

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**Vesting Tentative Subdivision Map 7975
4238 First Street**

SPECIAL CONDITIONS

Planning Division

1. A final landscape and irrigation plan shall be submitted to and approved by the Planning Division as part of the building permit plan sets prior to issuance of a building or on-site permit. Said landscape plan shall be consistent with the approved landscape plan, any conditions of approval, show the location of the vegetative swale, and shall be detailed in terms of species, location, size, quantities, and spacing. The landscape and irrigation plans are subject to the review and approval of the Director of Community Development.

Engineering Division

2. A sanitary sewer lateral with two-way cleanout (located at the back of the sidewalk or curb, whichever is applicable) shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
3. All utilities (storm drain system, sanitary sewer system, water laterals after water meters and dry utilities) serving this sub-division shall be private.

STANDARD CONDITIONS

Planning

4. Vesting Tentative Map 7975 shall be in substantial conformance to Exhibit B, dated "Received, November 27, 2012" on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
5. Vesting Tentative Subdivision Map 7975 shall lapse two years from the effective date of this approval unless a final subdivision map is recorded or an extension is approved by the City.
6. Vesting Tentative Subdivision Map 7975 shall incorporate by reference all applicable conditions and requirements of PUD-64, the PUD Development Plan covering this subdivision, as approved by the City Council.
7. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or

any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

8. Planning Division approval is required before any changes are implemented in the design, grading, drainage, etc., of the subdivision map.
9. The Final Subdivision Map plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the resolution unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal.

STANDARD CONDITIONS

Engineering

- 10.A "Conditions of Approval" checklist shall be completed and attached to all plan checks submitted for approval indicating that all conditions have been satisfied.
- 11.A geologic report shall be prepared as per City Municipal Code 17.12 Geologic Hazard, 18.68 PUD District, 18.76 Hillside Planned Development Dist. as applicable and as required by the City Engineer for site specific condition.
- 12.The tentative map shall contain a brief legal description of any parcel being re-subdivided, a statement of lot and total acreage, and a statement referencing any separate documents required to be recorded with the map.
- 13.A final map shall be required to subdivide the property into 5 lots. With the map, the project developer shall set forth the maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record Maintenance Agreement at the time of recordation of the map which shall create a Maintenance Association for the development. The Maintenance Agreement shall be subject to the review and approval of the City Attorney, Project Planner and the Utility Engineer prior to recordation of the map. The Maintenance Association shall be responsible for the maintenance of all private utilities, the common access driveway, storm water treatment areas, and other common areas not within the area of a dedicated public street and facilities on the site. The project Maintenance Agreement shall include an exhibit showing the location of all the common private improvements to be maintained by the Maintenance Association. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.
- 14.The project developer shall create private storm drainage easements, as necessary, across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.

15. The project developer shall create public service easements (PSE) and private utility easements, as necessary, across the project for the benefit of the individual lots, subject to the review and approval of the City Engineer.
16. The applicant shall post with the City, prior to approval of the final map, a separate labor and material bond, performance bond and maintenance bond for the full value of all subdivision improvements. This bond shall be in a standard form approved by the City Attorney and shall be in an amount satisfactory to the City Engineer.
17. Prior to recordation of the map, a deed restriction shall be recorded on all lots covered by this approval. Wording for all disclosures, deed restrictions, and clauses shall be submitted to the City Attorney for review and approval before City Council approval of the first map for this development and shall be recorded concurrently after recordation of Final Map recorded by separate instrument.
18. Any dedications, open offers of dedication, or grants of easements to the city may be dedicated and accepted on the face of the map. Agreement or other required items shall be recorded as separate documents concurrently after recordation of the Final Map.
19. The in-lieu park dedication fees shall be paid to the City prior to approval of the map, at the rate then in effect, for the total number of buildable lots on the map, unless this requirement has been otherwise satisfied.
20. Prior to approval of the Final Map, the applicant developer shall comply with all applicable conditions of outside agencies having jurisdiction.
21. Prior to the first plan check, the applicant's engineer/surveyor shall submit a preliminary copy of the Final Map along with a preliminary copy of the title report and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely, should consultant's estimate be insufficient to cover all of the consultant's time, the applicant will be required to pay the City the difference between the estimate and the actual cost prior to submittal of the map for the City Engineer's approval.

22. At the time the applicant/responsible party submits the fee for the consultant map review, the applicant/responsible party shall also submit the following information to the City Engineer for review and approval:
- a. Two prints of the Final Map.
 - b. One copy of the preliminary title report.
 - c. One set of the computer closures.
 - d. One legible copy of the latest recorded deed for the property being subdivided.
 - e. One legible copy of the recorded deeds for each of the adjacent properties unless those properties are part of a recorded map which has been recorded within the last seven years; and
 - f. One legible copy of the Recorded Final map, Parcel Map, or Record of Survey used to prepare this Parcel Map.
23. When the map is submitted for the City Engineer's signature, the applicant shall provide the City with an electronic copy of the Final Map in AutoCAD format.
24. The developer's title company shall record the Final Map with the Alameda County Recorder's Office. The project developer shall provide the City with a bond copy of the recorded map with all recording data shown.
25. The developer's title company shall record the CC&R's, Maintenance Agreement, any grant deeds or easements, and any other required documents concurrently after recordation of the Final Map with the Alameda County Recorder's Office. After the recording of these documents the City shall be provided with a legible recorded copy.
26. The project developer shall comply with the recommendations of the project's geotechnical consultant. The project developer's geotechnical consultant shall review and approve all foundation, retaining wall, and drainage geotechnical aspects of the final development plans to ensure that the recommendations have been properly incorporated into the development. The consultant shall certify by writing on the plans or as otherwise acceptable to the City Engineer that the final development plan is in conformance with the geotechnical report approved with the project.
27. The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer including all supporting information and design criteria (including but not limited to any peer review comments), all final grades and drainage control measures, including concrete-lined V-ditches, to protect all cut and fill slopes from surface water overflow, etc., shall be submitted as part of the

improvement plans. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of a grading permit by Engineering Division.

28. All existing drainage swales that are filled shall have sub drains installed unless otherwise approved by the City Engineer and the developer's soils engineer. All sub drains shall have tracer wire along entire length of the sub drains and cleanouts installed with metal cap at the beginning of the pipe and at locations needed for maintenance. The end of the pipe shall terminate in a storm drain or other storm drain outfall, subject to the approval of the City Engineer. The applicant's engineer shall submit a final sub drain location map to the City Engineer prior to acceptance of the public improvements and/or project. It shall be the responsibility of the homeowner to relocate a sub drain if during the excavation of a pool or other subsurface structure a sub drain is encountered. All owners within the subdivision shall receive notice of the presence of these sub drains. The City Attorney shall approve said notice.
29. The project developer shall include erosion control measures, prepared and signed by the Qualified Storm Water Pollution Prevention Plan Developer (QSD), on the final grading plan, subject to the review of the City Engineer. This erosion control measures shall be as required by the State current NPDES permit. The project developer is responsible for ensuring that the contractor is aware of such measures. All cut and fill slopes shall be revegetated and stabilized as soon as possible after completion of grading, in no case later than October 15. No grading shall occur between October 15 and April 15 unless approved erosion control measures are in place, subject to the approval of the project QSD and the City Engineer. Such measures shall be maintained until such time as a permanent landscaping is in place, site is stabilized and Notice of Completion (NOC) has been accepted by the State Water Board and/or City.
30. There shall be no direct roof leaders connected to the street gutter or storm drain system.
31. All retaining walls along the street shall be placed behind the Public Service Easement (PSE), unless otherwise approved by the City Engineer.
32. A water meter shall be provided to each lot of record within the development unless otherwise approved by the City Engineer.
33. The project developer shall improve the existing street abutting the project in accordance with the City of Pleasanton Municipal code 19.36.050, Streets and thoroughfares-Developer's obligation for improvement.
34. The project developer shall construct vertical P.C.C. curbs and gutters within this development unless otherwise approved by the City Engineer. When the sidewalk is adjacent to the curb and gutter, they shall be poured monolithically.

35. The curb and gutter along the street shall have a sub drain installed at either the back of the curb or lip of gutter at the discretion of the City Engineer. This detail shall be shown on the improvement plans. Said drains shall be connected to the storm drain system or drained by other means acceptable to the City Engineer.
36. All existing septic tanks or holding tanks, if any shall be properly abandoned, pursuant to the requirements of the Alameda County Department of Health Services prior to the start of grading operations, unless specifically approved by the City Engineer.
37. This approval does not guarantee the availability of sufficient water and/or sewer capacity to serve the project.
38. The project developer shall submit detailed landscape and irrigation plans as part of the improvement plans. The irrigation plan shall provide for automatic controls.
39. The project developer shall be responsible for the installation of the street lighting system serving the development. The street lights shall be of type and poles subject to review and approval by Community Development Director with poured in place bases as per City requirements and PG&E standard details, unless otherwise specifically approved. The lighting system design shall conform to the Illuminating Engineering Society (IES). Approval for the number, location, and type of electroliers shall be subject to the review and approval of the City Traffic Engineer.
40. The improvement plans for this development shall contain signage and striping plans that are subject to the approval of the City Traffic Engineer.
41. All utility lines shall be installed in conduit. Only PG&E switch enclosures or capacity banks can be installed above ground provided the units are screened with landscaping to the satisfaction of the Director of Community Development.
42. All dry utilities (electric power distribution, gas distribution, communication service, Cable television, street lights and any required alarm systems) required to serve existing or new development shall be installed in conduit, underground in a joint utility trench unless otherwise specifically approved by the City Engineer.
43. The project developer shall arrange and pay for the geotechnical consultant to inspect and approve all foundation, retaining, and wall and drainage geotechnical aspects of project construction. The consultant shall be present on site during grading and excavation operations. The results of the inspections and the as-built conditions of the project shall be certified in writing by the geotechnical consultant for conformance to the approved plans and geotechnical report and submitted to the City Engineer for review and approval prior to occupancy.

44. The encroachment permit for haul route for all materials and equipment to and from this development shall be approved by the City Engineer prior to the issuance of any permit by City Building Division or Engineering Division.
45. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

END

ORDINANCE NO. 1971

AN ORDINANCE APPROVING THE APPLICATION OF FIRST STREET, LLC FOR PUD REZONING AND DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-64

WHEREAS, First Street LLC, has applied for Planned Unit Development (PUD) rezoning and development plan approval to rezone an existing 13,161-square-foot parcel from the RM-2,500 (Multi-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District to renovate the existing home and to construct four detached single-family units ranging from 1,713-square-feet to 1,919 square feet at the property located at 4238 First Street; and

WHEREAS, an Environmental Impact Report (EIR) was prepared and certified for the Downtown Specific Plan on December 2001; and the EIR anticipated that a high-density residential project such as that proposed would be located on the project site; further, the California Environmental Quality Act (CEQA) specifies that individual residential development projects that are prepared pursuant to the requirements of an adopted specific plan, for which as EIR has been prepared and certified, are exempt from additional environmental review; and

WHEREAS, at its meeting of February 5, 2008, the City Council received the Planning Commission's positive recommendations for approval of the PUD rezoning and development plan; and

WHEREAS, a duly noticed public hearing was held on February 5, 2008; and

WHEREAS, after a review of the materials presented, the City Council determined that the proposed rezoning for 4238 First Street is appropriate for the site; and

WHEREAS, the City Council finds that the PUD development plan is consistent with the General Plan, the Downtown Specific Plan, and the purposes of the PUD ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Approves the rezoning of the property at 4238 First Street from the RM-2,500 (Multi-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District.

SECTION 2. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 470, attached hereto as Exhibit A, dated February 5, 2008, and incorporated herein by this reference.

SECTION 3. Approves Case PUD 64, the application of First Street LLC for Planned Unit Development (PUD) development plan approval to renovate the existing home and to construct four detached single-family units ranging from 1,713-square-feet to 1,919 square feet at the property located at 4238 First Street, subject to the conditions shown on Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 4. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation

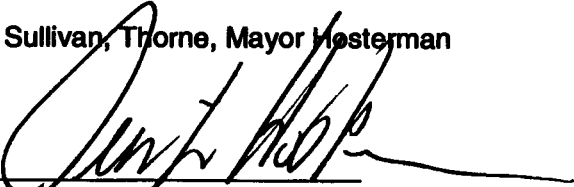
published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption

SECTION 5. This ordinance shall be effective thirty (30) days after its passage and adoption.

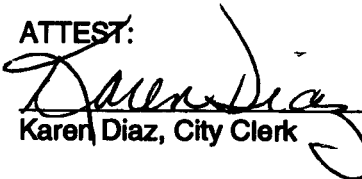
ADOPTED at a regular meeting of the City Council of the City of Pleasanton on February 19, 2008.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on February 5, 2008 and adopted at a regular meeting of the City Council of the City of Pleasanton on February 19, 2008 by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman
Noes: None
Absent: None


Jennifer Hosterman, Mayor

ATTEST:


Karen Diaz, City Clerk

APPROVED AS TO FORM:

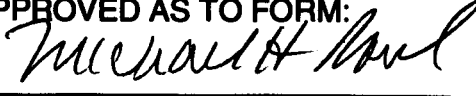
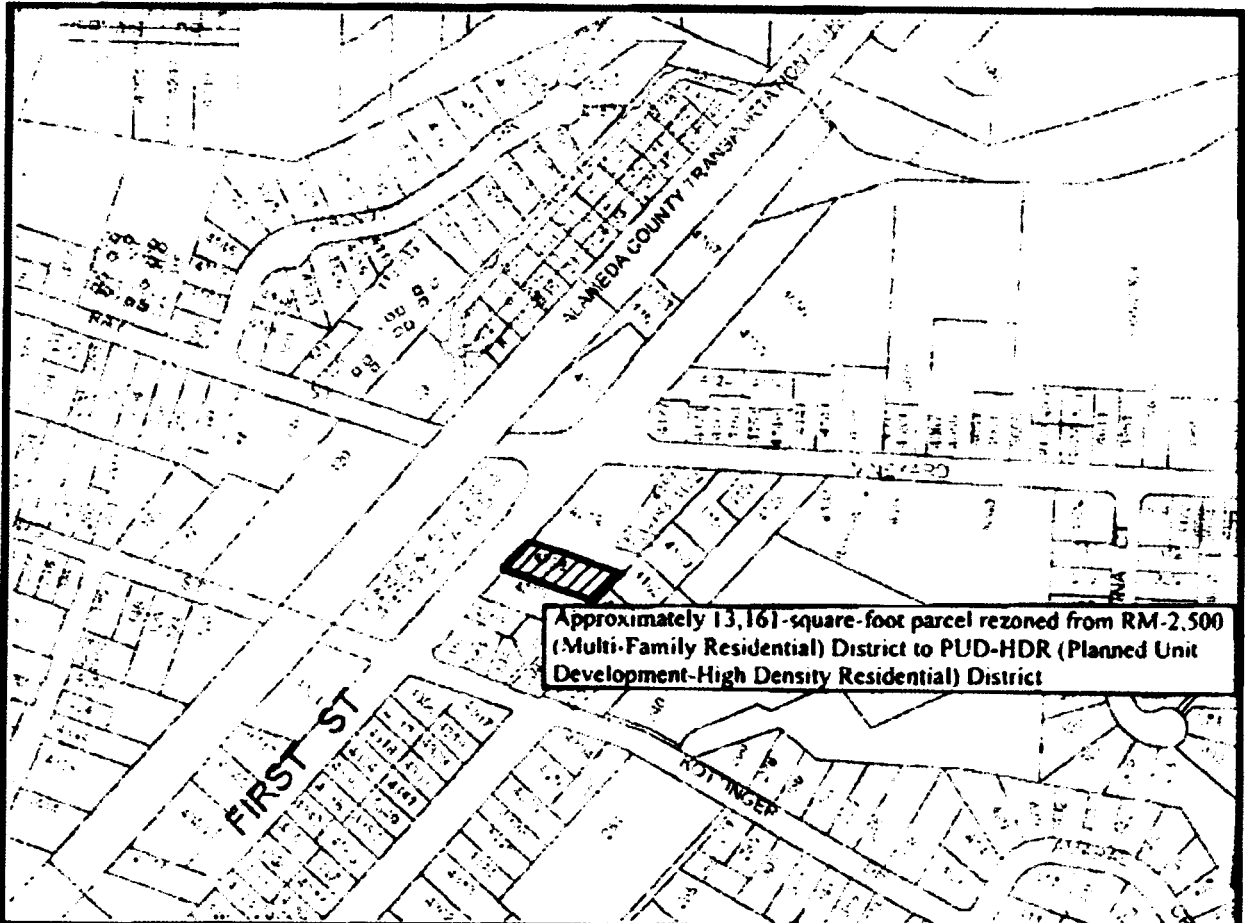

Michael H. Roush, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DEPARTMENT

Ordinance No. 1971 Zoning Unit Map No. 470

DRAWN BY:
T. Snyder

APPROVED BY:
Jerry M. Jensen
PLANNING DIRECTOR

DATE:
2/05/08

SCALE:
1" = 300'

SEC. NO.:
PUD-64

**EXHIBIT B
CONDITIONS OF APPROVAL**

**PUD-64, 4238 First Street, LLC
4238 First Street
February 5, 2008**

Planning Conditions

1. Permitted and Conditionally Permitted Uses for the project shall be those of the R-1 One-Family Residential District as outlined in the Pleasanton Municipal Code (P.M.C. §18.32).
2. The site development standards for the proposed development are “per the development,” and are outlined in the table below. No additional development—including, but not limited to, residential additions, garage additions, bay windows, porches, balconies, fencing, or accessory structures—is permitted.

	Lot 2	Lot 3	Lot 4	Lot 5	Existing House (Lot 1)
Primary Structures:					
Front Setback ⁽³⁾ (ft)	min 18	min 18	20	19	21
Front Porch Encroachment ⁽³⁾ (ft)	6	5 in.	7 in.	1	as built
Left Side Setback ⁽³⁾ (ft)	2.5	1	3	1	7
Right Side Setback ⁽³⁾ (ft)	1.5	2.5	7	3	3
Rear Setback ⁽³⁾ (ft)	5 ft.	5 ft.	3 ft – 11 ft	8 to 20	3 to 9
Height ⁽¹⁾ (ft)	34 ft.	33 ft. 6 in.	35 ft. 3 in.	33 ft. 6 in.	18 ft. 9 in.
FAR ⁽²⁾ (%)	Max-89%	Max 85%	85%	81%	26%
Accessory Structures:	<i>No Class I or Class II Accessory Structures are Allowed</i>				
Fencing:	<i>No fencing is allowed (except for any future replacement of the existing 6-foot tall redwood fence and 42-inch picket fence; like for like only)</i>				

- (1) Height is measured from the lowest point to the highest point for any structure within the PUD.
- (2) FAR is based on lot size currently submitted and may be altered slightly based on actual lot sizes as recorded in the final tract map.
- (3) These are approximate setback distances. Setbacks are taken from closest point to building wall (i.e. minimum). Larger setbacks are not allowed to be reduced to meet the minimum setbacks.

3. **The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Planning Director and the Chief Building Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities. Specific items to be indicated on the site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.**
4. **The applicant shall provide "carriage" garage doors and shall be subject to the review and approval of the Planning Director prior to issuance of a building permit. The doors may be metal, sectional doors but have the appearance of carriage doors.**
5. **The plans shall be revised to show that: (1) the second and third floor cantilevering maintain a five-foot setback from the rear (south) property line; (2) Lots 2 and 3 will be moved forward approximately one to two feet; and (3) the interior floor space of Lots 2 and 3 has been reduced.**
6. **The sliding glass door on the ground floor of Lots 2 and 3 shall be relocated to the west elevation.**
7. **The plans shall be revised to have gable end knee braces and architectural scallop shingle treatments and shall be subject to the review and approval of the Planning Director prior to building permit issuance.**
8. **The stucco finish for Lots 3 and 4 shall be shown on a revised color and material board and illustrated on the building plans. The finish shall be subject to review and approval by the Planning Director prior to issuance of a building permit.**
9. **The existing single-family dwelling unit shall be renovated using materials consistent with the historic period. Any areas of siding that need to be removed shall be replaced in kind. Architectural features such as door, windows, detailing, roofing, and colors, as well as other detailing, shall match the existing structure and shall be subject to review and approval by the Planning Director.**
10. **Lot 4 shall add more wood to the belly band to create a more defined architectural feature on the home and shall be subject to review and approval by the Planning Director prior to building permit issuance.**
11. **All of the new units shall be required to have OG gutters.**
12. **The windows on all of the new units (Lots 2-5) shall be recessed two inches, glazed, with wood trimmed windowsills. No reflective glass is allowed. The window glazing shall be clear with no tint. The windows shall be reviewed and approved by the Planning Director prior to issuance of a building permit.**

13. All condensing units shall have the lowest noise rating. The location shall be reviewed and approved by the Planning Director prior to building permit issuance. The applicant may be required to install attic mounted HVAC units in order to maintain clear garage floor area.
14. The chain link fence shall be removed and replaced with picket style fencing not to exceed 42 inches in height and is subject to review and approval by the Planning Director prior to issuance of a building permit.
15. In order to meet the stormwater (C3) requirements, the paver bands may have to be widened and/or relocated and are subject to review and approval by the Planning Director and the City Engineer prior to issuance of a building permit.
16. All new homes and the renovated existing home are required to be a "green home". Prior to building permit submittal, a list of the green building measures used in the design of the new homes and renovation of the existing home covered by this approval shall be provided to the Planning Department for the review and approval by the Planning Director. The homes covered by this approval shall be designed to achieve a "certified rating" of a minimum of 50 total points, with achieving the minimum points in each category, using Build It Green's 2007 GreenPoints rating system. The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. **Each point identified shall have a notation showing which sheet the item can be found and each sheet shall note where the point is located.** All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Planning Director and the Chief Building Official. A special inspection by a representative from the Planning Department shall be coordinated with regards to landscaping, irrigation, and exterior materials. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, a qualified specialist, or the applicant shall provide written verification by the project engineer, architect, landscape architect, or designer.
17. All residences in the PUD shall be constructed to allow for future installation of a Photovoltaic (PV) system. The project/ building developer shall comply with the following requirements for making all houses on the subject site photovoltaic ready. Making the home photovoltaic ready shall require the following measures to be implemented with the construction of the structures covered:
 - a) Electrical conduit and cable pull strings shall be installed from the roof/attic area to the buildings' main electrical panels.
 - b) Roof trusses shall be engineered to handle an addition load of five (5) pounds per square foot beyond that of the anticipated load for the roofing material.

- c) An area shall be provided near the electrical panel for the installation of an “inverter” required to convert the direct current output from the photovoltaic panels to alternating current.
 - d) These measures shall be shown on the building permit plan set submitted to the Planning Director for review and approval before issuance of the first building permit. The project developer shall provide the future homeowners the necessary information delineating the means by which photovoltaic panels can be applied to the roofs of the structures covered by this approval. This information shall be submitted to the Planning Director for review and approval prior to the occupancy of the first unit.
18. On-site parking is only allowed in the garages (for Lots 2-5) and in the uncovered spaces, and in the two designated parking spots for the existing home. The garage parking spaces shall have a minimum dimension of 10 feet by 20 feet (10'x20'). Parking is prohibited anywhere within the joint-access driveway. Moving, delivery, and any other type of service vehicle must either park in the home's garage or designated guest parking, or park off-site.
 19. The parking spaces located on the east side of the existing home shall be striped off and assigned to the existing home only. The CC&R's shall note that those spaces shall be used for the existing home only and are not to be used for guest parking for the additional four units.
 20. The project developer shall pay any and all fees for the entire project prior to issuance of the first building permit.
 21. Prior to the issuance of a building permit, the project developer shall submit details and/or a spec sheet of the proposed exterior doors to the Planning Department for review and approval by the Planning Director.
 22. Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in new or renovated homes.
 23. The electrical plan for this home shall provide telecommunications infrastructure consistent with state-of-the-art methods, e.g., cabling for DSL, broadband, or wireless service, wiring for total room access, etc., in effect at the time that building permit(s) are issued. The plan shall be part of the building permits issued for plumbing and electrical.

Disclosure /Clause Conditions

24. Prior to recordation of the parcel map, a deed restriction shall be recorded on all lots covered by this approval and shall include the following:
 - a) A clause which states that the property is in an area subject to noise, activity and traffic impacts associated with a Downtown location.

- b) **A deed restriction prohibiting any new fencing, additions, or accessory structures of any type on the property.**
 - c) **Parking is prohibited at all times within the joint-access driveway. Moving, delivery, and any other type of service vehicle must either park within the home's garage or designated parking spot, or park off-site.**
25. **Wording for all disclosures, deed restrictions, and clauses shall be submitted to the City Attorney for review and approval before City Council approval of the first final subdivision map for this development and shall be recorded over the project site by separate instrument.**

Landscaping Conditions

26. **Prior to landscape installation, a final landscape plan and irrigation plan shall be submitted to and approved by Planning Director as part of the building permit plan sets prior to issuance of a building or on-site permit. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing. The landscaping and irrigation plans are subject to the review and approval of the Planning Director.**
27. **Prior to occupancy, the landscape architect shall certify in writing to the Planning Director that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.**
28. **Before project final, all landscaping shall be installed, reviewed, and approved by the Planning Director.**

GENERAL

29. **The proposed development shall be in substantial conformance to the development plans and related materials, Exhibit A, dated "Received, October 2, 2007," on file with the Planning Department, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits.**
30. **The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a building permit is obtained and construction diligently pursued.**
31. **The project developer shall work with the Pleasanton Unified School District and the City Planning Director to develop a program, in addition to the school impact fees required by State law and local ordinance, to off-set this project's long-term effect on school facility needs in Pleasanton. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect**

on the long-term need for expanded school facilities to serve new development in Pleasanton. The method and manner for the provision of these funds and/or facilities shall be approved by the City and in place prior to issuance of building permits. In no event shall construction commence unless the above method and manner for the provision of these funds and/or facilities has been approved by the City.

32. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site.
33. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
34. A construction trailer may be placed on the project site for daily administration/coordination purposes during the construction period. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles, if any, shall be removed from the site at the end of each workday.
35. The approved building materials and colors shall be stated on the building permit plans to the satisfaction of the Planning Director. Substitutions shall not be allowed unless otherwise approved by the Planning Director.
36. All site improvements and house construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. The Planning Director may allow earlier "start-times" for specific construction activities (e.g., concrete-foundation/floor pouring), if it can be demonstrated to the satisfaction of the Planning Director that the construction noise and traffic will not affect nearby residents.

Building Conditions

37. The project developer shall obtain a building permit from the Building and Safety Division and any other applicable City permits for the project prior to the commencement of any construction.
38. The project developer shall pay any and all fees to which the project may be subject prior to issuance of a building permit. The type and amount of the fees shall be those in effect at the time the building permit is issued.
39. The applicant shall pay \$2,500 toward the construction of facilities in the Bernal Sports Park. The applicant shall pay the fee at the time of issuance of the first building permit for either the existing structure or any of the new structures.

40. The building permit plan check materials will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developers submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design is significantly changed. In no case will a building permit be issued prior to the effective date of the ordinance.
41. All structures covered by this approval shall be constructed to:
 - a) Meet Title 24 state energy requirements, and
 - b) Comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
42. The project developer shall submit three copies of the site geotechnical report to the Chief Building Official for third party peer review and shall pay for such review at the time specified by the Director, but in all cases before the issuance of a grading permit.
43. **Prior to final building permit inspection**, a final inspection by the Planning Department is required prior to occupancy.
44. **During Construction**, the project developer is responsible for implementing the following measures:
 - a) Portable toilets shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.
 - b) Ensure that the project contractor is aware of, and abides by, all conditions of approval. The project developer is especially responsible for ensuring that the contractor is aware of and implements all erosion control/storm water quality measures.
 - c) Ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans.
45. **Prior to first framing inspection for each structure**, the height of the structure shall be surveyed and verified as being in conformance to the approved building heights from the lowest grade to the highest point. Said verification is the project developer's responsibility and shall:
 - a) Be performed by a licensed land surveyor or civil engineer.
 - b) Be completed and provided to the Planning Department.

46. If archeological materials are uncovered during grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required by the California Environmental Quality Act (CEQA). A similar note shall appear on the improvement plans.

Fire Conditions

47. The project developer shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).
48. Automatic fire sprinklers shall be installed in all new homes and a new fire hydrant may be required to serve the subject site. If the existing home's interior is demolished to the studs then residential sprinklers shall be required.
49. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
50. **Prior to any construction framing**, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards, able to suppress a major fire.
51. The applicant shall provide a turning radius template drawn on the construction plans submitted to the Building and Safety Division, to the satisfaction of the Planning Director, prior to issuance of a building permit, for the new car port for Lot 1.

Engineering Conditions

Tentative Map Requirements:

52. A tract map shall be required to subdivide the property into five lots. With the tract map, the project developer shall set forth the maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the final subdivision map, which shall create a maintenance association for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The maintenance association shall be responsible for the maintenance of all private utilities, the common access driveway, and other common areas and facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.

Stormwater Design Requirements

53. The project shall comply with the Alameda Countywide NPDES Permit #CA50029831, a copy of which is available at the City offices.

The following requirements shall be incorporated into the project:

- a) The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the storm water running off the paved surface that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.
- b) In addition to natural controls the project developer may be required to install a structural control, such as an oil/water separator, sand filter, or approved equal (in the parking lot) (on the site) to intercept and pretreat storm water prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to issuance of building permits. The structural control shall be cleaned at least twice a year: once immediately prior to October 15 and once in January. The project developer shall enter into a maintenance agreement for the oil/water separator.
- c) The project developer shall submit sizing designs criteria to treat stormwater runoff at the time of plan submittal.
- d) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - 1) Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - 2) Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required.
 - 3) Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.

- 4) Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- e) Prior to grading permit issuance the project developer shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit for projects with clearing, grading and excavation exceeding the current standards.
- f) Roof drains shall discharge and drain away from the buildings foundation to an unpaved area wherever practicable.

Stormwater Construction Requirements

54. The project development shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer prior to issuance of building or grading permits. Failure to comply with the approved construction SWPPP may result in the issuance of correction notices, citations or stop work order. The following construction Best Management Practices (BMPs), as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.

The project developer is responsible for implementing the following measures during all construction phases of the project:

- a) The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Chief Building Official. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
- b) All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/storm water quality measures are in place, subject to the approval of City Engineer/ Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is place.

- c) Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.
- d) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
- e) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- f) Create a contained and covered area on the site for the storage of bags, cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- g) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h) Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

Stormwater Operation Requirements

55. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
- a) A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
 - b) On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."

- c) **Proper maintenance of landscaping, with minimal pesticide and fertilizer use.**
- d) **Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.**
- e) **Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinsewater from cleaning tools, equipment or parts into storm drains.**
- f) **Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.**
- g) **Regularly but not less than once a month, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.**
- h) **Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.**

Site Engineering

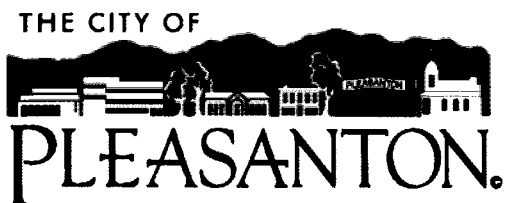
56. The project developer shall:

- a) **Submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building and Safety Division permit if required. The City Engineer will determine the amount of this bond.**
- b) **Submit a waste management plan to the Building and Safety Division prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 50 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only". The project developer shall con-tact Pleasanton Garbage Service for the disposal of all waste from the site.**
- c) **Prior to building permit issuance, submit a grading and drainage design plan to the Engineering Department for review and approval and in conformance with the NPDES requirements. The plan shall demonstrate that the proposed development would minimize or eliminate increases in the**

volume or rate of runoff associated with both small and large storm event (including two-year to 100-year storm events) from the development site.

- d) **Submit a construction Best Management Practices (BMPs) program for review and approval by the Planning Director prior to issuance of building and/or grading permits. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMPs. Construction site cleanup and control of construction debris shall also be addressed. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a stop work order.**
- 57. **All utilities required to serve the existing houses on-site shall be installed underground, including telephone, cable, electric, and gas lines.**
- 58. **Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include slurry seal, overlay, or street/sidewalk reconstruction if deemed warranted by the City Engineer.**
- 59. **Prior to final building inspection, the project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.**

[end]



**Planning Commission
Staff Report**

October 10, 2007
5.b.

SUBJECT: PUD-64

APPLICANT: Mike Carey

PROPERTY OWNERS: 4238 First Street, LLC

PURPOSE: Application for Planned Unit Development rezoning and development plan approval to: (1) rezone an existing 13,161-square-foot parcel from RM-25 (Multiple-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District; (2) renovate the existing home; and (3) construct four detached single-family units ranging from 1,500 square feet to 1,750 square feet.

GENERAL PLAN: High Density Residential-Greater than 8 dwelling units per gross acre.

SPECIFIC PLAN: Downtown Specific Plan: High Density Residential

ZONING: RM-25 (Multiple-Family Residential)

LOCATION: 4238 First Street

ATTACHMENTS:

1. Location Map
2. Exhibit A, Site Plan, Landscape Plan, Elevation Drawings, and Floor Plans dated “Received October 2, 2007”
3. Exhibit B, Draft Conditions of Approval
4. Exhibit C, Photographs
5. Exhibit D, Planning Commission Meeting Excerpt from July 25, 2007
6. Exhibit E, Public Correspondence

BACKGROUND

In August of 2006 the applicant, Mike Cary, submitted a preliminary review application regarding the site located at 4238 First Street. The intent of this review was to receive formal

comments from the City regarding development opportunities and regulations that would apply if additional units were to be added on the vacant portion of the parcel. Since the initial preliminary phase, staff has worked closely with Mr. Carey and other City Departments to provide direction of the proposal; which included a neighborhood meeting with positive feedback. Once comments were received from the residents and staff, the applicant applied for a PUD rezoning and development plan approval in order to achieve more flexibility in the development plan standards than those provided for the RM-2,500 zoning district,.

On July 25, 2007 the Planning Commission held a work session to review and provide comments on several site design concepts for the applicants formal development application to rezone the existing 13,161-square-foot parcel, renovate the existing home and construct a detached garage with a second unit above it, and construct four single-family homes. Each Commissioner provided the following comments on their preference to the various site concepts:

Commissioner Pearce:

- Detached units would be acceptable
- 3-story height doesn't seem to be an issue
- Variation in sizes to break-up the massing would be beneficial
- Tandem parking is acceptable

Commissioner Blank:

- Concerned about parking and would like to see it maximized along with the green space
- Detached units would be acceptable
- 3-story height is fine
- Variation in sizes to break-up the massing
- Tandem parking is acceptable

Chair Fox:

- Would like to see something different than the West Angela Street project
- Detached units would be acceptable
- 2 and 3-story units would break-up the massing (2-three stories and 2- two stories: alternating)
- Look into doing 2-car garages
- Variation in sizes and architecture; Craftsman and another style to provide a more unique look to each of the 4 units.
- Concerned with backing out onto First Street

Commissioner O'Conner:

- Would it be possible to move the stairs to get 2 parking spaces?
- Provide tandem for some, maybe 2, but not all of them. Possibly vary the garage sizes: alternate from 1-car to 2-car etc.

- Variation in sizes and style would enhance the project's appearance.
- A bonus room above the detached garage may be more acceptable than a second dwelling unit since the parking is tight
- Likes the idea of single-family verses duplex

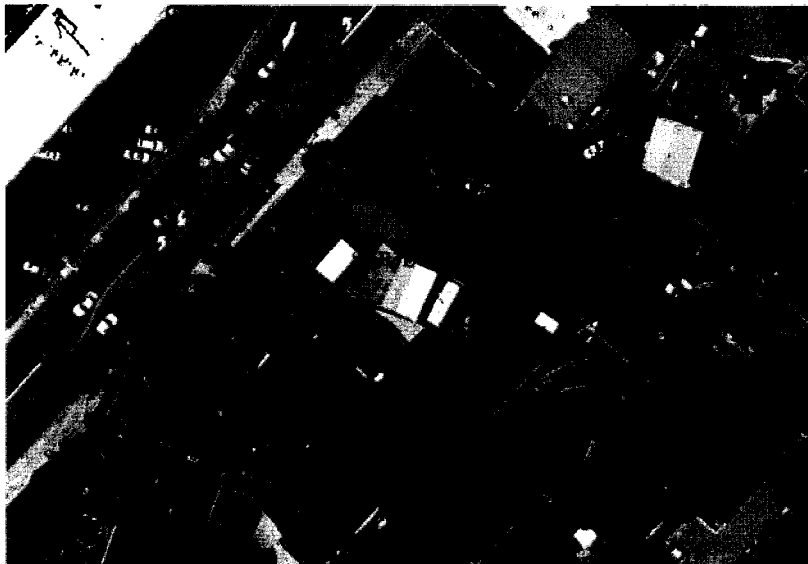
The Commission was also open to making the garage a carport and moving it to the side of the existing house to allow for more open space and/or parking. The Commissioner's also agreed that a bonus room may be more acceptable than a second dwelling unit since there is concern with the amount of parking being provided. Please see Exhibit D for the Planning Commission workshop minutes.

With the information that was provided to staff and the applicant through the work session, the applicant made a few adjustments to the development concept and submitted revised plans for consideration. The development plan and the rezoning from the RM-2,500 to PUD zoning district are now before the Commission for review and recommendation to the City Council.

SITE DESCRIPTION

The subject site is an approximately 13,161 square-foot (.30 acre) relatively flat infill lot located in the Downtown Specific Plan area with Vineyard Avenue to the north and Kottinger Drive to the south. There is an approximately 1,210 square-foot one-story residence, built between 1885 and 1900 and an approximately 200 square-foot detached two-car garage located to the rear of the house; with the remaining 11,751 square-feet being vacant land. There are currently two small fruit trees on the property which are less than 6-inches in diameter and recommended by the City's Landscape Architect for removal with a condition for replacement trees.

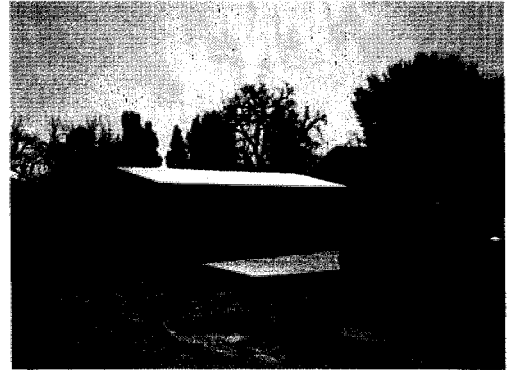
Aerial View



Existing house



Existing detached garage



Partial rear view of the subject site looking towards First Street



Adjacent properties include the Pleasanton Plaza to the west and the recently closed Shell service station located to the north of the subject site. There is a two-story multiple-family development and single-family detached residential units to the south and single-story to two-story multi-family homes and apartments to the east. Please see Exhibit C for pictures of adjacent properties.

PROJECT DESCRIPTION

The applicant proposes to rezone the subject site from RM-25 (Multiple-Family Residential-minimum 2,500 square-foot lot area per unit) District to PUD-HDR (Planned Unit Development-High Density Residential) District to provide more design flexibility. The proposal consists of retaining the existing home and developing four three-story single-family homes and removing the existing detached garage and constructing a new trellis carport. The four detached single-family units would have a one car garage located on the bottom floor with additional tandem driveway parking. The existing house would utilize the new trellis parking space with another additional space being provided to the existing house between lot 2 and the carport. There will be one guest parking space provided onsite for the four units; between lot 3 and 4.

Staff would like to note that when the notification for this project was sent, the unit sizes have since been refined. The notice for the units was for a size ranging from 1,500 square-feet to 1,750 square-feet when the units are now being proposed at approximately 1,713 square-feet and 1,919 square-feet; which represents approximately 6-feet great in width and puts the floor area ratio (FAR) around 85%+/- . The maximum height will range from approximately 33 to 35 feet with the trellis carport height at approximately 10-feet; both measured from finished grade to the highest point of the structure. The proposed detached units offer four alternative, but complementary, designs. To keep in character with the downtown area, the applicant has indicated that the design would be similar to the houses along Second Street; as illustrated in the elevation drawings in Exhibit A. The units alternate in size to break up the appearance of the buildings and, like the existing home, will include small porches and deck areas. The following chart illustrates and compares the proposed lot development standards.

	Lot Sqft	Unit Size	Floor Plan	FAR	FYSB	RYSB	SYSB	Height	Parking
Lot 1	4,605.89	1,210.05	N/A	26%	16-ft to 21-ft	3-ft to 9-ft	3-ft & 5-ft	18'9"	1 Covered & 1 Uncovered
Lot 2	2,151.64	1,919	A	89%	6-ft	5-ft	1'6" & 5-ft	34-ft	1 Car Garage & Tandem Driveway
Lot 3	2,017.72	1,713	B	85%	6-in to 6-ft	5-ft	2' 6" & 1'6"	33'6"	1 Car Garage & Tandem Driveway
Lot 4	2,262.22	1,919	A	85%	6-in to 20-ft	3-ft to 11-ft	7-ft & 3-ft	35'3"	1 Car Garage & Tandem Driveway
Lot 5	2,123.33	1,713	B	81%	1-ft to 19-ft	8-ft to 20-ft	3-ft & 1-ft	33'6"	1 Car Garage & Tandem Driveway

Site Improvements

The applicant is proposing to enhance the site by adding 24" box native trees and 1 to 5 gallon shrubs and ground cover. Staff notes that the tree located between lot 2 and lot 3 will be relocated so that it is not on the shared property line. Staff has added a condition of approval

that the applicants will be required to create a maintenance association that will maintain the landscaping, driveway, and mail kiosk; to which the applicant has agreed to.

In order to meet the stormwater requirements and enhance the appearance of the lot, the first 8 to 11 feet of the new 18-foot driveway will be pavers with two additional paver bands. Staff notes that the paver bands were added in order to meet the stormwater requirements; however the location and dimensions of the bands may change after final review of the stormwater requirements. Staff has discussed this with the applicant and a condition of approval has been added to reflect this. A mail kiosk for the 5 units will be added to the front of the property; which has been reviewed and approved by the post office.

There is a relatively new 6-foot tall redwood fence that borders the majority of the property. The applicant is proposing to remove the chain link fence located in the front and small side yard portion of the existing residence and replace it with picket style fencing, not exceeding 42" in height, to match that of the existing redwood fence. Due to the proximity of the units, access is limited and fencing between the units would inhibit life support services (i.e. Fire, Police, etc). Therefore, future fencing along property lines for the new and existing lots will not be allowed. Staff has discussed this with the applicant and a condition of approval has been added to reflect this.

ANALYSIS

General Plan and Downtown Specific Plan Land Use Conformity

The General Plan land use designation for the subject site is High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with five units on approximately .30 acres would result in 2.4 units per acre, which is equivalent to 8 dwelling units per acre and therefore consistent with the General Plan designation. The project would also be consistent with the following General Plan policy in the Housing Element, "at a minimum, maintain the amount of high-density residential acreage currently designated on the General Plan Map."

The Downtown Specific Plan designation for the property is High Density Residential. The proposed residential project would conform to this designation. The project would also be consistent with the following Downtown Specific Plan policy, "Encourage development at densities which generally exceed the General Plan range midpoints in order to enhance the opportunities for affordable housing, unique housing types, and economic growth in the Downtown."

PUD Rezoning

The applicant proposes to change the zoning of the property from RM-25 District to PUD-HDR (Planned Unit Development-High Density Residential). This would be consistent with the General Plan and the Downtown Specific Plan land use designation for the site.

Downtown Design Guidelines

The Downtown Design Guidelines are intended to encourage the enhancement of Downtown Pleasanton's older buildings and to guide the development of its new buildings so as to strengthen the desirable aesthetic and pedestrian-oriented qualities of the Downtown. The project consists of four individually designed, single-family detached homes with a turn-of-the-century home located at the front of the site. Two of the houses will face towards Vineyard Avenue and two homes are set back on the site, facing First Street. The units have purposely been tucked back on the side and rear of the lot to present a single-family theme that simultaneously presents a smooth transition with the duplexes and apartment complexes located both to the northeast, east, and south of the subject site. The homes have individually designed façades incorporating heritage architectural color and detailing such as board and batten, lap siding, hardiplank, and framed windows. Building mass has been reduced through the incorporation of hipped roofs and small gables. To further enhance the overall aesthetics and continuity of the project, the homes will be painted with colors chosen from a "historic color palette". Further heritage style is expressed through the incorporation of bay windows and small front porches and decks. The location of garage entries are well screened and with the existing house maintaining the front yard setback, a vibrant pedestrian-oriented atmosphere is present and provides a harmonious transition with the commercial area across First Street and adjacent properties. The proposed plan appears to be consistent with the intent of the Downtown Design Guidelines and the project appropriately reflects the size, scale, and massing of the Downtown area and other existing residential structures.

Site Development Standards

There are no specific site development standards for the Planned Unit Development zoning district in the City's Zoning Ordinance. The purpose of the PUD zoning designation is to allow flexibility in determining site-specific development standards. The development proposal consists of 5 individual parcels. Each design has the units arranged in an "L" shape on the property to eliminate a cluster design by keeping the units tucked on the back of the property and in keeping with the other surrounding residential buildings. Due to the width of the driveway, proposed at 18-feet, it will be a private drive. The Fire Department has reviewed the width and is supportive of it.

Although the proposed development standards do not meet the RM-25 development standards, staff believes that the proposed site layout fits in with the Downtown area. The applicant has strategically located the detached single-family homes along the south and rear sides of the property; emphasizing and enhancing a single-family streetscape along First Street.

Building Architecture

Since the original project submittal, the applicants have revised the designs to provide more interest, various materials integration, and more articulation between the units. The buildings will each have a specific color palate adding interest and diversity to the project's streetscape.

The roof material on all of the buildings is proposed as architectural grade composition with “Ravenswood” for the new units and a complementary color “Charcoal” for the existing home. The façade change to the existing residence will be similar in color and roofing material as to be complementary to the new units. The proposed buildings are approximately 33 to 35-feet tall when measured from finished grade to roof ridge. The units have a garage in the lower level and two floors of living space above. Each unit has a covered front porch with steps providing direct access to the living area. Staff believes that the proposed vinyl windows, if recessed, will be complementary to the building design. Staff has discussed this with the applicant and has added a condition of approval to reflect this. Each unit offers “historic” colors and varying architectural features and materials to allow for diversity.

Parking

Access is gained from the new paved driveway off of First Street; no new curb cuts are necessary. The four new residential units each contain a full-sized one car garage on the lower level that is accessed from the existing joint-access driveway. Tandem parking would be provided in each of the driveways with one additional guest parking space being provided between lots 3 and 4. The existing home will have two dedicated parking spaces to be located and striped off along the east side of the existing home. No parking will be allowed in any area of the joint access driveway.

Usable Open Space

In providing the required on-site parking while preserving all existing on street parking, the opportunities for usable open space have been substantially reduced. The Pleasanton Municipal Code prescribes minimum group and private usable open space for dwelling units in the RM districts. A PUD zoning, however, is designed to provide flexibility in development standards to allow innovative design for projects that otherwise meet the intent of the General Plan, relevant Specific Plan, and, in this case, the Downtown Design Guidelines. Consistent with the architecture of a vibrant, urban, street-friendly design, open space is incorporated into the project in the form of porches and balconies. Each unit is proposed to have an approximately 70-square-foot front porch and approximately 117 square-feet of deck. Lack of group open space is mitigated by the close proximity of Kottinger Village Park to the subject site.

Green Building

All new residential projects are required to include green building measures in the design of new homes. The proposed project shall achieve a minimum of 50 total points and the minimum requirements in each category (Community, Energy, Indoor Air Quality/Health, Resources, and Water) required for a Certified Rating. The project has been conditioned to require the green building measures to be shown on the plans submitted for issuance of a building permit.

Building and Fire Code Compliance

The new units would be required to comply with all current Building and Fire Code requirements. The buildings would be equipped with automatic fire suppression systems (sprinklers), as required by the Fire Department. Due to the proximity of some of the buildings to the property lines, the applicants would be required to install one-hour wall/wall materials as required by the Building and Safety Division.

Pleasanton Downtown Association

Although the project site is outside the boundaries covered by the Pleasanton Downtown Association (PDA), the PDA Board reviewed the project plans and expressed support for the project. Please see Exhibit E for the letter from the PDA.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns. On October 4 the applicant met with Doug Safreno, property owner of the Shell service station and the adjoining side residential property, to discuss the project. Mr. Safreno is in support of the project, however requested the following: 1) relocated the sliding glass door on the ground floor of lot 2 to the west elevation so that it does not face the carport on the residential property; 2) make the second and third floor stories of lots 2 and 3 continuous of the ground floor so that they do not cantilever over the rear elevation (south); and 3) noted that the shared property line of the Shell gas station is not accurate. Mr. Safreno informed the applicant that the subject site has approximately 2-feet to gain if the line were readjusted. Staff has added a condition of approval stating that a survey shall be conducted of the shared property line to ensure its accuracy.

The applicant also provided staff with 13 letters of support for the project on October 4; which can be found in Exhibit E. Staff notes that another letter of support for the project was provided by Robert Byrd prior to noticing the project; which is also in Exhibit E.

As previously stated, because the plans were revised after noticing was sent, the unit sizes are larger than what is reflected on the noticing. However, staff has not received any comments or letters of opposition regarding the project.

PUD CONSIDERATIONS

The Zoning Ordinance of the Municipal Code sets forth purposes of the Planned Unit Development District and “considerations” to be addressed when reviewing a PUD development plan.

1. Whether the plan is in the best interest of the public health, safety and general welfare:

All on-site infrastructures shall be installed by the project developer with connections to municipal systems in order to serve the site. Adequate storm drain, sanitary sewer, and water service utilities are present near the development and are sufficient to serve the new buildings. Public street access is provided to all structures for police, fire, and other emergency response vehicles. The buildings are designed to meet the requirements of the Building Code and other applicable City codes. The applicants would install ample landscaping as part of the project.

Therefore, as conditioned, staff believes that the proposed plan is in the best interest of the public health, safety, and general welfare, and that this finding can be made.

2. Whether the plan is consistent with the City's General Plan:

The proposed project's land use, High Density Residential, conforms to the "High Density Residential" Land Use Element designation for the project site. The General Plan land use designation for the subject site is High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with 5 units on approximately .30 acres for a density of 2.4 units per acre, would be consistent with this General Plan designation. The project would also be consistent with the following General Plan policy in the Housing Element, "at a minimum, maintain the amount of high-density residential acreage currently designated on the General Plan Map."

Because the site is located within the Downtown Specific Plan, the Specific Plan programs, policies, and land use designation are regarded as a more refined, detailed version of the General Plan. The land use designation for this property in the Downtown Specific Plan is "High Density Residential". The proposed use conforms to this designation.

Thus, staff concludes that the proposed development plan is consistent with the City's General Plan and Downtown Specific Plan, and staff believes this finding can be made.

3. Whether the plan is compatible with previously developed properties in the vicinity and the natural, topographic features of the site:

The Downtown project site is surrounded by a variety of uses: single-family residential, multi-family residential, and personal service uses. As conditioned, staff believes that the proposed project would be compatible with the single-family/multi-family character in the area. The height of the proposed buildings is within the height range of surrounding buildings. The site is flat with minimal grading proposed for drainage purposes. The design of the buildings is consistent with the Downtown Design Guidelines and staff believes that

the plan, as conditioned, is compatible with the previously developed properties and the natural topographic features of the site, and staff believes this finding can be made.

4. Whether the grading takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible:

The subject site is flat, therefore, as conditioned, staff feels that the minimal grading required is designed in keeping with the best engineering practices and would not have an impact on the environment. Staff believes that this finding can be made.

5. Whether streets and buildings have been designed and located to complement the natural terrain and landscape:

The project site is in a developed area of the City and would not involve the extension of any new public streets. As an urban infill site, there is little natural terrain in the vicinity. Development of the site complements the natural terrain by making only minor changes as necessary to the site's existing, relatively flat topography. Therefore, staff feels that this PUD finding can be made.

6. Whether adequate public safety measures have been incorporated into the design of the plan:

The project, as conditioned, would be consistent with City safety standards. The buildings would be equipped with automatic fire suppression system (sprinklers), as required by the Fire Department. The project would be required to comply with all building and fire code requirements.

Therefore, staff believes that the plan has been designed and conditioned to incorporate adequate public safety measures.

7. Whether the plan conforms to the purposes of the PUD District:

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to ensure that the desires of the developer and the community are understood prior to the commencement of construction. Staff believes that the proposed project implements the purposes of the PUD ordinance in this case by providing a high-density project consistent with the General Plan, Downtown Specific Plan, and Municipal Code. The PUD process allows for ample input from the public and for an ultimate decision by the City Council regarding the appropriateness of the proposed uses and development plan.

Staff feels that through the PUD process, the proposed project has provided neighboring property owners and residents, the applicants, and the City with a rezoning and development plan that optimizes the use of this infill site in a sensitive manner. Therefore, staff believes that this finding can be made.

ENVIRONMENTAL ASSESSMENT

In-fill development projects on sites of five acres or less that have no habitat for endangered, rare, or threatened species, that can be adequately served by all required utilities and public services, that are consistent with the General Plan and zoning regulations, and would have no significant effects on traffic, noise, air quality, or water quality are also categorically exempt (In-fill Development: 15332(32)(a-e)) from CEQA. Furthermore, an Environmental Impact Report for the Downtown Specific Plan was approved by the City Council on March 5, 2005. The Environmental Impact Report anticipated that a high-density residential project, such as that proposed, would be located on the project site. Therefore, no other environmental documentation accompanies this report.

CONCLUSION

The subject site is an infill lot within the Downtown Specific Plan Area. As such, development of this site must relate to the design and development standards of the Downtown residential area while respecting the concerns of and minimizing the impacts on nearby residents. Staff believes that the applicants have done a good job of adhering to the Downtown Design Guidelines. The development exceeds the high-density residential midpoint, which is a goal supported by the General Plan. The project blends in with the Downtown's character and residents who live in the development can walk to Downtown to shop and eat, thus adding to viability and success of Downtown. Therefore, staff believes that the project deserves a favorable recommendation.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Make the finding that the proposed PUD development plan is covered by the previously approved Final Environmental Impact Report for the Downtown Specific Plan.
2. Find that the proposed PUD development plan and related material, Exhibit A, is consistent with the General Plan, Downtown Specific Plan, and purposes of the PUD ordinance;
3. Make the PUD findings listed in this staff report; and

4. Adopt a resolution recommending approval of PUD-64, subject to the development plan as shown in Exhibit A and the conditions of approval listed in Exhibit B, and forward the PUD development plan to the City Council for action.

Staff Planner: Natalie Amos, Assistant Planner, 925.931.5613, namos@ci.pleasanton.ca.us

PUD-64, 4238 First Street, LLC

Application for Planned Unit Development rezoning and development plan approval to: (1) rezone an existing 13,161-square-foot parcel from RM-25 (Multiple-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District; (2) renovate the existing home; and (3) construct four detached single-family units ranging from 1,500 square feet to 1,750 square feet at the property located at 4238 First Street.

Commissioner Blank moved to make the finding that the proposed PUD development plan is covered by the previously approved Final Environmental Impact Report for the Downtown Specific Plan; that the proposed PUD development plan and the related material, Exhibit A, is consistent with the General Plan, the Downtown Specific Plan, and the purposes of the PUD ordinance, to make the PUD findings listed in the staff report; and to recommend approval to the City Council of PUD-64, subject to the development plan as shown in Exhibit A and the conditions of approval listed in Exhibit B.

Commissioner Olson seconded the motion.

In response to an inquiry by Commissioner Narum regarding whether the home at 4238 First Street would be sprinklered, Ms. Decker replied that it would be sprinklered depending on how far down to the studs the renovation went. It is the City's policy that if a renovation included demolition of the interior down to the studs, the home must be retrofitted with a sprinkler system. Commissioner Narum did not see a mention of sprinklers in the staff report.

Ms. Decker noted that a condition could be added to state that if the interior of the structure were demolished such that the studs are exposed, the house would be required to be sprinklered.

The proposed modification was accepted by Commissioners Blank and Olson.

ROLL CALL VOTE:

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

Resolution No. PC-2007-41 recommending approval of PUD-64 was entered and adopted as motioned.



CITY COUNCIL AGENDA REPORT

February 5, 2008

Planning and Community Development

TITLE: PUD-64, FIRST STREET LLC — CONSIDER AN APPLICATION FOR PLANNED UNIT DEVELOPMENT REZONING AND DEVELOPMENT PLAN APPROVAL TO REZONE AN EXISTING 13,161-SQUARE-FOOT PARCEL FROM RM-2,500 (MULTI-FAMILY RESIDENTIAL) DISTRICT TO PUD-HDR (PLANNED UNIT DEVELOPMENT – HIGH DENSITY RESIDENTIAL) DISTRICT, TO RENOVATE THE EXISTING HOME, AND TO CONSTRUCT FOUR DETACHED SINGLE-FAMILY UNITS RANGING FROM 1,713 SQUARE FEET TO 1,919 SQUARE FEET AT THE PROPERTY LOCATED AT 4238 FIRST STREET

PROPERTY OWNERS: First Street LLC

GENERAL PLAN: High Density Residential – Greater Than 8 Dwelling Units Per Gross Acre

SPECIFIC PLAN: Downtown Specific Plan – High Density Residential

ZONING: RM-2,500 – Multi-Family Residential District

SUMMARY

The applicants propose to retain and renovate an existing single-family residence, remove the existing detached garage, and construct four individually designed, detached single-family homes. Both the General Plan and the Downtown Specific Plan land use designation for the subject site are High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with five units on approximately 0.30 acres, would result in 16.6 units per acre and is therefore consistent with the underlying land use designation.

Located at the front of the site, the existing house is considered a historic resource and serves to anchor the development. The four new homes, located at the rear of the site, are three-story detached residences with one-car garages and tandem driveway parking. The homes have individually designed façades incorporating heritage architectural detailing and color palette. The proposed high-density residential development provides a smooth transition between Downtown's commercial and single-family residential districts.

The applicants have agreed to implement all recommended conditions of approval as shown in Exhibit B. Staff and the Planning Commission believe that the project, as

conditioned, is well designed and is consistent with the Downtown Specific Plan and Downtown Design Guidelines.

PLANNING COMMISSION RECOMMENDATION

By a vote of 5 to 0, the Planning Commission recommended approval of the project, subject to the conditions shown in Attachment 1.

RECOMMENDATION

- 1.) Make the findings that the proposed PUD development plan is consistent with the General Plan, Downtown Specific Plan, and purposes of the PUD ordinance; and
- 2.) Introduce the attached draft ordinance approving Case PUD-64 subject to the conditions of approval as shown in Exhibit B.

FINANCIAL STATEMENT

The project is an infill development that will connect to existing infrastructure. The applicant will be providing all additional site improvements related to connections to existing facilities and will replace any damages in kind. The project will pay all City fees, and the City will receive its share of property tax increases resulting from development of the site and sale of the units. Minimal fiscal impact is anticipated.

BACKGROUND

The project site is an approximately 13,161 square-foot (0.30-acre) lot situated on the east side of First Street just south of Vineyard Avenue. The subject property is located within the Downtown Specific Plan Area. The property is essentially flat with a joint access driveway off First Street.



The subject site is developed with an approximately 1,210-square-foot single-family home and an approximately 200-square-foot detached garage. The City has classified

the single-family home as a historic resource of secondary importance. Additionally, in conjunction with the Downtown Specific Plan, the home is on a list of Landmark Quality Buildings over 100 years old with a high level of historic integrity. This home will be preserved and renovated as part of the proposed project.

The site is located within the Multi-Family Residential District (RM-2,500), adjacent to the Downtown’s commercial district. Immediately to the west of the subject property, across First Street, is the Pleasanton Plaza zoned C-C (Central Commercial); to the south is an apartment complex zoned RM-2,500; to the east, along the rear property line, are several duplexes zoned RM-4,000; and to the north lies the recently closed Shell service station zoned C-F (Freeway-Commercial).

Project Description

The proposed application is to rezone the subject property from the RM-2,500 zoning district to Planned Unit Development – High Density Residential (PUD-HDR) and for PUD development plan approval to renovate an existing 1,210-square-foot single-family home and construct four single-family units. In addition, the project would require demolishing an approximately 200-square-foot detached garage and would construct a new single-car carport for the existing home. The new units would have attached “tuck-under” garages. The applicants propose to develop the property into the five parcels, as shown below:

	Lot 1 (Ex. House)	Lot 2 (Plan A)	Lot 3 (Plan B)	Lot 4 (Plan A)	Lot 5 (Plan B)
Lot Size (sq ft)	4,605.89	2,151.64	2017.72	2262.22	2123.33
1st Floor (sq ft)	1,210	478	405	478	405
2nd Floor (sq ft)	—	716	654	716	654
3rd Floor (sq ft)	—	725	654	725	654
Total Living Area (sq ft)	1,210	1,919	1,713	1,919	1,713
Garage	2 Spaces (1 covered 1uncovered)	230.5	230.5	230.5	230.5
FAR (%)*	26%	89%	85%	85%	81%

*FAR percentage does not include garage square-footage. Staff notes that the total site FAR (total living area of the 5-units) is 64.4 %.

If the PUD is approved by the City Council, the applicants will follow with an application for a tentative map to subdivide the property into five separate parcels.



FIRST STREET STREETScape ELEVATION

DISCUSSION

Both the General Plan land use designation and the Downtown Specific Plan designation for the subject site are High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with five units on approximately 0.30 acres, would result in 16.6 units per acre. Although the High Density Residential designation does not have a midpoint density, the City uses 15 dwelling units per acre as the midpoint density benchmark. This proposed development's density is, therefore, 1.6 units per acre greater than the midpoint for the high-density residential land use. Thus, this proposal is consistent with the land use designation, and complies with the Downtown Specific Plan policy of encouraging development at densities that exceed the General Plan midpoints in order to enhance the opportunities for unique housing types, affordable housing, and economic growth in the Downtown.

Furthermore, the proposed project meets the Downtown Specific Plan's Historic Preservation Objective of preserving designated historic resources that can reasonably be preserved. Improvements to the home will include replacing the solid railing with a new, detailed, turned-wood railing and a color that is complementary to the proposed units and the surrounding area. The structural and architectural integrity, however, will stay intact. The preservation of the existing home would maintain the existing character of the streetscape as well as providing a smooth gradation of building mass when viewed from First Street.

In order to ensure that the renovation of the historic home is conducted in a manner that preserves the integrity of the structure, staff has added a condition to the project requiring the applicant to replace any materials or details in kind, subject to review and approval by the Planning Director.

Site Improvements

The applicant is proposing to enhance the site by adding 24" box native trees and 5 gallon shrubs and ground cover. Staff notes that the tree located between Lot 2 and Lot 3 will be relocated so that it is not on the shared property line. Staff has added a condition of approval that requires the applicant to create a maintenance association to maintain the landscaping, driveway, and mail kiosk, to which the applicant has agreed.

In providing the required on-site parking while preserving all existing on street parking, the opportunities for usable open space have been substantially reduced. The Pleasanton Municipal Code prescribes minimum group and private usable open space for dwelling units in the RM districts. A PUD zoning, however, is designed to provide flexibility in development standards to allow innovative design for projects that otherwise meet the intent of the General Plan, Specific Plan, and, in this case, the Downtown Design Guidelines. Consistent with the design of a vibrant, urban, street-friendly development, open space is mainly incorporated into the project in the form of porches and balconies. Each unit is proposed to have an approximately 70-square-foot front porch and approximately 117 square-feet of deck in addition to small rear yards. The reduced open space is mitigated by the close proximity of Kottinger Village Park to the subject site and is considered a trade-off for the amenity of being close to Main Street.

In order to meet the stormwater requirements and enhance the appearance of the lot, the first 8 to 11-feet of the new 18-foot driveway will consist of pavers. A mail kiosk for the five units will be added to the front of the property, which has been reviewed and approved by the post office.

There is a relatively new 6-foot tall redwood fence that borders the majority of the property; however the applicant has agreed to increase the height of the fence to 8-feet to allow for more privacy between properties and better buffering of the commercial site to the north. The applicant is proposing to remove the chain link fence located in the front and yard and portion of the southern side yard and replace it with picket style fencing, not exceeding 42" in height, to match that of the existing redwood fence. Due to the proximity of the units, access is limited and fencing between the units would inhibit emergency access. Therefore, future fencing along property lines for the new and existing lots will not be allowed. Staff has discussed this with the applicant and a condition of approval has been added to reflect this.

Plan Layout and Building Design

As stated above, the project consists of four new single-family detached homes located at the rear of the site with a renovated turn-of-the-century home located at the front of the site. Two of the new houses will be oriented towards First Street with the other two facing the north side property line. The new units have purposely been located along the east and south sides of the property to present a unified heritage theme as viewed from First Street that simultaneously presents a smooth transition with the duplex and apartment complexes located to the east and south of the subject site.

The homes would feature individually designed façades incorporating traditional architectural detailing such as wood shingles; wood framed windows; and a combination of board and batten, stucco, and horizontal wood siding materials. Building mass has been reduced through the incorporation of hipped roofs, dormers, and small gables. To further enhance the overall aesthetics and continuity of the project, the homes will be painted with colors chosen from a “historic color palette.” The heritage style is further expressed through the incorporation of recessed windows and small front porches. New front yard picket style fencing helps maintain a, pedestrian-oriented atmosphere.

Parking

The applicants have designed the project to preserve on-street parking to the maximum extent. All required parking is provided onsite with access from the existing driveway; the project requires no new curb cuts. Due to the layout of the new units with the tuck-under garages, the parking will be screened from the First Street streetscape, as recommended in the Downtown Guidelines. The four new residential units would each contain a full-sized, one-car garage on the ground level that would be accessed from the existing common driveway. Tandem parking would be provided in each of the driveways with one additional guest parking space being provided between Lots 3 and 4. The existing home will have two dedicated parking spaces; one covered parking space is located along the north side of the existing home, and one open space is located behind the existing home. Staff has conditioned that the spaces have a minimum dimension of 10 feet by 20 feet. No parking will be allowed in any area of the common access driveway.

Staff and the Planning Commission have found the proposed parking plan to be acceptable and appropriate for the development:

Downtown Design Guidelines: Siting, Mass, Height, and Garages

The following analysis provides a comparison of the proposed development with key features of the Downtown Design Guidelines.

- Generally align homes with adjacent houses.

The front yard setback of the existing home along First Street varies from 16 to 21 feet. The front setback of the houses along First Street range from 10 to 23 feet. The setback for the existing home will not change, thus, is consistent with other existing structures.

On high density sites, the Downtown Specific Plan and Design Guidelines encourage retaining single-family homes along the streetscape and adding density to the rear of the site.

This project has accomplished that guideline.

-
- Place garages in the rear of the lots.

The new units will be located to the rear of the site with tuck-under garages, therefore, the garages are essentially screened from the streetscape view.

- The floor area of new homes and additions to existing homes are to be compatible with surrounding houses.

The square footage of the proposed units is similar to and in scale with the surrounding duplex and apartment complexes. Staff believes that the project is consistent with this guideline.

- Reflect the massing of surrounding homes, including roof forms and step backs, front porches, bay windows, and balconies.
- Reduce mass through roof forms such as hips, dormers, small gables, and articulations such as balconies.
- Design two-story homes and additions to fit into predominately single-story neighborhoods using techniques such as hip roofs and dormers to minimize building height.
- New homes...[should] be the same or lower in height than other homes in the neighborhood.

The mass of the proposed dwelling units reflects that of neighboring homes. The proposed heights are likewise within the range of heights of neighboring homes, e.g., the buildings located south and north of the subject site. The neighborhood has a mix of one- and two-story single-family homes, apartments, and duplexes. The project has hip roofs and balconies. The project would be consistent with these guidelines.

Garages

- Detached garages are preferred and should be located to the rear of the site.
- Minimize driveway width; 10 to 12 feet is adequate.

Tuck-under garages are proposed, which are situated to the rear of the site, and a new carport would be located along the north side of the existing house. The carport would be at the front of the site, due to siting constraints. Staff believes that the garages, although attached, meet the intent of the Guideline in that they would not be visible from First Street. While the 18 foot wide driveway is wider than 12 feet, staff believes it is supportable, since the additional width is needed for backing out of the guest parking spaces and driveways.

The proposed plan appears to be consistent with the intent of the Downtown Specific Plan and Downtown Design Guidelines and the project appropriately reflects the size, scale, and massing of the Downtown area and other existing residential structures.

Green Building

All new residential projects are required to include green building measures in the design of new homes. The proposed project would consist of "green homes" with a minimum of points in each category (Community, Energy, Indoor Air Quality/Health, Resources, and Water) required for a Certified Rating. The project has been conditioned to require the green building measures to be shown on the plans submitted for issuance of a building permit. A condition of approval requires all of the green building measures indicated on the approved checklist to be inspected and approved by either the City of Pleasanton, a certified LEED Rater, or written verification by the project engineer, architect, landscape architect, or designer.

Planning Commission

The Planning Commission held a publicly-noticed workshop on the proposed development on July 25, 2007, providing direction to staff and the applicant. The staff report and minutes for the workshop are attached.

On October 10, 2007, the Planning Commission reviewed the proposed project. By a 5 to 0 vote, the Planning Commission recommended approval of the project, subject to the conditions shown in Exhibit B. The October 10, 2007 Planning Commission meeting minutes are attached for the Council's information (Attachment 5).

At the meeting, the Commission recommended one modification to the conditions of approval:

1. Should the existing home's interior be demolished to the studs, residential sprinklers shall be required.

Staff and the applicants agree that these conditions are appropriate.

Public Notice and Comment

Notice of this application was sent to all property owners living within 1,000 feet of the subject property. Staff referred this project to the Pleasanton Heritage Association, a newly formed grass roots group of Downtown residents interested in Downtown preservation and development. This group has expressed support of this project. This project was also reviewed by the Pleasanton Downtown Association and a letter of support can be found in Attachment 4. As of the writing of this staff report, staff has received no other public comment.

ENVIRONMENTAL ASSESSMENT

An Environmental Impact Report was prepared and certified for the Downtown Specific Plan. It was approved by the City Council on December 2001. The Environmental Impact Report anticipated that a high-density residential project, such as that proposed, would be located on the project site. The California Environmental Quality Act (CEQA) specifies that individual residential development projects that are prepared pursuant to the requirements of an adopted specific plan, for which an EIR has been prepared and certified, are exempt from additional environmental review. Therefore, no environmental document accompanies this report.

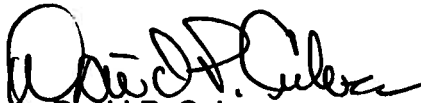
CONCLUSION

Staff believes that, as conditioned, the proposed PUD is in keeping with the themes, policies, and requirements of the Downtown Specific Plan and is compatible with the surrounding area. The proposed site development standards and project design have been created in accordance with the intent of the Specific Plan and the Downtown Design Guidelines. The development of this PUD would, therefore, be carried out in a manner that preserves the unique character desired for Downtown Area.

Submitted by:


Jerry Iserson
Director of Planning
and Community Development

Fiscal Review:


David P. Culver
Director of Finance

Approved by:


Nelson Fialho
City Manager

Attachments:

1. Draft Ordinance, with Exhibit B, Draft Conditions of Approval
2. Location Map
3. Exhibit A, Including Site Plan, Landscape Plan, First Street Streetscape, Elevations, Floor Plans, and Color Pallet, dated "Received, October 26, 2007"
4. Public and Staff Correspondence
5. Photographs
6. Planning Commission Staff Report, dated October 10, 2007
7. Excerpts of the Planning Commission Meeting Minutes, dated October 10, 2007
8. Planning Commission Work Session Staff Report, dated July 25, 2007
9. Planning Commission Work Session Meeting Minutes dated July 25, 2007
10. Applicants Statement to Planning Commission

16. Public Hearing: PUD-64, 4238 First Street, LLC – Consider an application for Planned Unit Development rezoning and development plan approval to rezone an existing 13,161-square-foot parcel from RM-2, 500 (Multiple-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District to renovate the existing home and to construct four detached single-family units ranging from 1,713 square feet to 1,919 square feet at the property located at 4238 First Street

Director of Planning and Community Development Jerry Iserson gave the staff report, described the application request, its location and surrounding development, current zoning, building traditional design and sizes of the homes, parking, the project's compliance with design guidelines, support by the Downtown Association and the Pleasanton Heritage Association, and he recommended the Council consider adding a condition for the developer to contribute \$2,500 toward the Bernal Park. Staff recommends approval of the project, subject to conditions in the staff report and the additional condition suggested.

Mayor Hosterman opened the public hearing. There were no public speakers and she closed the public hearing.

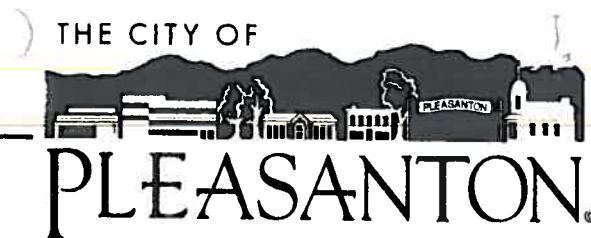
Councilmember McGovern disclosed meeting with the developers and architect on the project. She confirmed with staff that the redwood fence would be increased to 8 feet in height and that the Heritage Association was currently in the process of becoming a non-profit organization and asked if any downtown homeowner or business owner could become a member of this non profit.

Mr. Fialho advised that membership as yet to be established and that he would inform Council of its composition when defined.

Councilmember Sullivan supported the project's density in the downtown and acknowledged support from the Heritage Association and Downtown Association.

Motion: It was m/s by McGovern/Thorne to Introduce **Ordinance No. 1971** approving the application for Planned Unit Development rezoning and development plan approval to rezone an existing 13,161-square-foot parcel from RM-2, 500 (Multiple-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District to renovate the existing home and to construct four detached single-family units ranging from 1,713 square feet to 1,919 square feet at the property located at 4238 First Street, with the added condition for the Bernal Park contribution of \$2,500. Motion passed by the following vote:

Ayes:	Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman
Noes:	None
Absent:	None



August 10, 2010

Mike Carey
327 St. Mary Street
Pleasanton, CA 94566

Re: Request to extend Case No. PUD-55 – 225 West Angela Street, PUD-64 – 4238 First Street, and PUD-73 – 204 Kottinger Drive.

Dear Mr. Carey,

It is my determination that the circumstances surrounding the initial approval of your projects, referenced above, have not changed. As authorized by Pleasanton Municipal Code Section 18.12.030, I am granting a two year extension to the City Council approval of Case No. PUD-55, PUD-64, and PUD-73, subject to their original conditions of approval (enclosed).

Each application is subject to the following extension dates, as determined by their previous extension requests and/or approvals, and shall become void if building permits are not obtained prior to each respective expiration date.

1. PUD-55, 255 West Angela: *Approval to demolish two existing residential units, renovate one existing residential unit, and construct four new single-family homes for a total of five residential units.*

This application shall become void on **December 6, 2012.**

2. PUD-64, 4238 First Street: *Approval to (1) renovate the existing home; and (2) construct four detached single-family units ranging from 1,713 square-feet to 1,919 square-feet.*

This application shall become void on **February 11, 2013.**

3. PUD-73, 204 Kottinger Drive: *Development plan approval to establish development standards for the existing residential units.*

This application shall become void on **July 17, 2012** if a final map is not recorded.

The Planning Commission and the City Council will be notified of these extensions. Any Planning Commission or City Council member has seven (7) days after such notification to overturn this decision.

COMMUNITY DEVELOPMENT

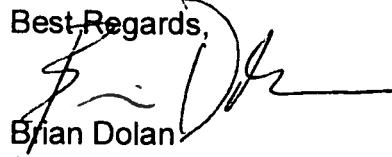
P. O. BOX 520, Pleasanton, CA 94566-0802

Planning	Building & Safety	Engineering	Traffic	Inspection
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5670 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

Mike Carey
Extension Requests
PUD-55, PUD-64, and PUD-73
August 10, 2010

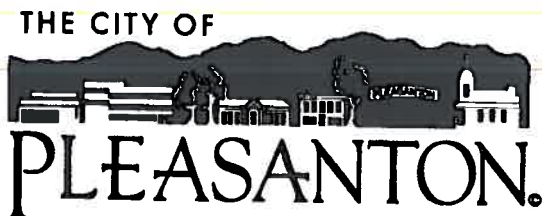
Should you have any questions regarding the projects referenced above, please contact Natalie Amos, Associate Planner, at 931-5613 / namos@ci.pleasanton.ca.us .

Best Regards,



Brian Dolan
Director of Community Development

Enclosures



December 17, 2012

Mike Carey
327 St. Mary Street
Pleasanton, CA 94566

Subject: PUD-64-01M, Minor Modification
Effective Date: January 7, 2013

Dear Mr. Carey:

The City has completed its review of your application for a Minor Modification to extend the development plan approval for PUD-64, consisting of the renovation of the existing home and the construction of four detached single-family units ranging from 1,713 square feet to 1,919 square feet at the property located at 4238 First Street.

In accordance with City Council policy, notice of the proposed PUD minor modification was sent to the surrounding property owners on **December 6, 2012**. No request was made for a formal hearing.

Based upon the information submitted, it is my determination that the above change is not substantial in nature since the overall plan for the site will remain the same. Therefore, in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton, I am granting a minor modification to Case PUD-64-01M subject to the following conditions:

1. Condition of approval No. 29 of Ordinance 1971 for PUD-64, on file with the Planning Division, shall be amended to read as follows:

The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a tentative or parcel map, as applicable, is approved. If a tentative or parcel map is approved, the PUD development plan approval shall lapse when the tentative map or parcel map approval expires. If a final map is recorded before the tentative map or parcel map expires, then the PUD development plan approval shall not lapse.

2. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning

200 Old Bernal Ave.
(925) 931-5600
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Building & Safety

200 Old Bernal Ave.
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Fax: 931-5478

Engineering

200 Old Bernal Ave.
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Fax: 931-5479

Traffic

200 Old Bernal Ave.
(925) 931-5650
Fax: 931-5479

Inspection

157 Main Street
(925) 931-5680
Fax: 931-5484

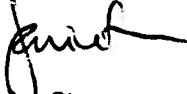
Mike Carey, PUD-64-01M
Page Two
December 17, 2012

3. Except, as modified by Conditions 1 and 2 above, all conditions of Ordinance 1971 for PUD-64, on file with the Planning Division, shall remain in full force and effect.

In accordance with the PUD ordinance, the Planning Commission and City Council are being notified of this approval. **Any Planning Commission or City Council member has twenty (20) calendar days from the date of approval of this letter to appeal this decision if they so desire.** Such an appeal would be subject to a public hearing before the Planning Commission and City Council.

If you have any questions with regard to this matter, please do not hesitate to give me a call.

Sincerely,



Janice Stem
Planning Manager

C: Wade Braker, 4238 First Street, Pleasanton, CA 94566

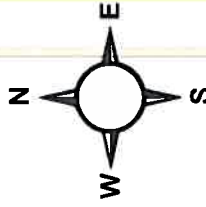
TR 7975, Carey-Braker

City of Pleasanton

GIS

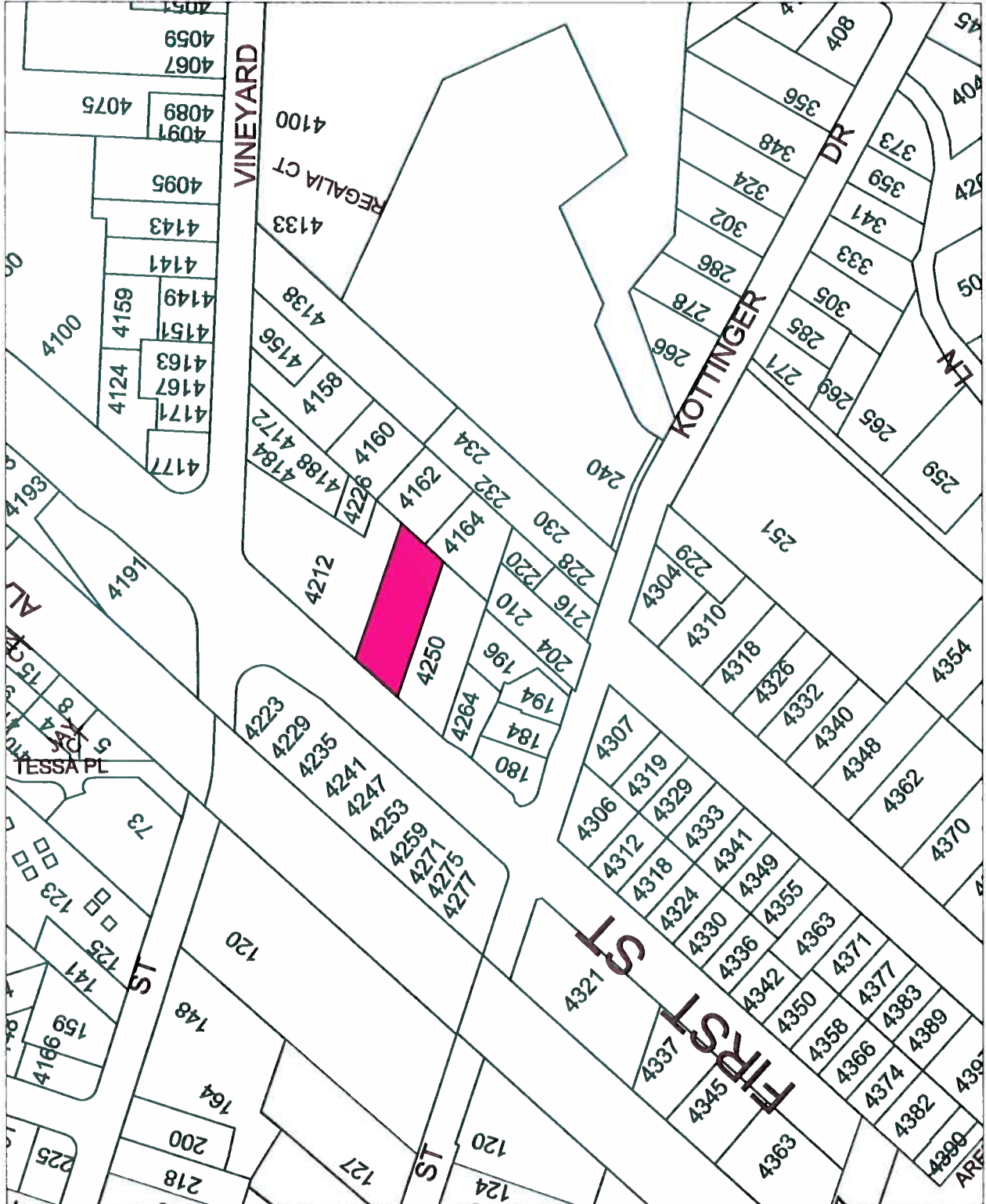
Department

4238 First Street



Printed 3/7/2013

EXHIBIT K



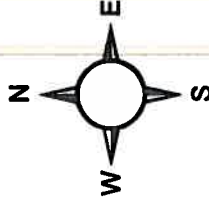
TR 7975, Carey-Braker

City of Pleasanton

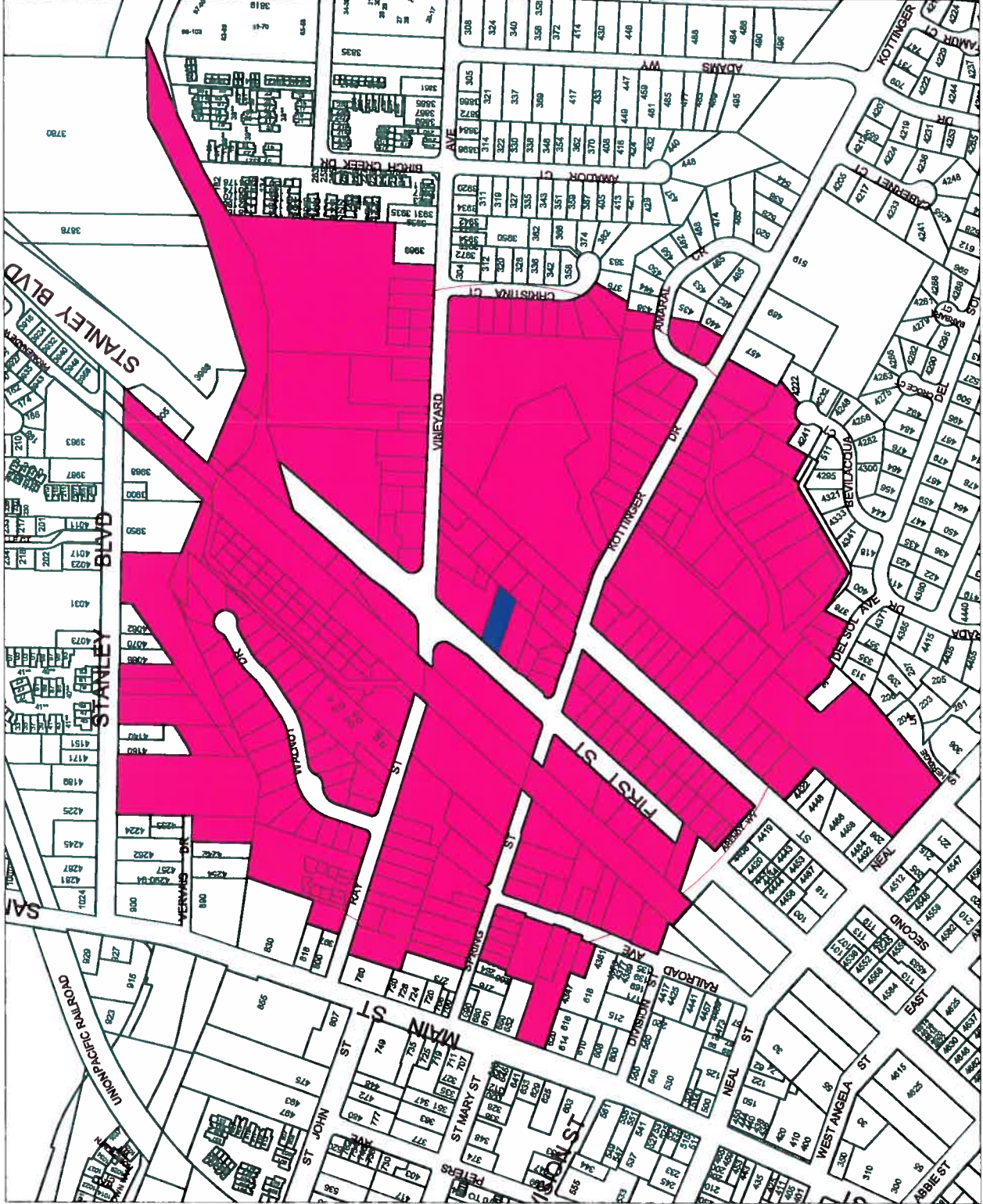
GIS

Department

4238 First Street



Printed 3/7/2013



Natalie Amos

From: Tom Gill,
Sent: Sunday, March 03, 2013 9:41 AM
To: Natalie Amos
Cc: 'Beverly Gill'
Subject: Tract 7975 Mike Carey

Dear Ms. Amos

I received a post card notice of the planned development. I have some questions. I am having a hard time visualizing 5 single family DETACHED homes on that site. Will the homes be attached, or detached?

Will the current house the front of the lot remain? Is the proposed development consistent with the current zoning and the density of the adjacent properties?

Will the new homes be rented, or sold?

I would be OK with something well maintained, and consistent with the neighborhood. The current home on the site is rather neglected looking.

Tom Gill

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