

**Planning Commission Minutes  
Community Chambers  
Wednesday, April 28, 2010, 7:00 p.m.**

Commissioners Present: Mark Braly (Chairperson), Ananya Choudhuri (Alternate), Lucas Frerichs (7:11), Rob Hofmann, Kris Kordana, Mike Levy (Vice-Chairperson), Terry Whittier

Commissioners Absent: Greg Clumpner

Staff Present: Mike Webb, Principal Planner; Lynanne Mehlhaff, Planning Technician

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**1. Call to Order**

Chairperson Braly called the meeting to order at 7:01 p.m.

**2. Approval of Agenda**

The agenda was approved by consensus.

**3. Staff and Commissioner Comments (No action).**

Mike Webb, Principal Planner, gave an update of last night's City Council meeting which provided guidance to the 5<sup>th</sup> Street corridor project for changing the two-lane roadway to single car lanes in each direction and adding a bicycle lane in each direction.

Commissioner Levy announced how he was appointed Chief Counsel of the California Energy Commission and due to the closeness in relationship to the work that the Energy Commission does and the work on the Planning Commission, he felt it prudent to resign from the Commission. He said it was a privilege to have worked on the Commission here and really enjoyed it. Chairperson Braly thanked him for his service and wished him the best.

Chairperson Braly requested selection of a new Vice-Chair put on the agenda at the next meeting.

Staff also thanked Commissioner Levy for his service and wished him the best in his new endeavors.

Commissioner Whittier read an article on the City of Pleasanton and how a Judge declared that their housing cap violated state law by limiting the number of housing units. The Judge ordered the City to plan for the construction of 3,277 housing units including a number of affordable housing units for the current planning period that ends in 2014. Staff said they would copy the article for Commissioners.

#### **4. Public Communications**

There were no public communications.

#### **5. Consent Items**

- A. Planning Commission Minutes of January 27, 2010**
- B. Planning Commission Minutes of March 10, 2010**

**Action:** Commissioner Whittier moved approval of the consent items. Commissioner Frerichs seconded the motion.

**AYES:** Choudhuri, Whittier, Kordana, Hofmann, Frerichs, Levy, Braly  
The motion passed 7 to 0.

#### **6. Public Hearings**

- A. PA #20-09, Verona Subdivision: Revised Affordable Housing Plan #01-09, Revised Final Planned Development #01-09, Revised Development Agreement #05-09; (Cathy Camacho, Planner)**

Public Hearing to consider approval of revisions to the 83 unit single family subdivision (“Verona”) located on the vacant 8.55 acre parcel at the southwest corner of Alhambra Drive and Fifth Street. The project was approved by City Council in July 2008. The proposed changes include: 1) Revise Affordable Housing Plan to eliminate the 17 middle income units required for the project, consistent with the ordinance adopted by the City Council suspending the requirement for middle income housing units; 2) revised the Final Planned Development Conditions of Approval to reflect the changes; 3) eliminate the supplemental residential fees for the project; 4) defer payment of water and sewer connection fees from Final Map to Certificate of Occupancy; 5) add greenhouse gas emission reduction plan; and 6) revise the Development Agreement to reflect all revisions.

Chairperson Braly opened the public hearing and continued it to May 12, 2010.

Peter London, a resident of the Cottages at Mace Ranch, said he wouldn't be here for the May 12<sup>th</sup> public hearing and wanted to state his concerns. He said the original plan was for the property to be rezoned for mixed use housing. He didn't view this as mixed use housing with the removal of middle income housing. He felt the developer was into a bait and switch and had deep concerns. He said there was nothing green or aesthetic about this project. His biggest concern was about the entrance and exit to the project due to the curve, it was unsafe as planned.

Mike Webb, Principal Planner, said staff would be re-noticing the project for the new public hearing date.

## **7. Business Items**

### **A. Processing Purview Discussion; (*Mike Webb, Principal Planner*)**

Mike Webb, Principal Planner, presented the staff report.

Commissioner Hofmann asked questions regarding shorter staff reports for the different venues and how the appeal process would work with these venues. Staff described different staff reports and explained how the appeal process would work.

Commissioner Hofmann said right now with the slow economy, these small items stand out. He asked if the City Council viewpoint had changed with regards to the Planning Commission getting more involved with policy discussions and recommendations. Staff explained that General Plan policy was a key area of purview for the Planning Commission which isn't currently being reviewed since there was no General Plan Update underway. This would be an area in the upcoming future as well as housing element policy, senior housing policy, and sustainability policy.

Commissioner Hofmann was concerned about giving up Conditional Use Permit (CUP) review by the Planning Commission; it could be a slippery slope.

Commissioner Choudhuri agreed that CUP's should stay with the Planning Commission. She said the Zoning Board/Administrator worked well when she was involved working at another City. She said thorough staff reports were done for those hearings as well as for Planning Commission meetings.

Commissioner Frerichs agreed that CUP'S should remain at the Planning Commission level. As far as reducing costs, he didn't think the reports would be reduced that much by having things go to the Zoning Administrator.

Vice-Chair Levy agreed with Commissioners that CUP's should not be taken away from the Planning Commission. He was not opposed to some Zoning Administrative Hearings but, it would just have to be clear for the public to know they had a time limit in order to make comments on a project.

Commissioner Whittier said the permit process should be streamlined as much as possible. He said some of the CUPs should not bother to come to Planning Commission and could be handled by a Zoning Administrative Hearing. He also agreed with Commissioners that it was important to allow the public to comment on CUPs.

Commissioner Frerichs asked about the 2<sup>nd</sup> unit requirements and supported expanding the allowable size of a 325 square foot second unit. He also agreed with flexibility on the the parking requirements and setback standards. He definitely encouraged the pre-packaged notion such as the City of Santa Cruz; he had heard positive things on this innovative program.

Commissioner Kordana said if things pick up, we would get too busy to really hear the substantive issues. He agreed with the staff report and thought we should let the small applications be handled by a Zoning Administrator. He felt confident that staff would handle the small issues and would pass on anything that was controversial or questionable to the Planning Commission.

Chairperson Braly agreed with Commissioner Kordana that a Zoning Administrator would clear the agenda out so that the Planning Commission could spend more time on the controversial and more important matters.

Vice-Chair Levy said it wasn't a matter of trusting staff but whether the public representatives were able to give their perspective on issues. He didn't want to delegate too much of our oversight of the public review process to staff.

Staff asked for feedback on the concepts of the Final Planned Development process particularly for new commercial construction or additions to commercial buildings such as in Planned Development zoning districts versus the administrative process for those projects in the standard zoning districts.

Commissioner Hofmann said the concern would be a project by project decision; it would depend on where it was and what it would impact.

Vice-Chair Levy said he would like to see a better description of projects and not just types that would go to a certain review process. He would like to see how the protocol would be written so the Commission would be comfortable with which projects would be administrative versus coming to Planning Commission for review.

Commissioner Kordana said it didn't matter what type of project it was just whether it crosses a certain threshold on reaching the Planning Commission. He said there was a certain threshold where the Planning Commission has to trust the staff to make the decision on what items don't need public visibility. There is time and costs involved with items that go to the Planning Commission.

**B. Commissioner Liaison Selection to Natural Resources Commission**

Chairperson Braly volunteered to be the liaison if no one else was interested. Commissioner Whittier moved that Chairperson Braly be the liaison to the Natural Resources Commission. Commissioner Kordana seconded the motion. The motion passed by consensus.

Commissioner Frerichs said he was unable to continue being the liaison to the Finance & Budget Commission. Staff said this could be taken up at the next Planning Commission meeting.

**C. Follow-up Discussion from Green Retrofit Workshop**

Chairperson Braly had three suggestions from the workshop: 1) A HERS (Home Energy Rating System) Rating that is coming in the future for residential dwellings and may be required at some point. Greg Mahoney of the Building Department said we may want to consider requiring a simple disclosure of utility bills such as PG&E and City utility bills. When the PACE Program is established, the City Council could require the HERS Rating which would require the homeowner to do cost effective improvements with a loan. If the person sells their house, the loan passes to the new homeowner. 2) Comments from Kevin Wolf on houses with flat roofs or no roof insulation. We could target those property owners who come in to get permits to re-roof. That would be the opportunity to apprise homeowners of their ability to get insulation and eventually require it. 3) To develop an information program for people seeking permits to replace their HVAC systems. This could be an information program at first but once the PACE Program is established, the City might require a certain level of efficiency given the new technologies that are out there.

Vice-Chair Levy explained that the PACE program allows homeowners to upgrade and puts the cost on the tax roll so new owners continue to pay it off. This is a voluntary program and a good opportunity for homeowners to retrofit their homes. Also, there is another program "Cash for Appliances" which is in full swing and will expire sometime this summer.

Chairperson Braly asked if staff could come back in cooperation with the Building Department to come back with a proposal to "require disclosure of utility bills at the point of sale." The other items mentioned depend on the PACE Program and other programs developing so we can watch how those develop.

Commissioner Frerichs moved to request staff to come back with a proposal on disclosure of utility bills at point of sale. Vice-Chair Levy seconded the motion.

AYES: Choudhuri, Levy, Kordana, Frerichs, Whittier, Braly  
NOES: None  
Abstain: Hofmann

The motion carried 6-0-1.

**8. Informational Items**

**A. Planning Commission Schedule**

Mike Webb, Principal Planner, gave an update on the schedule. He said the Mermaids restaurant has been open for a while now, asked if the Planning Commission wanted staff to give an update on how things have been going out there. Commissioner Choudhuri said due to the weather, the outdoor seating hasn't really been used so suggested waiting until the end of the summer. Commissioners agreed.

**9. Staff and Commissioner Comments (continued).**

Vice-Chair Levy thanked all the Commissioners and staff for their professionalism.

**10. Public Communications (continued).**

There were no public communications.

**11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, May 12, 2010 in the Community Chambers (23 Russell Boulevard).**

The meeting was adjourned at approximately 9:04 pm.