefit of the property owners and that the same opportunity requested by the Knights would be available for each resident within the subdivision.

Ms. Decker noted that the neighbors were concerned that it seemed to be an excessively large addition and added that the packet contained a color representation of the homes in the neighborhood. Thirty-nine of the homes are 3,000 square feet or larger in area; the Georgatos had requested that the applicants' home be less than that square footage. The two homes in Kottinger that Commissioner Fox requested to be included in the comparison were also larger than 3,000 square feet. The Knights' proposal would be less than the City's typical height. The applicant and architect have decided that the majority of the roofline at the ridge is predominantly 21 feet, which is a significant design when single-story homes are generally a minimum of 25 feet.

Staff recommended support of the Zoning Administrator approval with the indicated amendments. Staff recommended that the transom windows be maintained for privacy and that the trees as proposed and modified by the Zoning Administrator and staff be maintained.

In response to an inquiry by Commissioner Blank regarding whether the City would have funds for mediation if so directed by City Council, Ms. Decker replied that the funds would then be available. She noted that the Planning Commission could condition the project that if it were to be approved or appealed, it must go into mediation before proceeding to the City Council.

In response to an inquiry by Commissioner Blank regarding whether Mr. Iserson was acceptable to all parties as a mediator, Ms. Decker replied that the parties had been informed that he would be the mediator, and staff had not received any negative feedback. Ms. Decker noted that since February, there had been a lack of confidence on staff's ability to mediate; however, there was a great deal of confidence in utilizing Mr. Iserson's mediation skills to reach a resolution.

Commissioner Fox inquired whether the City had considered obtaining a volunteer mediator, such as a former Planning Commissioner. Chairperson Arkin believed that was a good idea. Staff responded that this had not been considered.

THE PUBLIC HEARING WAS OPENED.

Dennis Georgatos, appellant, noted that after staff suggested mediation, he had been hopeful that a mutual compromise could be reached. He received an email from Ms. Amos that staff would contact all parties regarding how the mediation would proceed. He received a communication from Ms. Decker that the City could not fund its share of the costs. He did not believe that City staff informed the other parties, including Mrs. Wensel, Mr. Bennett, and Mr. Imperiale, whether they would be willing to bear a greater share of the 25-percent mediation costs they had agreed to cover. They were informed that the item would be placed on the agenda for a decision. He noted that they are not blocking the Knights from remodeling their home but wished it to be modified so it would not block their view and encroach on their privacy. He took exception to the Commissioners' comments that it would be insane for them not to want a seven-foot fence. He believed that a seven-foot fence would create a boxed-in environment for them. Except for the Zoning Administrator's requirement of transom windows in the master bedroom and two trees in the back yard, there was a minimum of concessions that the Knights had made and they expected the City to require more. He noted that the Knights have never offered to downsize their expansion. He believed that expansion in that location was out of proportion for the neighborhood.

In response to an inquiry by Commissioner Pearce regarding whether he would be amenable to the selection of Jerry Iserson to mediate this matter, Mr. Georgatos noted that he had just learned of this option. He believed the City had become an advocate for this project and had a vested interest in its approval, and, therefore, he would prefer an independent mediator.

Stan Knight, applicant, noted that the suggestion to use transom windows and remove the other windows would not be allowed due to legal egress issues; larger windows must be placed somewhere to meet Code standards. He noted that for most new homes in Pleasanton, 3,000 square feet would be considered less than standard and emphasized that their design did not exceed the City's allowable footprint standards. He did not believe the residents who enjoyed an open view when they bought their homes were entitled to that same view in perpetuity.

In response to an inquiry by Commissioner Pearce regarding whether he would be amenable to Mr. Iserson or a former Planning Commissioner acting in a volunteer capacity to mediate this issue, Mr. Knight replied that he had no problem with that. He was concerned about the length of time the mediation process may add to his project timeline and would be willing to work with the City. He noted that he would like to keep the window on the west side of the home (facing the Bennett residence) and that it met the egress requirements of three-by-four feet with a sill height of 42 inches from the ground.

Peter Shutts, project architect, noted that all habitable rooms must have 20 percent of the room in light, and 10 percent of the room in ventilation.

Commissioner Blank requested clarification and asked if staff had investigated Building Code requirements relating to window size.

Ms. Decker noted that the requirement for the transom windows was often used to mitigate privacy issues. Staff had not taken Building Code requirements into consideration, nor was the removal of the westerly window considered at that time. Staff looked at how privacy concerns could be mitigated by using transom windows on the south side and full-sized windows on the east and west sides for light and air. Staff had not been able to evaluate ingress and egress issues at this point, which was a valid consideration.

Tim Bennett, 784 East Angela Street, was not strongly opposed to the window on the west side of the room, but was strongly opposed to the size of the addition. He believed it should be pushed towards the street and not towards his yard. He did not agree with massive development in older neighborhoods and believed it should be curtailed by the City and the Planning Commission. He believed this project was too big, and suggested that some of the bedroom closets be made smaller. He believed the applicants should be more moderate in their expectations.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Fox believed the only way to move to mediation was to uphold the appeal.

Chairperson Arkin would like to see mediation done, possibly by a former Planning Commissioner, who would have the experience and objectivity to carry out the mediation.

Commissioner Pearce believed it was important to provide an incentive to go to mediation instead of denying the appeal. She did not want the Planning Commission to appear to take a position in this matter if it would be going to mediation.

Chairperson Arkin stated that his preference would be to make a motion to forward this matter directly to City Council.

Commissioner Blank inquired whether it was important that the Planning Commission uphold or deny the appeal with future mediation in mind and added that he would like the phrase “without prejudice” added to the motion in order to clearly state that it was not intended to be a negative vote against the project.

Ms. Decker requested clarification and noted that if the appeal were upheld, the proposed project would be denied.

Ms. Harryman replied that the Planning Commission is charged with the duty of making a decision one way or the other and cannot forward the matter to the City Council without doing so. Legally, it did not matter whether the Commission upheld or denied the appeal as long as one of the parties appealed the decision and that mediation was required by the Planning Commission should the project be appealed to the City Council. The mediation

process would be triggered at that time. She noted that it would be possible to uphold the appeal without prejudice.

Commissioner Fox moved to uphold PAP-93, thereby denying the Zoning Administrator's approval of case PADR-1472, without prejudice, and with the provision that should the decision be appealed to the City Council, mediation by a third party take place prior to the Council hearing, with membership to be limited to the appellants, the applicants, the architect, and a member in support of the project.

Commissioner Blank seconded the motion

Commissioner Olson believed it was important for the Commission to take a position.

Commissioner Fox believed that mediation should be required before going to Council.

Ms. Harryman noted that any part of the motion may be appealed.

ROLL CALL VOTE:

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

NOES: Commissioner Olson.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

Resolution No. PC-2006-30 was entered and adopted as motioned.

Commissioner Olson was concerned that this motion would not speed the process with the conditions outlined.

b. PUD-51, Generations Healthcare, Inc.

Application for PUD rezoning of a 0.49-acre open area from P (Public and Institutional) District to PUD-MDR (Planned Unit Development – Medium Density Residential) District and for development plan approval for a two-lot single-family residential project to be located in the front of the existing convalescent facility located at 300 Neal Street.

Also consider a Negative Declaration prepared for the project.

This item was continued from June 14, 2006 and was continued to July 26, 2006.

5. CONSENT CALENDAR

a. PUD-05-01M/PDR-541, Frank and Barbara Berlogar

Application for: (1) a major modification to an approved PUD development plan to replace the approved production home designs with design guidelines for the Silver Oaks Estates development and to change a previous condition requiring Planning Commission review/approval of the custom home designs to Zoning Administrator review/approval; and (2) design review approval for an approximately 4,716-square-foot single-family residence with a 909-square-foot attached garage for Lot 5 of Tract 7399, located at 2200 Vineyard Avenue, in the Vineyard Avenue Corridor Specific Plan Area. Zoning for the property is PUD-HR/OS (Planned Unit Development – Hillside Residential/Open Space) District.

Ms. Decker presented the staff report, and described the background and layout of this project. She noted that the major modification, recently before the Planning Commission and approved by the City Council in October 2005, had changed the previous home design approvals, which had been by Centex Homes, to a custom home development. All other homes coming before the City for design approval would be at the Zoning Administrator level, similar to the Mariposa Ranch design guidelines, with the extended 20-day appeal process. Staff recommended that along with the reiteration of the findings of the proposed modification covered by the previously approved EIR for the PUD, the Commission approve the proposed modifications subject to the conditions of approval shown on Exhibit B-1 of the staff report. She pointed out that Condition No. 27 of Exhibit B-2 for PDR-541 states that the hours of construction would be from Monday through Saturday, from 8:00 a.m. to 5:00 p.m., which is allowed by the Vineyard Avenue Specific Plan, but requested that it limit construction to Monday through Friday from 8:00 a.m. to 5:00 p.m. She noted that these conditions would be only for the nine lots of the Berlogar project.

Commissioner Olson inquired whether the lot had been sold yet. Ms. Decker suggested that the question be addressed by the applicant.

THE PUBLIC HEARING WAS OPENED.

Barbara Berlogar, applicant, noted that the lot had not been sold at this point.

Joseph Gorny, project architect, Gorny & Associates Architects, described the project and noted that windows that were too deep would restrict the client's ability to install window blinds. He described the roofing style and added that very high ceilings were counted extra in the FAR calculation. He believed that it would be difficult to see the buildings from the road due to the landscaping and where the one-story house sits.

Commissioner Fox noted that some of the homes along the road seemed to be very steep. Mr. Gorny noted that they appeared to be standard 6-and-12 or 8-and-12 roof slopes as required by the Vineyard Avenue Corridor Specific Plan.

Mary Roberts, 1666 Frog Hill Lane, noted that her home was very close to this project. She noted that construction in all residential areas take place only Monday through Friday. She liked Mr. Gorny's philosophy and did not like houses that were blown-up versions of the common development. She noted that the homes in the flat part of the Vineyard Development were meant to look like villages in southern France with houses with pointy roofs. She believed the design guidelines were well conceived.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank moved to make the finding that the proposed modification is covered by the previously approved Final Environmental Impact Report for the Vineyard Avenue Corridor Specific Plan and the previously approved PUD development plan findings for PUD-05 and to approve Case PUD-05-01M and PDR-541, subject to the conditions of approval as shown on Exhibit B-1 and Exhibit B-2 of the staff report, with modifications to Condition No. 27 of Exhibit B-2 that construction hours be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m., and to the fourth sentence of the first paragraph of page 21 of the Design Guidelines to replace the phrase "are discouraged" to "not permitted" with respect to eccentric designs.

Chairperson Arkin seconded the motion.

Ms. Decker suggested adding the following amendments:

1. Modify the third bullet item under Condition No. 5 of Exhibit B-1 to replace "twelve (12) feet" with "fourteen (14) feet" in reference to floor area calculations for finished ceiling height areas.
2. Modify page 13 of the Design Guidelines to indicate that the windows of the front elevation must be recessed three inches, instead of four inches as previously described.
3. Modify page 5 of the Design Guidelines to indicate that the architectural grade composition of the roofing material may be reduced from a 50-year to a 40-year high definition to provide more flexibility.

Commissioner Blank and Chairperson Arkin accepted the proposed amendments.

ROLL CALL VOTE:

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

Resolution No. PC-2006-31 was entered and adopted as motioned.

A recess was called at 8:51 p.m.

Chairperson Arkin reconvened the meeting at 9:05 p.m.

b. PUD-44, Barbara Young

Application for Planned Unit Development (PUD) rezoning of an existing 2.91-acre parcel located at 11249 Dublin Canyon Road from Agriculture (A) District to Planned Unit Development – Low Density Residential (PUD-LDR) District and for Parcel Map approval to subdivide the existing lot into three parcels, measuring approximately 19,779 square feet; 50,192 square feet; and 45,094 square feet, for three custom homes.

Also consider the Negative Declaration prepared for the project.

Ms. Decker presented the staff report, and described the scope and layout of this project. She clarified that the parcel map would be done at the staff level by the Zoning Administrator and staff review board. She noted that the actual approval for the parcel map would not be until after the City Council approved the ordinance for the PUD itself. She pointed out the access points on the overhead screen. She noted that this project proposed to construct two homes, and the designs were proposed for both Lots 1 and 3; the homes would be part of the PUD. The architecture for the two homes were included as a point of the PUD development plan, and any change would need to come back and go through the process for approval. She noted that on Lot 1, there was a significant amount of stonework on the front presentation, and the roofline was nicely articulated in terms of varying ridgelines and gable ends fronting the homes. She noted that there was always an effort to provide four-sided architecture. She noted that Lot 3 had a great deal of articulation in the hipped roof, and there was a difference in the used of stone, as well as a stucco treatment. The color perspectives provided show the Lot 1 home and how it presents to Dublin Canyon Road. Staff requested, and has been provided with, preliminary and conceptual designs for the front yard landscaping that would be required to be in place prior to the issuance of a Certificate of Occupancy/building final. The rear yard landscaping of the homes would be reserved for the owners to develop as they wish. A retaining wall is located between Lots 2 and 3, and grades are shown where the home is stepped down. Staff recommends that the Planning Commission find that the proposed rezoning and PUD plan are consistent with the General Plan and PUD Ordinance, make the PUD findings as listed in the staff report, and adopt a resolution recommending approval of PUD-44 to the City Council; also find that the proposed development does not have a significant effect on the environment, adopt a resolution and *de minimus* impact, approving the attached Negative Declaration.

In response to an inquiry by Chairperson Arkin regarding rotating the house on Lot 1 to reduce the number of windows facing the freeway, Ms. Decker noted that the backyard would be narrowed, lowering the amount of private, open recreational space.

THE PUBLIC HEARING WAS OPENED.

There were no speakers.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Arkin moved to: (1) make the finding that the project would not have a significant effect on the environment and recommend that the City Council approve the Negative Declaration for the project; (2) make the finding that the project has a *de minimus* impact on the site's wildlife; (3) make the finding that the proposed rezoning and PUD development plan are consistent with the General Plan and the purposes of the PUD ordinance; (4) make the PUD findings as listed in the staff report; and (5) recommend that the City Council approve PUD-38, subject to the conditions of approval as listed in Exhibit B of the staff report, as recommended by staff.

Commissioner Pearce seconded the motion.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2006-32 and PC-2006-33, recommending approval of the Negative Declaration and the project, respectively, were entered and adopted as motioned.

New Items

c. Public Safety Element of the General Plan

Review and provide comment on a Draft Public Safety Element of the General Plan.

Ms. Stern summarized the staff report, noting that it was a required element of the General Plan, identifying and proposing solutions to public hazards. She noted that the Commission had seen this element in July 2005 and that the draft element now addresses several comments received then.

Staff had been asked to address the issue of Homeland Security, and Programs 20.3 and 21.3 had been added for that purpose. She noted that it was important for residents and employees in Pleasanton to become aware of the City's emergency plan. The element was revised to address the following concerns:

1. Policies addressing Homeland Security;
2. Actions to be taken in the event of a major emergency;

3. The need for coordination with the business community regarding emergency preparedness;
4. Appropriate development on slopes and in other areas with seismic and/or geologic hazards;
5. The appropriate use of Geologic Hazard Abatement Districts (GHADs);
6. Potential flood hazard, particularly as it relates to the catastrophic failure of Del Valle Dam;
7. Information on Community Emergency Response Team (CERT) training;
8. The appropriate setback for structures near earthquake faults;
9. Information related to gas line and other fuel and energy lines;
10. Under what conditions development should be allowed in areas beyond a five-minute travel time for the Fire Department; and
11. Providing information to the public regarding the City's Comprehensive Emergency Management Plan.

Ms. Stern noted that there were comments about the need for better emergency coordination and presentation in concert with the business community. Staff added a description of the CERT training program and the Local Emergency Action Plan (LEAP).

Commissioner Fox noted that she recently attended the Livermore-Pleasanton Fire Department Emergency Preparation seminar and received a dam illustration map, which looked different from the one presented. They also displayed maps of the 100- and 500-year flood plain, which looked somewhat different. She would like to give those maps to staff and reconcile the information regarding flood plain areas.

In response to an inquiry by Commissioner Blank regarding the water depth in a 100-year flood, Ms. Stern replied that it was a fairly small area of currently developed land. The 500-year flood is a larger area.

In response to an inquiry by Commissioner Blank regarding the last 100-year flood in Pleasanton, Commissioner Fox noted that it was in the 1950's.

Commissioner Blank cautioned against making the fuel line locations available on the website and noted that was a Homeland Security issue.

Ms. Stern noted that the emergency response goals of five-minute response time had been changed to five-minute travel time and a total response time of seven minutes.

Eric Carlson, Fire Marshall, noted that the five-minute response maps found in the General Plan were done at the speed limit; the actual data in the annual report was data taken from 2005.

A discussion of the speed limit and travel times ensued.

In response to an inquiry by Chairperson Arkin, Chief William Cody noted that emergency vehicle access (EVA) roads are alternate routes and not for primary response use.

Ms. Stern noted that the document also addressed appropriate setbacks from earthquake faults which are generally 50 feet. The Planning Commission indicated an interest in a larger setback over and above 50 feet, and that the Town of Portola Valley required a 100-foot setback in the case of a concealed or inferred faultline. Staff requested Commission input in order to advance this element to the City Council.

In response to an inquiry by Commissioner Blank regarding a program at the local businesses to discourage false 911 calls, Sgt. Darrin Davis replied that false 911 calls were sometimes mistaken 411 calls; however, there were also prank 911 calls. He noted that the dispatchers were trained to recognize mistaken calls. He would be glad to recommend Commissioner Blank's comments to the crime prevention unit.

Commissioner Blank would like to include that item in the General Plan to educate businesses about 911 calls.

In response to an inquiry by Chairperson Arkin whether 911 calls from cell phones could be routed locally rather than to the California Highway Patrol (CHP), Sgt. Davis replied that all 911 calls are routed to the Vallejo California Highway Patrol (CHP).

Commissioner Blank noted that the CHP was trying to take the 911 calls out of its call centers and route them to the city 911 operators. He noted that this program has not been embraced because of funding issues.

Commissioner Fox supported a 72-hour emergency kit for City households and inquired whether that should be included in the General Plan. Chief Cody did not believe it belonged in the General Plan but added that it was part of the educational process for emergency situations. The Fire Department recommends seven days' worth of supplies, following the lessons learned from Hurricane Katrina.

Commissioner Blank preferred that this kind of disaster preparedness be included in the CERT and the LEAP programs, which needed more levels of detail regarding community outreach. He noted that on page 26 of the Fire Mitigation questions, the word "all" was struck from "Required installation of all ...," thus, weakening the language. He would like to see language that would encourage the installation of sprinklers in all new construction, even if it is not required. He would like to add a line encouraging the use of sprinklers in all new construction for life safety.

Ms. Stern did not see a problem with using "encourage" in the language, but noted that a more detailed discussion with City Council would be necessary if sprinklers are to be required.

Commissioner Blank noted that the Planning Commission had voted unanimously twice to agendaize an item to propose an ordinance requiring fire sprinklers in all new construction (September 2005 and January 2006). He believed the Planning Commission had spoken clearly regarding this subject. He believed the current policy was restrictive because the General Plan did not require them. He believed that stating the City encouraged sprinklers would provide a positive position regarding sprinklers.

Commissioner Fox believed that Goal 7 (Catastrophic Emergency) should include a program addressing decisions to evacuate and how fast it would be made.

Chief Cody noted that there was a methodology for evacuations, which included the activation of the emergency operations center of the City. The City Manager, as the Director of the center, would make that decision based on operational information available at the time. That information would be broadcast in a variety of ways throughout the City, depending on what infrastructure was still available. KKIQ-FM and 740 AM were two radio stations in the system, and an automated phone dialer would be utilized to communicate with residents.

In response to an inquiry by Commissioner Fox whether a siren system would be used in the event of a power outage, Chief Cody replied that power outages would not affect the land line phones. She would like to see an evacuation plan as part of the General Plan. Chief Cody noted that the plan was part of the emergency operations plan that is referenced in the General Plan. He believed that was a level of operational detail that was unnecessary in the General Plan. Commissioner Fox believed that it should be stated in Program 21 that there was a plan and noted the example of New Orleans. He stated that New Orleans did have a plan, but they did not know what it was and how to exercise it. In Pleasanton, all City staff are trained in the emergency plan.

Commissioner Pearce believed it was important for people to take disaster preparedness classes.

Chairperson Arkin believed this was a crucial element and commended the Police and Fire Departments on their work on this document. The Commissioners asked that the Draft Element be moved forward to the City Council with their comments.

7. MATTERS INITIATED BY COMMISSION MEMBERS

b. Residential Sprinklers for New Construction

Ms. Decker deferred the staff report to Eric Carlson, Fire Marshall, and William Cody, Fire Chief, as the memo was a result of their participation in the discussion in terms of regulations that are currently enforced in the City of Livermore and how that varies with what the City of Pleasanton has adopted.

Mr. Carlson stated that he would be available to answer questions and noted that reliability costs were a major element in the development of residential fire sprinklers.

He described the program's background as utilized in Livermore and detailed the technical aspects of sprinkler water distribution and response to a structure fire with the sprinklers in place. In 25 of 26 activations in Livermore, the fire was nearly extinguished by the time the Fire Department responded to the home. He noted that the costs have risen slightly because of material issues, ranging from \$1.00 to \$1.50 per square foot. Large custom homes could cost up to \$3.00 per square foot because of vaulted ceilings. He noted that a home with no sprinklers generally has 20-30 times the damage of a home with sprinklers.

In response to an inquiry by Commissioner Blank regarding mortality in homes with and without sprinklers, Mr. Carlson confirmed that there had been no large life loss in any building (condominiums, hotels, and apartment buildings) in the United States that has had fire sprinklers. Commissioner Blank noted that he had witnessed a fire in a home without sprinklers and commented that the occupants were lucky to get out alive. In addition, the residents were out of their homes for a long time.

In response to an inquiry by Commissioner Blank regarding whether a building outside the five-minute response time was required to have sprinklers, Mr. Carlson replied that this is a requirement in the Municipal Code.

In response to an inquiry by Commissioner Pearce regarding whether the Fire Department would support a Code amendment requiring fire protection systems at all new residential construction in Pleasanton, Mr. Carlson confirmed it would absolutely support such an amendment.

Commissioner Blank requested that staff correct the date on the memo, which read January 25, 2006. He noted that was the second time the Planning Commission considered the issue, after the initial consideration in October 2005.

THE PUBLIC HEARING WAS OPENED.

Greg Ketell, 3611 Cameron Avenue, believed the presentation was very informative and stated that he put a small addition onto his property. At the time, he had approached Zone 7 about installing sprinkler systems; Zone 7 stated they would replace the valve and all the plumbing up to the house at no charge because they would be able to bill him for the one-inch pipe.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Blank expressed concern about the statement regarding City Council prioritization; he would not want this item to take months or years to get to City Council. He was concerned about a potential conflict with the responsibilities of the Planning Commission to recommend ordinances to the City Council for consideration. He believed it was time to hold a public hearing, take testimony, and get it to the City Council.

Ms. Decker noted that staff resources were prioritized by the City Council. She suggested that staff could provide model ordinances from other jurisdictions to see if they met what the Planning Commission was looking for.

**Commissioner Olson moved to carry out the procedure.
Commissioner Pearce seconded the motion.**

ROLL CALL VOTE:

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

The motion carried.

Commissioner Blank commented that this was the third time the Planning Commission voted unanimously for this item.

d. 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 Corridor Specific Plan Area. Zoning for the property is PUD-LDR/HR/OS (Planned Unit Development – Low Density Residential/Hillside Residential/Open Space) District.

This item was continued to July 12, 2006.

e. PUD-50, Ponderosa Homes

Application to subdivide an approximately 19.83-acre site into 27 lots and to construct 25 new, one- and two-story single-family detached homes ranging in size from 3,908 square feet to 4,595 square feet located at 3157 Trener Drive and 2313 Martin Avenue. Zoning for the property is 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. She noted that there were recent communications both in support and opposition of this project and that a neighborhood meeting and a workshop had been held. The issue of a sidewalk on Cameron Avenue was prominent during the Planning Commission workshop, and the result of the May 10 discussion was reflected in these plans. As a result of those discussions, a section of Cameron Avenue from its

intersection with Martin Avenue easterly to the project boundary in front of the Leuthauser/Ketell properties from Martin Avenue was decreased from an existing 28-foot width to 26 feet, maintaining the existing roadway alignment. A curvilinear alignment was provided in front of the project limits towards the Palmer Drive development. The Planning Commission desired to create a street section and alignment that would inhibit faster speeds. Staff notes that this alignment fell within the southerly edge of the right of way, and no property would necessarily be coordinated or adjusted in order to provide the southerly edge of the right-of-way. The northerly edge was within the development area.

Ms. Decker noted that on May 10, the inclusion of a sidewalk was discussed, including whether it should be separated and the materials it should be have. A simple five-foot parkway was discussed parallel to the alignment itself. The Planning Commission supported a separation through the middle area, reconnecting to the other edge to provide a parkway. Staff noted that this configuration would provide a larger area for landscape that would effectively screen and provide an opportunity for landscaping to shield and soften the new homes to be developed on the north side. The comments from the residents were generally supportive of the architecture, but there were concerns that there were not enough differentiation in the architecture for the proposed homes. Some screening was desired to mitigate those concerns.

The neighbors, especially at the Martin Avenue/Cameron Avenue intersection, are concerned that the property lines are shown to the center and within the right of way. Staff clarified that the reduction from the 28-foot to a 26-foot right-of-way would allow for the construction of a sidewalk along the north side that would be within the right-of-way currently held by the City. She noted that Acting Traffic Engineer, Mike Tassano, would be able to answer questions related to the preference of the Traffic Department and as reflected in discussions with the Police, Public Works, and Planning Departments, which preferred a sidewalk on the north side of Cameron Avenue.

Staff recommended that the Commission make the findings that the project will not have a significant environmental impact and to recommend approval to the Council of the negative declaration with a *de minimus* impact; find that the proposed PUD development plan conforms to the Pleasanton General Plan and purposes of the PUD ordinance; make the PUD development plan findings 1-7, as stated in the staff report, and recommend approval of Case PUD-50 to the City Council, subject to the conditions of approval with the following modifications:

- Condition 4 had some lotting patterns regarding second story placements and first story structures in Lots 4-9 and 19-22.
- Condition 21 contained a request for a masonry wall, noted on the northeast and west sides. Staff supports its placement on the northeast and west sides, and wrapping on the south side, on the lots adjacent to the existing residences.
- She noted that there was a requirement that homes be photovoltaic-ready, to be amended to require electrical conduit and pull strings installed.

In response to an inquiry by Commissioner Fox regarding the traffic report and the number of students who walk on the street, Mr. Tassano replied that would be between 30-40 students. The volume of traffic would increase from 700 to 900. Consideration was made in 2000 that the property owner was not favorable to any development or modification at that time. Traffic Engineering and the Public Works Department, however, preferred to have the sidewalk.

In response to an inquiry by Commissioner Fox regarding the landscape maintenance between the sidewalk and the street, Mr. Grubstick replied that the City maintained the area.

Ms. Decker added that generally, homeowners associations were required to maintain these landscaped areas. There is no common area for maintenance at this time. A Maintenance Association would probably be formed for the stormwater pre-treatment swales on the internal area, and the landscape area could be added to that scope of responsibility.

In response to an inquiry by Chairperson Arkin regarding the mitigations for the removal of the heritage trees, Ms. Decker replied that page 10 contained a condition requiring the developer to comply with the recommendations of the tree report and that no tree shall be removed other than those specifically designated by those on the approved plans. Trees could be planted as a mitigation.

Chairperson Arkin inquired whether the environmental review was accurate because it was delayed due to the rezoning issue. He expressed concerns that the environmental document appeared to be inadequate because the biotic survey was done on one day after a heavy rainfall. He questioned if this was an accepted standard and believed that more work needed to be done. He voiced an interest in the survey being peer-reviewed at the very least and believed that the project may need an Environmental Impact Report (EIR). Ms. Harryman noted that the list of animal species known to occur on the site were listed in Appendix A, and the plant species were not included due to the low diversity.

A discussion on the distinction between an EIR, a Negative Declaration, and a Mitigated Negative Declaration ensued.

Ms. Decker noted that EIRs were done as a result of a level of significance of environmental impact. She noted that this site did not have those particular adverse effects that could not be mitigated according to the criteria for “threshold of significance” as identified in the Negative Declaration and the biotic survey, for example. The biologists felt that as a service of this report, it was assumed that impacts would be focused with buildings, access roads, and other infrastructure. Minor modifications of locations of this development would not require a reassessment of project impact. The Initial Study process determined that a Negative Declaration would be adequate and mitigation measures, if any impacts were determined, could be conditioned and mitigate any concerns about the site.

THE PUBLIC HEARING WAS OPENED.

Pam Hardy, Ponderosa Homes, thanked staff for a very thorough analysis and noted that the staff report included changes made as a result of feedback from the neighbors. The total number of homes was reduced from 28 to 25, and the building architecture was modified to reduce the square footage. The two-story plan was modified to address privacy impacts with modified elevations. They agreed to pre-plot single-story homes along the perimeter to address the neighbors' concerns about privacy as well as specific elevations and architectural façades along Cameron Avenue; two of those homes would be custom-designed. The overall project density is 1.4 units to the acre, consistent with the methodology required by the General Plan; the FAR is also consistent with the General Plan. She believed this was a good amenity which complements the design of the neighborhood. The barrier on Palmer Drive requested by some neighbors was beyond the scope of this project. The Commission requested more information about undergrounding in response to Mrs. Lauer's concerns. Ponderosa Homes agreed with staff's condition that it should pay its pro-rata share of undergrounding towards the Selway frontage, consistent with the City's ordinances. Mrs. Lauer was interested in undergrounding on her property frontages. The applicant would be happy to work with her engineer or with anyone else on Martin Avenue or Cameron Avenue regarding undergrounding.

Ms. Hardy noted that the biologist's report stated that of the 27 special status species, six might occasionally occur on the site as transient or migrant species. The other more frequent species would be the burrowing owl or some species of bats. It was standard procedure, as a project condition of approval, to require mitigation that a pre-construction survey occur. They fully anticipate doing that survey. She noted that they did not find any bats. They agreed with the draft conditions of approval, and noted that with respect to Item 4 on page 2, they were committed to pre-plot the single story homes. The bulk of the perimeter lots would be permitted for single-story homes. They would like to have some flexibility to plot a single-story on Lot 23 or 24. Condition No. 21 was clarified by staff. Condition No. 28 required a survey of the structure heights, and she noted that they generally had a variation of six inches until the construction drawings were completed. They agreed with Condition No. 33, regarding solar readiness. With respect to parking, some neighbors had requested parking bays across the street from the house; she would like more feedback from the neighbors if there was still an interest in parking bays. They agreed with the findings as recommended by staff.

In response to an inquiry by Commissioner Blank regarding whether she would object to more specific language about overflight noise in Condition No. 34, Ms. Hardy replied that she would not.

In response to an inquiry by Chairperson Arkin regarding whether the applicant could communicate the truck routes to the community, Ms. Hardy confirmed they would do that. She added that the site was very low, and they intended to bring that import in by a haul route across the Busch Avenue Ponderosa property. They entered into discussions with Zone 7 to use that route. If an alternate route presented itself, they would consider

it. They would match grades along the perimeter along the west end of the property to produce position drainage away from those homes. They anticipated a continuous eight-week grading process and asked the neighbors to consider lengthening the allowable workday to accelerate the grading process. They tried to phase the home building schedule so existing residents did not have to drive through construction.

Will Selway noted that he was pleased with the layout and design by Ponderosa Homes and believed they would be a jewel in the eyes of Pleasanton.

Edward Reedy, 2101 Palmer, noted that he had attended all the meetings and believed the inclusion of a sidewalk was very important. He supported the plan and was happy with Ponderosa's dealings with the residents.

Kelly Cousins noted that the parking on the north side was restricted in certain areas and that the parking was very important to her when she had company. She noted that she would bear the brunt of the development if it were to be approved as planned. She did not believe the density fit into the neighborhood. She believed that Cameron Avenue should be curvilinear to increase the safety for children, although it would not mitigate the traffic entirely. She felt she would lose her privacy, quiet, and parking. She expressed concern about speeding traffic and traffic noise. She would like to see fewer homes with a more consistent design to blend into the neighborhood.

Denny Leuthauser, 3623 Cameron Avenue, expressed concern about the sidewalk and noted that to the best of her knowledge, there had not been an accident with children. The Commission had agreed that they were opposed to eminent domain, and the sidewalk would take 2.5 of their front property. They believed the children would be safer on the south side, where there were only seven homes and 14 cars. She would like to eliminate the sidewalk, keep the street as wide as it is now, and let the children travel on the south side of the street.

Carol Lehman noted that the State informed them that the trees in their orchard were diseased, and her husband has maintained it for weed control. It was very important to her that the homes fit into the neighborhood, and she hoped the Planning Commission would approve this project.

Greg Ketell, 3611 Cameron Avenue, expressed concern that the March 29 minutes did not reflect the Commission's almost unanimous agreement opposing eminent domain. He noted that the May 10 minutes did not reflect Mr. Jost's response to a bike path being disallowed in front of his and the Leithauser's house; he stated that having a bike path on one side would cause liability issues if it were not allowed on the other side. He also stated that liability issues would come up with a single sidewalk rather than with a dual sidewalk. He had sent a four-page letter documenting his issues and concerns, which he did not see in the public record. He noted that with respect to the easement, Vehicle Code 21.663 stated that "no vehicle may use a sidewalk for any purpose, other than crossing the sidewalk to get to the driveway." He noted that the sidewalk was a separate entity from a road. He believed the sidewalk would damage his heritage trees and would

amount to taking his land. When the Busch property is developed, most of the children would go on Cameron Avenue. He noted that page 17 stated the sidewalk was part of the highway and that bicycles may ride on the sidewalk. By that logic, any vehicle may use the sidewalk. He referred to VC 21.663 to override that statement.

Janice Cain, 2033 Palmer Drive, noted that she was an original Palmer Drive resident, which was a unique section of Pleasanton. She noted that Ponderosa had been good about communicating with the neighbors, but she was not convinced that this was the best layout for the site. She would like to see fewer homes on larger lots with prettier country-style homes. She was very concerned with the traffic issue, especially the number of car trips.

Matt Lauer noted that they had met with the City planners, attended meetings, and had written many questions regarding this plan. He had not seen any of his requests included in the plan, including the sidewalk, traffic, and a four-way sidewalk in front of their home. He believed the current situation damaged his property value, his family, and his neighborhood. He believed that if this property were to be approved, it would be a black mark on Pleasanton. He reiterated his concern about traffic safety. He noted that there was more benefit to the developers and very little to them.

Ms. Hardy noted that their dust mitigation measures would minimize the dust and disruption as much as possible. They will pre-treat the material with water as well as the on-site soil. They would have a water truck on site, as well as a street sweeper up and down Cameron Avenue. If the wind reaches a speed of 25 miles per hour, they cannot work. They would be able to put up a screened fence to screen the dust or can look at a screen fence on the south side of Cameron Avenue. They would be aware of the reimbursement issues. They had met with City staff, police, fire, and engineering to determine access points. They believed it was logical to have two public streets. The footprint of the houses show movement in the architecture with a lot of articulation. The curved street would have an advantage in shifting the traffic pattern away from Mr. Lauer's house and existing curb line. They have tried to be responsive to his concerns.

Commissioner Blank would like it to be clear that the property was under the traffic pattern of the Livermore Airport and would like it to be disclosed to property buyers.

In response to an inquiry by Chairperson Arkin regarding the affordable housing allowance, Ms. Decker replied that any project over 15 units must be addressed. However, all projects are required to pay fees for inclusionary housing; fees would be collected for this project, amounting to approximating \$8,000 per lot.

Ms. Hardy noted that they would utilize fair-share housing credits from the Busch property.

THE PUBLIC HEARING WAS CLOSED.

In response to an inquiry by Commissioner Pearce regarding the eminent domain issue regarding the sidewalks and streets, Ms. Harryman stated that the property that will be used to construct the sidewalk portion is within the public right-of-way. Therefore, there would be no need for eminent domain. Improvements that currently exist in the public right-of-way are not uncommon. There were certain easements in the back of some properties, which generally require that the property not put in any improvements that would conflict with the City's use of the right-of-way.

Mr. Grubstick stated that based on information received from the applicant's engineer, the existing edge of pavement on the north edge of Cameron Avenue is not the right-of-way line. The right-of-way line is 2.5 feet northerly of the existing edge of pavement, and staff believed that while there were private improvements that occur along that strip, they occur within the existing public right of way. Therefore, the City believed that a 4.5-foot wide sidewalk may be accommodated.

Chairperson Arkin encouraged Mr. Ketell to contact the Planning Department regarding any inadequacies in the minutes.

Commissioner Fox moved to: (1) make the finding that the project would not have a significant effect on the environment and recommend that the City Council approve the Negative Declaration for the project; (2) make the finding that the project has a De Minimus impact on the site's wildlife; (3) make the finding that the proposed rezoning and PUD development plan are consistent with the General Plan and the purposes of the PUD ordinance; (4) make the PUD findings as listed in the staff report; and (5) recommend that the City Council approve PUD-50, subject to the conditions of approval as listed in Exhibit B of the staff report, as recommended by staff, with the following modifications:

- 1. Modify Condition No. 4 to allow only single-story homes on Lots 4 through 10 adjoining the Palmer Drive properties; on Lots 18 through 22 adjoining the Leuthauser and Diablo Court properties; and possibly on Lots 25 and 26.**
- 2. Modify Condition No. 21 to include the eastern project boundary in the installation of the seven-foot tall masonry wall and to discuss the possibility of using a wood fence in place of a masonry wall, depending on each property.**
- 3. Modify the first sentence of Condition No. 28 to read as follows: "The project developer shall survey the heights of the structures to verify their general conformance to the approved building height."**
- 4. Modify Condition No. 34 by adding to the first disclosure that the Zone 7 lake is a reclaimed Kaiser quarry pit and to include a disclosure on airport noise issues in relation to the Livermore Airport.**
- 5. Modify Condition No. 33 to include electrical conduit and pull strings for the photovoltaic readiness.**

Commissioner Olson seconded the motion.

Ms. Harryman stated that on page 5, the applicant should be referred to consistently as the applicant or the project developer.

Commissioner Blank proposed an amendment to the airport disclosure that would include a warning that the noise generated from Livermore Airport is a mix of business jet and small aircraft operations; that the Livermore Airport operates 24 hours a day, 365 days a year, and that the City of Livermore has proposed an expansion of Livermore Airport.

The proposed amendment was accepted by Commissioners Fox and Olson.

Chairperson Arkin noted that he could not support the motion due to his concern about the adequacy of the biotic survey and that a site survey had been done in the middle of winter. He was concerned about the cumulative effect of the Busch project, currently being built. He would like to see this project continued until after the Busch project is finished. He would like a peer-reviewed site survey on such a significant project.

ROLL CALL VOTE:

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

Resolutions Nos. PC-2006-34 and PC-2006-35, recommending approval of the Negative Declaration and the project, respectively, were entered and adopted as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

- a. Green Building Features at the Bordeaux Country Estates (PUD 14, Heinz)

This item was continued.

Livermore Airport Noise Monitoring and Additional Hangars

Commissioner Fox noted that at its City Council meeting, Livermore approved the addition of more hangars to the airport and would send letters to Pleasanton regarding noise and noise monitoring. She would like to know if Pleasanton had responded to that. Commissioner Blank noted that the hangars were for smaller aircraft, not jets.

Kottinger Project

Commissioner Blank inquired whether PUD-33 would be heard at the next meeting. Ms. Decker replied that the Draft Environmental Impact Report (DEIR) for the project would be presented to the Planning Commission as part of the 45-day response period. The DEIR included alternatives, one of which was an environmentally preferred alternative. The project proposes 98 single-family residential units with a preferred

alternative to reduce the number of lots to 51. She noted that the project would be coming back to the Planning Commission with a completed environmental document at a later date.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

- a. Future Planning Calendar

There were none.

- b. Actions of the City Council

There were none.

- c. Actions of the Zoning Administrator

9. COMMUNICATIONS

There were none.

10. REFERRALS

There were none.

11. MATTERS FOR COMMISSION'S INFORMATION

There were none.

12. ADJOURNMENT

Chairperson Arkin adjourned the Planning Commission meeting at 12:40 a.m.

Respectfully,

DONNA DECKER
Secretary