MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JUNE 12, 2003

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Commissioners Weaver, Wieckowski, Harrison, Thomas, Sharma, Natarajan

ABSENT: None

STAFF PRESENT: Jeff Schwob, Deputy Planning Manager
Michael Barrett, Senior Deputy City Attorney
Kathleen Livermore, Senior Planner
Matt Foss, Planner II
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Mark Eads, Video Technician

APPROVAL OF MINUTES: Regular Minutes of April 24, and May 22, 2003, were approved as submitted.

CONSENT CALENDAR

Commissioner Natarajan asked that Item 2 be removed.

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 4, 6, and 8.

IT WAS MOVED (WEAVER/NATARAJAN) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1, 4, 6, and 8.

Item 1. **SECONDARY UNITS – Citywide – (PLN2003-00201)** – to consider a Zoning Text Amendment to applicable sections of the Fremont Municipal Code pertaining to Secondary Dwelling Units for consistency with State law. The State mandates that Secondary Dwelling Units be considered ministerially. This project is therefore exempt from CEQA review, per Section 15268, Ministerial Projects. (Continued from May 22, 2003.)

CONTINUE TO A DATE UNCERTAIN; TO BE RENOTICED AT THAT TIME.

Item 4. **JCFANS POWER CENTER – 41324 Christy Street – (PLN2003-00129)** - to consider a Conditional Use Permit for a religious facility in an existing industrial building located in the Industrial Planning Area. This project is categorically exempt from CEQA review, per Section 15301, Existing Facilities.

HOLD PUBLIC HEARING.

AND

FIND PLN2003-00129 IS CATEGORICALLY EXEMPT FROM CEQA PER SECTION 15301, EXISTING FACILITIES.

AND

FIND PLN2003-00129 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN LAND USE CHAPTER.

AND

APPROVE PLN2003-00129, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

Item 6. **LIVING HOPE CHURCH – 41432 Christy Street – (PLN2003-00162)** - to consider a Conditional Use Permit for a religious facility within an existing industrial building located in the Industrial Planning Area. This project is categorically exempt from CEQA review, per Section 15301, Existing Facilities.

Commissioner Thomas commented for the record that when she visited the site, she noticed that a lot of trash was present on the property. She asked that the owner make an effort to keep it clean.

Deputy Planning Manager Schwob promised to bring the condition of the property to the owner's attention.

HOLD PUBLIC HEARING;

AND

FIND PLN2003-00162 IS CATEGORICALLY EXEMPT FROM CEQA PER SECTION 15301, EXISTING FACILITIES;

AND

FIND PLN2003-00162 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN LAND USE CHAPTER;

AND

APPROVE PLN2003-00162, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

Item 8. **ACCESSORY STRUCTURES – Citywide – (PLN2000-00143)** – to consider a Zoning Text Amendment modifying various sections of the Zoning Ordinance and other chapters of the Fremont Municipal Code pertaining to accessory structures and parking, in order to remove ambiguities and conflicts with the adopted Building and Fire Codes. Modifications are proposed to Sections 8-2143.2, 8-2176, 8-21822.1, 8-22009, 8-22009.5, 8-22161, 8-22203, 8-22204, 8-22206 and 8-22207 pertaining to bay windows, chimneys, decks, detached accessory structures (such as gazebos, guest houses and sheds), eaves, fences, parking (garage doors and disabled parking), patio covers, porches, exterior stairs and swimming pools. In addition, the proposal would provide a definition of "wet band" in Article 1 and would relocate regulations addressing the use of land adjacent to zero lot line residences within the Fremont Municipal Code. This project is exempt from environmental review, per the general rule in Section 15061(b)(3) of the CEQA Guidelines.

MODIFICATION TO STAFF REPORT:

On page 2 of the staff report, item (d) should read:

(d) The specific zoning requirement that fences around swimming pools be 5' high would be removed in favor of a reference to the 4' barrier requirement mandated by the California Building Code. General language requiring screening of pools would remain, however, except in the Hill Area, where solid fencing is mostly prohibited.

On page 7 of the staff report, add the following under VIII. Swimming Pools after the Analysis section that follows items (a) Safety Barrier and (b) Screening (Outside the Hill Area):

Since this report was printed, it has come to the attention of Planning and Building staff that the Building Code recently adopted by the City, which incorporates the 2001 California Building Code, requires barriers around swimming pools to be at least 5' high, as the Zoning Ordinance requires, rather than 4' high, as stated in the original report. Staff believes that this latest change only reinforces the value of removing the specific barrier height requirement from the Zoning Ordinance as per staff's recommendation. It is likely that the Building Code requirements in this regard will continue to change over time. If the current language in the Zoning Ordinance were left intact, it could eventually become outdated again.

HOLD PUBLIC HEARING;

AND

RECOMMEND THE CITY COUNCIL FIND PLN2000-00143 IS EXEMPT FROM ENVIRONMENTAL REVIEW;

AND

FIND PLN2000-00143 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE GOALS SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED IN THE STAFF REPORT;

AND

FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF PLN2000-00143 IN ORDER TO IMPROVE CLARITY AND CONSISTENCY IN THE INTERPRETATION OF THE AFFECTED SECTIONS AND TO REMOVE UNNECESSARY RESTRICTIONS;

AND

RECOMMEND PLN2000-00143, A ZONING TEXT AMENDMENT, TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT A (ZONING TEXT AMENDMENT).

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS: None

PUBLIC HEARING ITEMS

Item 2. **HUB VALERO – 4004 Mowry Avenue – (PLN2002–00192)** – to consider a Finding for site plan and architectural approval for a gasoline service station with a convenience store and car wash to replace an existing gasoline service station and car wash for property located in the Central Planning Area. A Mitigated Negative Declaration has been prepared for this project.

Chairperson Cohen opened the public hearing.

Chris Guterres, architect with RHL Design Group, stated that the design of the project included closing off some driveways, using colors that met with the adjacent shopping center and creating artwork to be placed at the corner (a sample was exhibited). The building and fuel pumps had to be located at the back corner to avoid the existing fuel tanks.

Commissioner Natarajan asked what the design intent was and the materials to be used. She asked what the artwork and the base would be made of. She asked if the artwork would be a height of seven feet.

Mr. Guterres replied that the design was based upon a Krispy Kreme building and the canopy was based upon the Shell station on Auto Mall Parkway. The materials would be a cement plaster. The columns would be a brushed aluminum finish as would the base of the overhang. The artwork would be made of COR-10, was seven feet high and would naturally rust. The base would be installed on a concrete pad that would not project out of the ground.

Commissioner Natarajan believed that the design should be taken further to actually become modern and contemporary. The present design created visual clutter.

Mr. Guterres stated that staff had suggested that the brushed aluminum be used. He tried to match the shopping center as much as possible.

Commissioner Natarajan asked if the yellow color matched what was in the shopping center. She recommended that one color should be used, rather than the three; use more metal and open up the blank walls facing the shopping center.

Mr. Guterres replied that yellow was used in the shopping center and was one of the colors that had been suggested by staff. He suggested using metal trellises of some sort on the blank walls.

Ray Olyaie, owner, interjected. He stated that this design and these colors were what City staff wanted. He stated that his original plan had been quite different. He wanted something that was unique and "best."

Commissioner Natarajan asked what he wanted.

Mr. Olyaie replied that he would like something like the station on Auto Mall Parkway, but more creative. However, the City wanted something else on the corner. He also wanted the Valero blue color, rather than the yellow.

Chairperson Cohen noted that the Planning Commission was here to give direction and make the decision, so he may get his wish.

Commissioner Natarajan asked staff to describe what the original design was like and how the design review process had changed it.

Deputy Planning Manager Schwob believed that the applicant was told to use the same colors as were used within The Hub and to blend them with the corporate colors. The building could not be brought closer to the street because of the fuel tanks. The applicant was asked to incorporate some elements that would unify it with the canopy and The Hub.

Commissioner Natarajan opined that this design was not good enough for this important corner. She suggested that the Commission give more direction and this project could come back for review or it could be approved by staff.

Chairperson Cohen agreed with Commissioner Natarajan. He told the applicant that the Commission could give him the ability to put the pressure on staff to allow him to have more of what he originally wanted. He suggested that this item be continued and that the revised design be brought back to the Commission on an informational basis. He agreed that something unique should be created for "this very special corner in Fremont." He liked the canopy and the angle and liked the direction that it could go in.

Mr. Olyaie stated that he originally wanted a waterfall as part of the artwork, but it was not allowed. This art was the best that could be done and it was approved by staff.

Commissioner Natarajan continued with her comments: The exact same building on Auto Mall Parkway was not appropriate for this corner, but she encouraged the applicant to continue to use some of its elements. If metal was wanted, use more of it. Move away from the tri-color detail, use the colors vertically rather than horizontally. The entry canopy should "come out rather than being two columns stuck to the front façade." It was not to scale or to proportion. The columns were too thin and too symmetrical. The signage had no relationship to the architecture of the building or to the canopy. The signage that was located next to the artwork was not appropriate, unless the sign was changed. She agreed the proposed artwork was more interesting than a fountain. However, introducing water to this piece of art that was made out of COR-10 was a good idea. A seven-foot piece was too small to anchor the corner, so a backdrop of trees or some kind of landscaping would be needed to offset the artwork.

Mr. Guterres replied that the signage was an existing monument sign and was mandated by the oil company, along with the price sign.

Commissioner Sharma stated that he had been ready to approve the design. However, he found it interesting that this design was not what the applicant really wanted. He would probably support a revised design that included some of the suggestions that Commissioner Natarajan had made. He also liked the idea of a water element and stated that perhaps the applicant's wish could come true. He looked forward to approving a plan that would improve that corner.

Commissioner Thomas agreed that the building looked too busy with the different colors. She liked the corporate color of teal and suggested that cocoa brown could be used with it. The canopy could stay unpainted.

Commissioner Harrison stated that he had been ready to support the project. However, he agreed that the colors around that corner were difficult to match. He asked why this plan had come before the Commission. He also asked if the direction given by the Commission was enough to allow staff to make the decisions.

Deputy Planning Manager Schwob replied that it had come for review because it was in the Central Business District, which required Planning Commission review of site plan and architecture. He felt it would be better for this plan to come back to be reviewed by the Commission, because he doubted that everyone "was on the same page." The Commission might like the current design better than what was originally brought to City staff or what might be proposed in the future. He suggested that the original design be brought back to the Commission when the revised design was ready for review for comparison.

Commissioner Wieckowski had also been prepared to support the project. However, he believed the suggested improvements would enhance the design for this very important corner and suggested using the corporate teal color, if that was something the applicant wanted to use.

Vice Chairperson Weaver asked to see a view from the street that looked at the artwork and the sign from the front when this item came back to the Commission. She also liked the water element, which would add height and would make the artwork look larger.

Chairperson Cohen noted that a station on the corner of the Mission Valley Shopping Center looked like it would be unique. It was based upon the Craftsman style and was an example of an unique structure in a special environment. He believed that the applicant could create just as special a style with his project on this most important corner in the City.

If the applicant wanted a modern design and could pull the elements together to make it special, he believed the applicant would have the support of staff and the Commission. He invited the applicant to ask for a "feedback session" with the Commission to make sure that an unique design was created for this corner.

Mr. Olyaie stated that he had been happy working with staff during the past nine months and this design was the best that he could do.

Chairperson Cohen closed the public hearing.

Commissioner Natarajan believed that the plan before the Commission was a lot better than when staff first saw it. However, the design must be either modern and contemporary or relate to The Hub a little more.

IT WAS MOVED (WIECKOWSKI/NATARAJAN) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THAT THE PLANNING COMMISSION **CONTINUE TO A DATE UNCERTAIN, TO BE RENOTICED AT THAT TIME.**

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

Item 3. **FREMONT RECYCLE AND TRANSFER STATION/REVISIONS TO CITY OF FREMONT SOLID WASTE SYSTEM – 41149 Boyce Road - (PLN2002-00270 and PLN2003-00270)** - to receive oral and written comments from the public and the Planning Commission on the Revisions to the City of Fremont Waste Management System Draft Environmental Impact Report (DEIR) (SCH #2001122003). The proposed project is the transfer of municipal solid waste from collection vehicles to transfer vehicles at a Transfer Station/Materials Recovery Facility (TS/MRF) to be located at 41149 Boyce Road in the City of Fremont. From the TS/MRF, the waste will be hauled to one of the following: (a) the existing Forward Landfill located at 9999 South Austin Road in San Joaquin County or (b) the existing Altamont Landfill located at 10840 Altamont Pass Road in Alameda County. A Conditional Use Permit for a Transfer Station/Materials Recovery Facility (TS/MRF) at 41149 Boyce Road in the Industrial Planning Area is required. A General Plan Text Amendment is also necessary to reflect the proposed location of the TS/MRF. The public review period of the DEIR started on May 15, 2003 and will conclude on June 30, 2003.

Deputy Planning Manager Schwob added that a letter from Norman LaForce had been received that indicated written comments would be submitted within the comment period.

Senior Planner Livermore stated that the presentation would be given by Michelle Yesney of David J. Power and Associates, followed by comments from the public and the Commission. She stated that staff's response to the comments would be made in the final EIR.

Commissioner Wieckowski recused himself because he had served as the Chairperson of the TriCity Ecology Center and the Draft EIR included a letter that indicated the Ecology Center's views.

Michelle Yesney, David J. Powers and Associates, stated that specific changes to the City's existing solid waste management system were proposed. The proposal included modifications and additions to an existing building, minor changes to the collection routes and

the introduction of new truck trips onto the roadway system. Most of the material that would be hauled to and processed in the new facility was already being collected and trucked to a local landfill or to a recyclery at Newby Island. The TS/MRF would initially operate at a smaller size than was anticipated for the future. Therefore, two scenarios were analyzed: one with average incoming daily tonnage of 1,520 tons and a long-term scenario of 2,040 average daily tons. The impacts of hauling waste from the proposed TS/MRF to each of two possible landfills were analyzed, one near Stockton and one near Livermore. The only significant impacts identified were impacts relating to the possibility of seismic activity, site soils conditions and air quality. Mitigations for all impacts were identified in the Draft EIR. An increase in truck traffic on Stevenson Boulevard could result in a level of annoyance for the Newark residents who lived north of Stevenson Boulevard. Therefore, trucks would use Auto Mall Parkway to reach the freeways. The proposed project would not induce substantial growth.

Chairperson Cohen opened the public hearing.

Jim Reese, Assistant City Manager of the City of Newark, stated that the City wished to express strong opposition to the facility. Comments to the Draft EIR would be ready by the end of the month. The alternatives analysis was grossly inadequate.

Commissioner Sharma noted an error concerning the location of the proposed facility in relation to I-880. He asked what would happen if a decision was not made regarding the proposed TS/MRF.

Senior Planner Livermore agreed to make the correction. She stated that the current landfill was scheduled to close, so some decision had to be made.

Chairperson Cohen asked that the no project alternative be addressed.

Ms. Yesney, replied that the no project alternative talked about the decisions that the City would have to make when the landfill closed, regardless of whether this project was approved. If this project was not approved, the City was still obliged by law to continue to pick up garbage and the no project alternative identified the methods of dealing with the garbage that required the fewest discretionary actions by the City.

Chairperson Cohen summarized by stating, “In other words, we have to do something about our garbage.”

Chairperson Cohen closed the public hearing.

Senior Planner Livermore stated that the comment period would conclude June 30th.

Chairperson Cohen called for a recess at 7:55 p.m.

Chairperson Cohen called the meeting back to order at 8:05 p.m.

Item 5. **PATEL RESIDENCE – 45651 Montclaire Terrace – (PLN2003-00137)** - to consider a Planned District Minor Amendment to P-96-12 and a Preliminary Grading Plan to allow a new 9,374 square foot residence (including 1,824 square foot garages) within the Montclaire II subdivision in the Mission San Jose Planning Area. This project is categorically exempt from CEQA review, per Section 15303, New Construction or Conversion of Small Structures.

Bhavesh Patel, applicant, stated that he was a 14-year City resident and had purchased this property in the year 2000. In March 2003, he submitted his plans to the immediate neighbors for comments. He introduced Mr. Maurice Camargo, architect.

Maurice Camargo, Camargo and Associates, showed photos of the surrounding homes and the site plan. The neighbors to the east had complained about the planting of oak trees in their view corridor, so they would be replaced with Chinese Pistach trees. He stated that the house was designed using Vastu design guidelines where the front entry of the house must face east and the long axis of the house also faced east. The front of the house was one story with two stories at the rear of the house. The roof height was four feet lower than the maximum allowed by code. The two-car detached garage would be imbedded into the hill.

Commissioner Harrison asked if the dome feature was the highest point allowed as shown on the design plan.

Mr. Camargo, replied that the dome would be contained within the house, the roof was flat at that point. Wainscoting comprised of a faux stone was to be used on the lower, western side of the house, along with balcony elements that would provide verticality to the house.

Commissioner Natarajan stated that the site plan was great, but it would have helped if it had shown the surrounding properties and their houses. She stated that the Commissioners' packets were missing the site plan with spot and floor elevations, which made it difficult to get a sense of how far off the ground the floor elevations were. She asked the reason for one attached and two detached garages and their locations. She asked if just the entrance had to be where it was or did the axis of the house have to be within the ten degrees true north to follow the Vastu design guidelines. This plan fought the contours of the land and went across them rather than with them. She asked if the applicant would consider wainscoting in a different material from what was being proposed.

Mr. Camargo, replied that the garages were created to conform to height and grading codes. There was nowhere else off the driveway for a garage. The entrance of the house had to face east and the long axis of the entire house had to conform to within ten degrees, which was the maximum and which was used. He agreed that the house would be built across the contours of the property. The wainscoting was planned to be made of coursed plaster to simulate a different colored stone with a rough texture that would be different from what was above.

Planner Foss noted that a cross section that showed finished floor elevations was a part of the packets.

Commissioner Natarajan answered that a site plan with existing spot elevations would have been easier to read.

Commissioner Sharma asked if the issues that were detailed in the neighbor's letter had been addressed, such as the roof pitch, its height and the major trees, all of which would affect his view.

Mr. Camargo replied that the house had been moved down the slope as far as possible. The ridge of the room was decreased to four feet below the maximum allowed height. The landscape architect would address the landscaping. However, trees that would not grow as tall as oaks would be planted in the view areas. The intent was to create some privacy between the applicant's home and the neighbors' houses and to enhance the neighbors' views by hiding as much of the roof as possible.

Commissioner Thomas asked if the front of the applicant's house was the side that faced the house next door that was currently under construction. She echoed Commissioner Natarajan's complaint of difficulty in understanding the orientation of the house when none of the adjacent homes were shown on the plans.

Mr. Patel replied that the house under construction faced the detached garage.

Mr. Camargo stated that the house under construction was located on the property that shared the driveway access. He attempted to clarify it by showing a map of the lots that made up the subdivision.

Commissioner Harrison asked that a concern expressed by a neighbor regarding the proximity of the garage be addressed.

Mr. Camargo replied that the garage was located as far forward towards the driveway as possible without putting it in front of the house. A breezeway would connect the detached garage to the house and the topography hindered moving the garage back. However, it would be embedded into the hill and the roof profile would be almost equal to the hill.

Commissioner Wieckowski noted that Condition B-5 was added to modify the library and the attached garage to conform to the Hillside Ordinance. He asked how that would be done. He was not pleased that four of the proposed Oaks were to be removed, as he was a native plants advocate. He asked if the other Oaks would remain and what type of trees would be planted to replace the four Oaks.

Mr. Camargo stated that he would propose to keep the grade low and build a deck entrance to the library to keep the topography as is.

Michael Rosenberg, landscape architect, replied that the Oaks could be retained and be relocated down the hill, if the Commission wished. That particular location was objected to by one of the neighbors. Oaks grow very slowly and it would be many years before they reached their full potential height. They would be fairly far down the hillside, but one neighbor felt his view would be impacted after they reached their mature height of fifty or sixty feet.

Commissioner Wieckowski asked how long it would take an Oak to reach fifty feet.

Mr. Rosenberg estimated that none of the attendees would be living when the Oaks had grown to fifty feet. He considered it to be a valid complaint, as the neighbor's children or grandchildren could be living in that house when the Oaks reached maturity. He had suggested that Chinese Pistach be planted in lieu of the four Oaks, which was a medium sized tree and did well in an arid climate.

Chairperson Cohen opened the public hearing.

Tauseef Hashmi, resident on Aquilla Terrace, thanked staff for helping him to understand the elevations, compared to his home. He also thanked Mr. Patel for showing the plans to his family and for being amenable to adjustments and compromises. He asked that the Oak trees not be planted within his narrow view corridor. He asked that the roofline be further reduced on the southwest side by dropping back the second story, which would break up the mass. He acknowledged that the single story element of the home that faced his property could have been two stories and not as attractive to look upon as it was currently planned. He asked that a win-win solution be decided for both he and Mr. Patel.

Commissioner Sharma asked if the Oak trees were there when he bought his property.

Mr. Hashmi stated that the Oak trees would be newly planted.

Tony Boudames stated that he was building a house in Aquilla Terrace on a lot that was purchased in 1995. The City had forced him to step his house down with the hill, per staff's recommendations. In the process the master bedroom and family room were lost. He complained about a house that was in the process of being built that looked like it was three stories and did not step down with the hill. He wondered if the 9300 square feet for this house would turn out to be a Wal-Mart. However, he believed the applicant's home would improve the neighborhood. His concern was that the attached garage was bigger than the detached garage with enough room to include a small grocery store. He believed the garage could be made smaller by eliminating the hallway and workshop, which would make it a real two-car garage. This would allow the house to be pushed a few feet to the southwest, which would make everyone happy. He thanked the applicant for agreeing to plant something other than the four tall Oak trees.

Commissioner Thomas asked what the applicant's lot number was, so that she could locate it on the development site plan.

Mr. Boudames stated that his lot was Number 7.

Mr. Rosenburg closed by addressing some of the comments made by the speakers. Regarding the southwest view corridor, he stated that they would be willing to plant something other than Oak trees. He stated that the privacy issue was a two-way street. If nothing was planted in the view corridor, the neighbor's view would include the applicant's house and when the applicant came out of his front door, he would see directly into the neighbors' backyards. The proposed minimal amount of native plants would screen both houses from each other. The Oaks could be planted further down the slope and they would not interfere with anyone's view for the balance of this century.

Commissioner Sharma believed that 10 to 15 feet was high enough for a tree that was to provide screening.

Mr. Rosenburg replied that up to 20 feet would not block the long-range view of the house located upslope from the applicant's property.

Commissioner Natarajan asked if the architect was aware of Condition B-3 that required different material, such as stone, slate or a similar material, be used for the wainscoting.

Mr. Camargo stated that he understood that plaster was not to be used. The material he proposed to use was a simulated stone done in plaster. It would look like stone. He had planned to bring in a sample for staff to evaluate, but had not realized that the Commission might want to see it.

Commissioner Natarajan agreed to allow the applicant to work with staff concerning the wainscoting material. She asked about the details around the windows, as they seemed rather stark in terms of how the two materials met. She also asked if the 6-12 roof was chosen for its architectural style or to minimize the mass of the house. Would his client be willing to reduce the attached garage?

Mr. Camargo replied that he had planned to recess the windows on the 12 inch deep front wall, which would be six inches in the outside wall and three inches in the inside wall to create a shadow box. The bedroom walls would be six inches in depth and the windows would not be recessed. The pitch of the roof was chosen for both those reasons, along with allowing the rooms to have an open ceiling and to accommodate the arched windows. He asked how much she would suggest that the garage be reduced.

Commissioner Natarajan replied by asking how long the breezeway was. She inquired if his client would consider having two garage doors with a column in between to add architectural detail.

Mr. Camargo opined that the side of the garage could be reduced approximately four feet. He displayed a photo that showed the garage doors would look like hinged, double doors, but would, in reality, roll up. He also showed a photo that demonstrated how the faux stone for the wainscoting would look and agreed to work with staff regarding it.

Mr. Patel asked if a simulated material that looked like stone would be acceptable.

Commissioner Natarajan felt that decision could be made by staff.

Mr. Patel stated that he wanted a room for a workshop and bike storage area, but agreed to consider reducing it.

Chairperson Cohen closed the public hearing.

Commissioner Thomas asked for clarification about the garage and the long corridor. Could the space between the garage door and the end of the garage (which looked to be approximately seven feet) be reduced?

Planner Foss stated that if the garage was moved closer to the house, excessive fill would be required. If a landing was created along the corridor, the garage would be moved closer to the property line and to the neighbor's home. He did not see a problem with reducing the garage by seven feet.

Commissioner Natarajan asked if the subdivision had design guidelines and if they were the same three styles that were indicated on this plan.

Planner Foss listed the seven approved styles for the subdivision.

Chairperson Cohen stated that the house was too big and suggested a continuance to reduce the size of the house and to redesign it to allow it to step down the hill.

Commissioner Thomas stated that in her opinion, besides being too large, the house needed to be redesigned to run with the contours of the land and the grade of the hill. If the design could not follow the grade of the hill because of the design principals that were being followed, it should not be built on this piece of land.

Chairperson Cohen heartily agreed.

Commissioner Natarajan agreed that the house was too large for the lot. Because there were no floor area ratios for houses in the hills, it was impossible to control the size of the houses. She believed there were ways to push the second floor back to allow the house to follow the slope of the land and many of the details could be improved upon. However, the massing and the way the house crossed the contours of the land did not follow the Hillside policies.

Commissioner Sharma stated that he would support the project if it was agreed that smaller trees would be planted and the garage was reduced, which would address the neighbors' concerns.

Vice Chairperson Weaver would not support the project. In her opinion, this plan was a square peg in a round hole; it did not fit the lot. She agreed with all of the comments made by the other Commissioners and stated that the wainscoting should not be made of anything other than what had already been conditioned. This was not the correct lot for this house.

Commissioner Harrison also agreed with the comments made by the other Commissioners. However, he felt differently from the other Commissioners when it came to telling the applicant whether or not he could build his house. He applauded the applicant for working with his neighbors and listening to their concerns. He stated that he would have supported the project, but believed the house would be better if the massing was reduced and the applicant worked with staff to address the other concerns.

IT WAS MOVED (WIECKOWSKI/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THAT THE PLANNING COMMISSION **CONTINUE TO A DATE UNCERTAIN, TO BE RENOTICED AT THAT TIME.**

The motion carried by the following vote:

AYES:	7 – Cohen, Harrison, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

Item 7. **ALDER VILLAS WINDOWS – 36423, 36361 Fremont Boulevard – (PLN2003-00267)** - to consider a Planned District Minor Amendment to allow the substitution of vinyl windows for the originally approved wood windows of the Alder Villas development (P-2000-352) in the Centerville Planning Area. This project is categorically exempt from CEQA review, per Section 15301, Existing Facilities.

Roger Shanks, of Bunton Clifford Associates and representing the applicant, stated that the applicant wanted to substitute Milgard vinyl windows for staff's recommendation of metal clad wood windows and use the money saved to install upgraded items within the interior of the homes. He read some of the conditions, which did not designate the kind of windows to be used in the project. Vinyl windows would not look very different from the wood clad metal windows when viewed from the outside. Two by wood trim was proposed around all windows to provide massing and to maintain the Craftsman style architecture. He passed samples of the Milgard vinyl window and the metal clad wood window.

Commissioner Thomas asked if he had considered a third alternative, which was vinyl clad outside with wood inside and what the cost difference was.

Mr. Shanks replied that he had not seen the window she was speaking of, but he had seen one with a fiberglass exterior. He guessed that vinyl or fiberglass clad windows would cost somewhere between the two.

Commissioner Sharma asked the cost of each of the homes in this development. He wondered why the applicant would want to cut the price of the windows on a half-million dollar home, which would be a small percentage of the price. He asked if saving on the windows would help to lower the selling price for each home. He did not believe that many upgrades could be added to each home by allowing the windows to be downgraded.

Mr. Shanks guessed that they would probably be sold for somewhere within the mid-400 hundred thousand dollar price range. He agreed that the cost for each home would not be influenced by using the lower priced vinyl windows. The upgraded counter tops, sinks and hardware would be added as part of the original home. He noted that a mid-400 hundred thousand dollar home was no longer a luxury home.

Commissioner Thomas remarked that the homeowner would be able to paint the window trim to match the décor if the metal clad wood windows were used as opposed to not being able to change the color of vinyl. She believed there were more choices than the two samples brought before the Commission and she would like to see some alternatives.

Mr. Shanks stated that there was a fiberglass trim that was paintable. He agreed that vinyl could not be painted and wood required maintenance. Vinyl probably was the best choice for durability.

Commissioner Natarajan asked if the intension of the original conditions was the use of this metal clad wood window. Was the alternative a metal window with the same profile?

Planner Foss replied that the condition specified a metal clad wood window, subject to review and approval by staff. He understood that the metal clad on the outside was to provide durability. A metal window as an alternative was a reasonable interpretation.

Commissioner Natarajan asked what materials were used for the outside of the homes.

Mr. Shanks replied that a combination of stucco and Hardy plank would be used. The homes were in a modified Craftsman style with a lot of wood detailing.

Commissioner Natarajan stated that neither metal nor vinyl was appropriate for Craftsman style homes. She asked if he had considered a metal window. She asked about the Title 24 requirements. She agreed with Commissioner Thomas' suggestion to explore other alternatives. Vinyl windows were not an option, as far as she was concerned.

Mr. Shanks stated that a metal window had not been considered. He was not sure about Title 24, but believed it should be the same. The vinyl would look similar to the metal clad wood. He stated that the homes were under construction and the windows needed to be ordered shortly to keep to the schedule. Milgard was due to introduce a new sand colored window soon, but a sample was not available.

Commissioner Wieckowski disclosed that he had met with Mr. Shanks and had seen the window exhibits prior to this meeting. He asked if there was a public benefit or amenity that could justify changing the metal clad wood windows to vinyl, per the planned district requirements.

Mike Abdollahi, principal at Rockwell Homes, stated that never in the 20 years he had been building town homes had he used metal clad windows. In his opinion, this was a very unusual requirement. He believed that probably ten out of ten town homes built in the Bay Area in the mid-400 thousand-dollar price range did not have wood windows. One might find them in upper class communities with million dollar homes. The look or integrity of the architecture of the project would not be degraded by using the vinyl windows. He stated that approximately one-half million dollars had been given back to the community in City fees.

Vice Chairperson Weaver noted that the applicant had originally objected to the metal clad window condition and had brought it before the Planning Commission, which agreed with the condition. It was taken to City Council and the change was refused. Understanding that, the applicant went ahead with the project and now was before the Planning Commission again. She did not see a public benefit. She did not understand the logic, as very little money would be saved to use towards interior upgrades.

Commissioner Harrison asked what other City projects had required this kind of window. He disclosed that he also had met with Mr. Shanks and had reviewed the two window options. He confessed that he saw very little difference between the two windows. If the metal clad window was used, the homeowner would have the benefit of the upkeep of the wood window rather than the interior upgrades. He asked why vinyl could not be painted.

Deputy Planning Manager Schwob knew of only single-family homes that had this condition.

Mr. Shanks replied that paint did not adhere to vinyl or metal. However, with the new fiberglass window, it could be painted after applying liquid sandpaper.

Commissioner Sharma asked if affordable housing was planned for this project.

Mr. Abdollahi replied that it was not included in this project.

Chairperson Cohen disclosed that he had spoken to Mr. Shanks, as well. Everyone knew his position on vinyl windows. This was one way to raise the quality of homes in the City. The project was approved because of the abundance of details that would make a statement, of which this was one of them. He did not believe that no one else in the Bay Area was building homes using metal clad wood windows. This was a good project and would stand out, in part, because of the quality of the products to be used.

Commissioner Thomas asked if Chairperson Cohen would consider alternatives, such as wood inside and vinyl clad or fiberglass outside.

Chairperson Cohen stated that he would not support the change in the windows. It was not what was originally approved and was unacceptable.

Commissioner Natarajan asked about considering metal window options that had a similar profile.

Chairperson Cohen replied that if the Commission wanted to give the applicant a choice of either the metal clad wood or a high-grade all metal window, at staff's discretion, he would not object.

Deputy Planning Manager Schwob reminded the Commission that their decision was to approve or deny the request, with the applicant having the option to appeal to the City Council. The Commission could also recommend something different to the City Council.

Commissioner Sharma stated that he might have considered approving the change if an affordable component was included.

Commissioner Natarajan asked if the applicant would have to appeal the decision to City Council or would it automatically go to the Council.

Deputy Planning Manager Schwob stated that a denial was final unless appealed by the applicant. If the Commission were to recommend approval of the change, the Council would have to approve it.

IT WAS MOVED (WEAVER/NATARAJAN) AND CARRIED BY THE FOLLOWING VOTE (6-1-00-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING;**

AND

DENY THE PROPOSED AMENDMENT.

The motion carried by the following vote:

AYES:	6 – Cohen, Natarajan, Sharma, Thomas, Weaver, Wieckowski
NOES:	1 - Harrison
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

MISCELLANEOUS ITEMS

Item 9. **CANCELLATION OF JULY 10, 2003 PLANNING COMMISSION MEETING** – to consider cancellation of July 10, 2003 Planning Commission Meeting.

IT WAS UNANIMOUSLY APPROVED BY ALL PRESENT THAT THE PLANNING COMMISSION **CANCEL THE JULY 10, 2003 PLANNING COMMISSION MEETING.**

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

- Information from Commission: Commission members may report on matters of interest.

Chairperson Cohen asked if the study session concerning the Brown Act was to be held before the next meeting.

Deputy Planning Manager Schwob stated that he was correct.

Commissioner Natarajan announced that she would miss the next two meetings and would like to be a part of the Brown Act discussion. She planned to return in time for the August meeting.

It was agreed to reschedule the Brown Act study session to occur at the August 28th meeting.

Deputy Planning Manager Schwob stated that disclosures made by Commissioners needed to be made prior to the public hearing at the beginning of the meeting. He offered to add a reminder to the agenda.

Vice Chairperson Weaver commented that members of the public who arrived later in the meeting for just their item might not know of the disclosure if it was made at the beginning of the meeting.

It was agreed that disclosure would be made before the individual item was announced.

Commissioner Wieckowski reported that he had read a newspaper editorial concerning whether junk food was the next tobacco product and it discussed the impact that junk food was having on the youth and the public in general.

Chairperson Cohen pointed out that this City had started the nationwide movement against fast food restaurants.

Commissioner Natarajan asked if Supplement B for the Catellus project would be available before next week.

Deputy Planning Manager Schwob promised to look into it.

Chairperson Cohen asked if the Commissioners' EIRs should be kept.

Deputy Planning Manager Schwob thought it was a good idea, as the final component would comprise yet another volume.

Meeting adjourned at 9:40 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte
Recording Clerk

Jeff Schwob, Secretary
Planning Commission