

Planning Commission Staff Report

November 9, 2011
Item 6.b.

SUBJECT: P11-0709 / P11-0717

**APPLICANTS/
PROPERTY OWNERS:** Dave and Francine Cunningham

PURPOSE: Applications for Design Review approval to replace the approximately 482-square-foot, single-story house located at 205 Neal Street with an approximately 1,844 square-foot, two-story residence and for Variances from the Pleasanton Municipal Code to: (1) reduce the front yard setback from the required 23 feet to 20 feet to accommodate the new house; (2) allow one required off-street parking space to be located in the required front yard setback; and (3) allow tandem parking.

LOCATION: 205 Neal Street

GENERAL PLAN: Medium Density Residential

SPECIFIC PLAN: Downtown Specific Plan – Medium Density Residential

ZONING: R-1-6,500 (One-Family Residential) District

EXHIBITS:

- A. Draft Conditions of Approval
- B. Site Plans, Floor Plans, Elevation Drawings, and Color Streetscape dated "Received October 25, 2011"
- C. Story Pole Pictures
- D. Shadow Pictures
- E. Hort Science Arborist Report dated September 7, 2011
- F. Planning Commission Meeting Minutes Excerpts dated April 13, 2011
- G. Preliminary Review Plans dated "Received March 9, 2011"
- H. Historic Evaluation dated "Received June 6, 2011"
- I. Location and Noticing Maps
- J. Public Comments
- K. Pleasanton Heritage Association Letter

BACKGROUND

In March of 2009, Charles Huff, on behalf of the property owners, submitted a Preliminary Review application requesting the City consider the property owners' request to replace the existing single-story residence with a new two-story home prior to submitting a formal Design Review application. Staff provided Mr. Huff with a comment letter that discussed the site development standards (i.e., setbacks, separation, etc.), the design of the home, the proposed parking, the need for an historic evaluation, and retaining the home versus replacing it. In response to staff's 2009 comment letter, Mr. Huff submitted three additional Preliminary Review applications, two in 2010 and one in January of this year; however, the applications were similar to the initial request and, therefore, staff's comments remained the same.

Applications to construct a new single-family home are processed at staff level with action taken by the Zoning Administrator. Prior to submitting a formal Design Review and Variance application, and in order to allow the public to comment on the project, staff and the applicant requested that the Planning Commission review, comment, and provide direction on the applicants' Preliminary Review application.

Planning Commission Work Session

At the April 13, 2011, Planning Commission meeting, the Commission provided the following comments regarding the application:

- Most of the Commissioners felt that the design was appropriate, but were concerned with the massing. There was consensus on the need to install story poles to help assess the massing. One Commissioner suggested that the amount of second floor be reduced and more square-footage be added to the first floor. The applicant was encouraged to set the second floor walls back from the first floor walls, especially on the west side.
- One of the Commissioners was concerned with the location of the garage; however, there was a consensus that the Variance requests seemed supportable.
- The Commission requested that when a formal application is submitted, that it return to the Planning Commission for action and include the following:
 - Historical evaluation,
 - Shadow study,
 - Streetscape elevation, and
 - Structural integrity evaluation

Staff notes that prior to submitting a formal application, the applicant constructed story poles of the proposed home. Staff has included pictures of the story poles in Exhibit C for the Commission's consideration. Furthermore, the applicant did not submit a structural integrity report and requests that the Commission consider the application without this information. Also, in lieu of preparing a shadow study, the applicant has provided pictures during various

times of the day that illustrate the existing shadows on adjacent properties (please refer to Exhibit D). An artist rendering of the streetscape view has been included with Exhibit B for the Commission's consideration.

During the meeting, the Bourgs, adjacent property owners, spoke in opposition to the project stating their concerns with massing and requested Variances. The Bourg's also stated concerns regarding the effect the development will have on their oak tree. The applicant has submitted a tree report prepared by an arborist regarding the proposed construction and the effects, if any, it may have on the oak tree. The arborist concluded that there will be little or no impact to the health of the oak tree. The arborist report is included as Exhibit E for the Commission's consideration. Furthermore, at the request of the applicant, the City's Landscape Architect, Mike Fulford, conducted a site visit to also assess the tree and what impacts the proposal would have on the tree, if any. Mr. Fulford concluded that because a structure (4512 Second Street) had already been built within the drip-line of the tree, and since the location of the new structure is proposed outside of the trees canopy, it is highly unlikely that there are any roots that would be affected by the new construction.

Two additional residents spoke in opposition of the project and five spoke in support (excluding the property owners and their architect). Public comments and additional comments made by the Commission are in the attached meeting minutes in Exhibit F.

SITE DESCRIPTION

The subject site is a Downtown residential interior lot located on the south side of Neal Street. The site is approximately 9,428 square-feet in area and gradually inclines as it progresses east towards Third Street. The properties located south and west of the subject site contain two-story residences and the site east of 215 Neal Street, currently under construction, will be a two-story residence. There is a retaining wall that bisects the property with one two-story residence (215 Neal Street) located on the east side of the retaining wall and one single-story residence (205 Neal Street, the subject dwelling) located on the west side of the retaining wall. Staff notes that neither home (205 or 215 Neal Street) is considered a second dwelling unit (Please refer to Figure 1 on page 4). Similar to other properties Downtown, the two dwellings that exist on the subject property are pre-existing non-conforming in that there are two pre-existing units on one lot zoned R-1-6,500. Therefore, neither house is subject to the Zoning Ordinance provisions for second units; new construction would follow the site development standards of the R-1-6,500 District for a main dwelling unit.

Please refer to the next page for Figure 1

Figure 1: Subject Site



Figure 2: Focused Aerial and Street View



PROJECT DESCRIPTION

Since the Planning Commission work session, the applicant has reconfigured the first and second floor plans, removed the balcony on the rear elevation, and relocated the balcony on the front elevation. Please refer to Figures 3 through 4 for changes to the floor plans. Staff has also included the Preliminary Review plans as Exhibit G for the Commission's reference.

Figure 3: Preliminary Plan

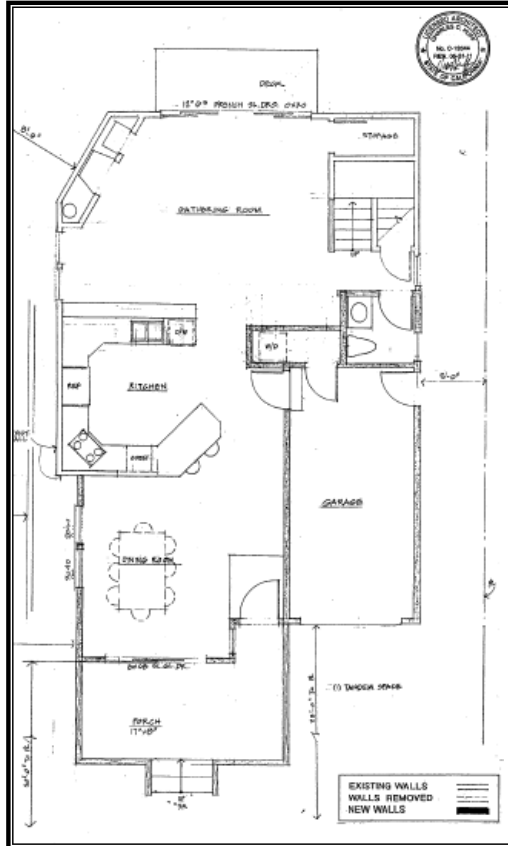
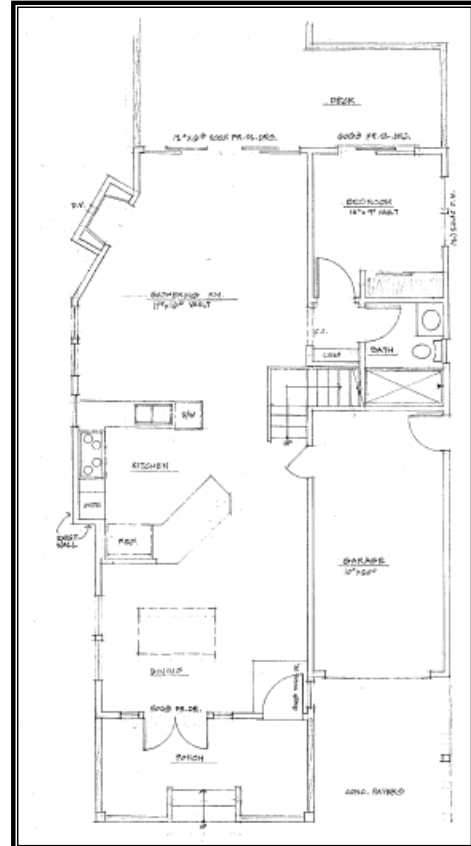


Figure 3.a: Proposed First Floor Plan



Please refer to the next page for Figure 4

Figure 4: Preliminary Plan

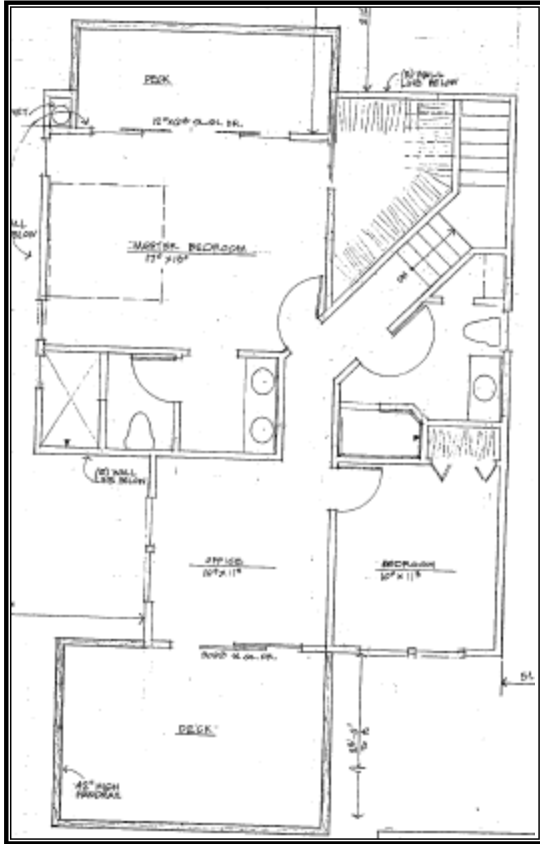
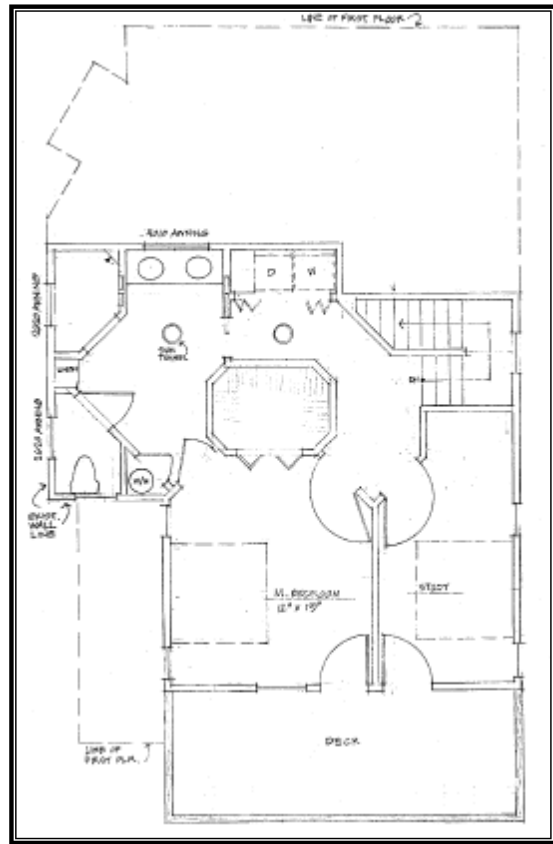


Figure 4.a: Proposed Second Floor Plan



Except for retaining the foundation and the easternmost wall, approximately 20-feet in length (Figure 5 on page 7), the Cunninghams are proposing to replace the approximately 482 square-foot single-story home with an approximately 1,844 square-foot two-story home with tandem parking in front of the proposed attached single-car garage (please refer to Figure 7 on page 7 for the elevation drawing and the site plan in Exhibit B). Staff notes that the east elevation wall of the existing house will be retained, however, given the age of the structure, the wall may need to be removed if there is extensive damage (e.g., dry rot, termites, etc.). The height of the proposed house is approximately 22-feet, 6-inches measured from finished grade to the mid-point of the roof, as the Code requires; the height measured from finished grade to the roof peak is 24-feet, 6-inches. The home features wood clapboard siding and wood trim, composition shingle roofing, and belly band. The applicant is proposing to use a dark khaki color for the body of the house, with the trim being an eggshell white and the gutters a teal color.

Please refer to the next page for Figures 5 through 7

Figure 5: Existing Wall

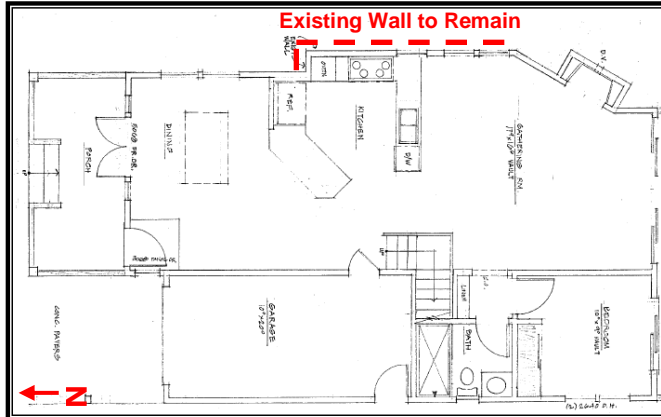


Figure 6: 205 Neal Street



Figure 7: Proposed New Home



The proposal is subject to the development standards of the R-1-6,500 Zoning District. As proposed, the project would not comply with all of the development standards or parking requirements of the R-1-6,500 Zoning District. Specifically, Variances from the Pleasanton Municipal Code (PMC) would be required to: 1) reduce the front yard setback from the required 23-feet to 20-feet to accommodate the new house; 2) allow a required off-street parking space to be located in the required front yard; and 3) allow tandem parking.

ANALYSIS

The project has been reviewed with respect to the Downtown Specific Plan and Design Guidelines as well as the applicable Zoning Ordinance requirements.

Downtown Specific Plan and Downtown Design Guidelines

The Downtown Specific Plan's (DTSP) Modifications to Historic Buildings has the following policies:

Policy 2 (page 67)

“Require the completion of the State of California Department of Parks and Recreation Survey Form-523 to develop and document a statement of historic significance prior to the issuance of demolition permits for any historic resource older than 50 years. Evaluate these properties using the State of California criteria for the California Register of Historic Resources.”

Policy 3 (page 67)

“Prohibit the demolition of any building found to be historically significant with regard to the California Register criteria unless such building is determined by the Chief Building Official to be unsafe or dangerous, and if no other reasonable means of rehabilitation or relocation can be achieved.”

The house at 215 Neal Street was built in 1890 and is listed in the Downtown Specific Plan Environmental Impact Report as an historic resource. The structure is also listed as an historic structure in the General Plan. In 2003, the City hired Architectural Resource Group (ARG) to complete Department of Parks and Recreation (DPR) survey forms for several Downtown properties, including 215 Neal Street. The DRP survey indicates that the house at 215 Neal Street has a high level of integrity and has an even greater level of significance since it was associated with one of Pleasanton's early families. No mention was made of the smaller house at 205 Neal Street. Staff notes that there are no City records that indicate when 205 Neal Street was constructed.

The applicant has provided an historic evaluation for 205 Neal Street that was prepared by an architectural historian who meets the qualifications stated in the Secretary of the Interior's and the State Office of Historic Preservation's professional qualification standards. The historian evaluated the subject house and concluded that the subject house did not qualify for the California Register of Historical Resources, lacked sufficient integrity to be considered a significant architectural resource under the California Environmental Quality Act (CEQA), and

lacked integrity to its historic origins and, therefore, was not considered a significant resource. Furthermore, the report addressed the proposal's potential impacts on significant or potentially significant adjoining properties. The historian found that the project, as proposed, would not be considered an adverse impact on nearby homes and/or properties regardless of their age. For the Commission's consideration, staff has included in the historic evaluation prepared by the historian as Exhibit H.

DTSP and DTDG Design Criteria

The DTSP states objectives and policies for historic preservation. Objective three (page 66) states:

“To ensure that the design of new buildings and modifications to existing heritage buildings and heritage neighborhoods are compatible with the Downtown's traditional design character and scale.”

The DTSP also notes that the design of new buildings should draw upon the primary exterior features of the Downtown's traditional design character in terms of architectural style and materials, colors, details of construction, height, floor area, bulk, massing, and setbacks. These elements should be consistent with those elements of buildings in the immediate neighborhood, and the design of the new buildings should not represent a significant departure from the existing neighborhood character.

The DTSP and DTDG outline parameters related to new construction of residential structures and also provide guidance related to architectural details, materials, and windows. The proposed design of the two-story home features wood clapboard siding and wood trim, composition shingle roofing, and belly band, which is in keeping with the parameters of the DTDG. Aluminum clad wood windows are also proposed; however, the window specifications (frame and sash thickness) were not provided and, therefore, it is not clear whether the windows would be in keeping with the Downtown Design Guidelines. The proposal also includes a second-floor balcony on the front elevation and a covered front porch. Since the April 13, 2011, Planning Commission work session, the Cunninghams have worked with their architect, Charles Huff, to make design changes to be more consistent with the DTSP and DTDG. Staff is of the opinion that the new house is generally consistent with the architectural style and detailing found in the homes Downtown. An attached single-car garage is proposed on the north (front) elevation with tandem parking. However, the DTSP and the Downtown Design Guidelines (DTDG) have policies and design criteria for garage placement and lot coverage.

DTSP Design and Beautification Policy 20 (page 76) states:

“Encourage garages at the rear of lots.”

DTDG Residential Guidelines for New Construction, Remodels and Additions (pages 35 and 38) states:

“Place garages in the rear of lots.”

“Detached garages are preferred and should be located to the rear of the site.”

Staff believes that the garage location, incorporated into the home, but set back slightly, is not consistent with the garage locations preferred in the DTSP and DTDG.

Design and Beautification Policy 17 (page 76) of the Downtown Specific Plan also states:

“Protect the established size and spacing of buildings in residential neighborhoods by avoiding excessive lot coverage and maintain appropriate separations between buildings.”

The proposed home would be located on a lower pad from the house located at 215 Neal Street, approximately 2,808 square-feet in size, that has the appearance of and function as an independent lot. The massing of the proposed house in relation to the building area of this lower pad, in staff’s opinion, is not consistent with the DTSP policy. This issue is discussed further in the floor area ratio (FAR) section below.

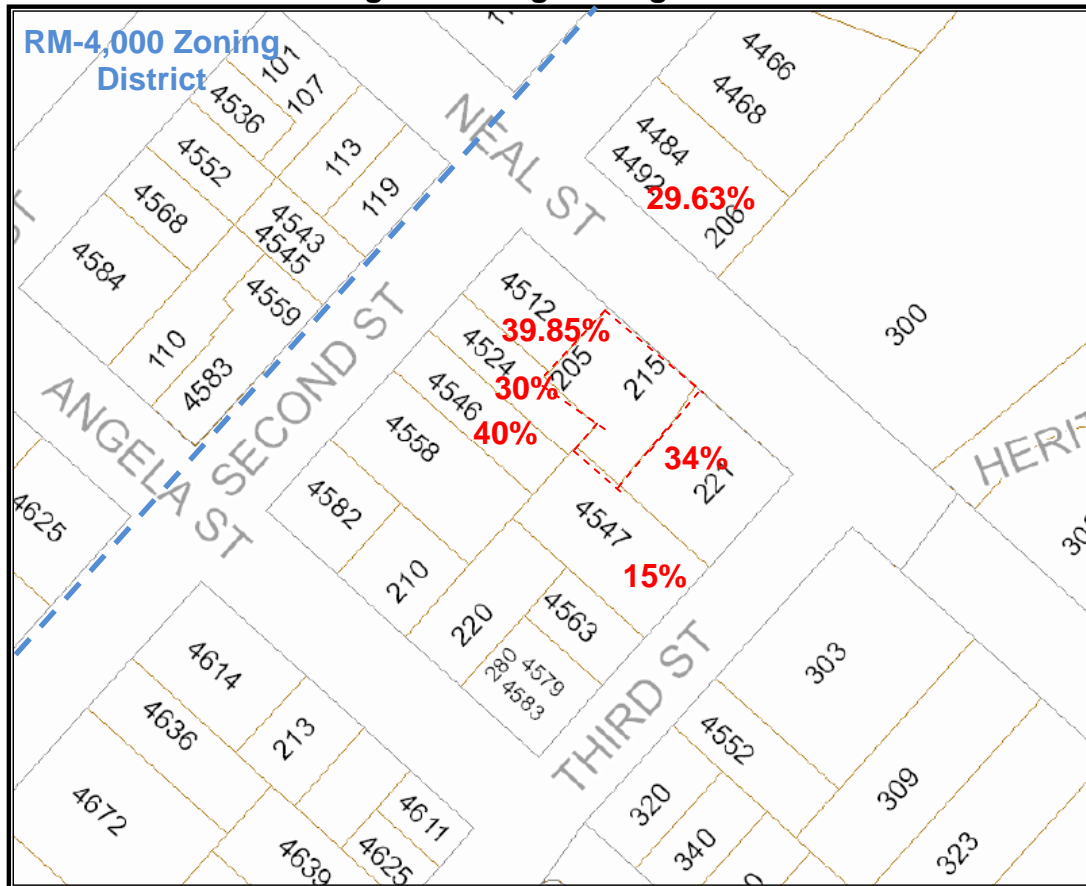
Floor Area Ratio (FAR)

As discussed in the “Site Description” section of this report, the subject property consists of two separate single-family dwellings on one parcel. A retaining wall bisects the property giving the appearance that the two homes are independent of each other and on separate properties. As proposed, the FAR for the overall subject site is 37.68%; below the maximum 40%. If the two structures (205 and 215 Neal Street) were treated independently, with the retaining wall being the common side property line, the subject house (205 Neal Street) would be located on an approximately 2,808 square-foot “parcel” and contain an approximately 1,844 square-foot, two-story home and, thus, would present itself as a home with a FAR of approximately 65.6%. The adjoining home, 215 Neal Street, would be located on an approximately 6,620 square-foot “parcel” and contain an approximately 1,594 square-foot, two-story home with an approximately 114 square-foot accessory structure and, thus, would have a FAR of 25.8%. (Staff notes that the PMC requires accessory structures to be included in the in FAR calculations.)

The homes immediately adjacent to the subject site have FAR’s less than 40% (please refer to Figure 8 on page 11). As proposed, appearing as if the home is located on an independent lot, the relationship of the proposed building to its site is not appropriate. Staff does not object to a two-story home, but staff believes that the home should be reduced in size given the proximity of the proposed structure to the adjacent structures on-site and at 4512 Second Street.

Please refer to the next page for Figure 8

Figure 8: Neighboring FARs



Staff notes that the FARs shown in Figure 8 calculated from City records/building plans. With the exception of 221 Neal Street, 4512 Second Street, and 4546 Second Street, the records did not indicate if accessory structures were/are located onsite.

Zoning Ordinance

Design Review Criteria

The Planning Commission shall review site plans, landscaping plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general welfare. Per Chapter 18.20 of the Pleasanton Municipal Code, projects are evaluated by the following design criteria:

1. *Preservation of the natural beauty of the City and the project site's relationship to it.*

Staff analysis: The proposed project is a new two-story residence that is generally consistent with the architectural style and detailing found in other homes in the Downtown area and, therefore, would not negatively affect the natural beauty of the city.

2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the building, and scale of buildings within its site and adjoining buildings.

Staff analysis: Staff believes the house is well designed. The proposed colors and materials for the home would be compatible with the adjacent homes and would preserve and enhance the residential character by continuing to be harmonious with the neighborhood. However, the proposed project is expanding the building “envelope” and, in staff’s opinion, is not in keeping with the scale of the adjacent buildings given that the home has the appearance of being on a separate lot. The neighborhood has a mixture of single-story and two-story structures. The property located northwest of the subject site has three structures on the lot and maintains a FAR of 25% (4482 and 4492 Second Street and 206 Neal Street – please refer to Figure 8 on page 11). Staff finds that the massing of the proposed home at this location will not be in harmony with adjoining buildings given the proximity of the structure to the adjacent structures.

3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character.

Staff analysis: The project preserves and enhances the residential character of the neighborhood by maintaining neighborhood compatibility and supporting the existing character and development pattern of the neighborhood by pursuing a design that is compatible with adjacent residences. Staff finds that the proposed style of the house is appropriate because of the attention to detail. The architectural style allows for features of the existing house to be maintained and, in staff’s opinion, would continue to be in keeping with the neighborhood design and architectural style with other homes located Downtown. The subject property is adjacent to mature landscaping along the side (west) and front (north) of the property that allows for screening and privacy. However, the scale of the building is not in harmony with the other buildings on the block. Due to the fact that the proposed home has the appearance of being on an independent lot, the scale of the home is out of character for the neighborhood.

4. Preservation of views enjoyed by residents, workers within the City, and passersby through the community.

Staff analysis: The proposed home will not disturb the views of workers within the City or passersby through the community. Residents immediately adjacent to the subject site may have impacted views. Although the adjacent neighbors would see the proposed project, there are no private view easements granted for the subject property or surrounding neighbors. Also, there are no City or homeowner’s association restrictions in place to prevent second-story additions in this neighborhood.

5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape.

Staff analysis: No new landscaping was proposed as a part of this project. However, the applicant has included a “landscaping plan” (sheet 7 of Exhibit B) that shows existing landscaping and indicates the location of grass and paver areas and the location of a proposed rear yard deck and fireplace.

6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape.

Staff analysis: The applicant will be required to submit a lighting plan with the building permit plan check (Exhibit A, No. 6).

7. Architectural style, as a function of its quality of design and relationship to building’s colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings.

Staff analysis: Staff believes that the color and materials of the home are appropriate for architectural style and design of the building and, furthermore, are compatible with the neighborhood. No mechanical equipment or other utility hardware was proposed with this project.

8. Integration of signs as part of architectural concept.

Staff analysis: No signage was proposed with this project.

9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

Staff analysis: No miscellaneous structures, street furniture, or public art were proposed with this project.

This portion of the Downtown (Neal Street, Second Street, and Third Street) consists of a mixture of one- and two-story homes and a two-story home on this site would conform to the established neighborhood pattern. The height of the proposed house conforms to the Zoning Ordinance, as it is 22-feet, 6-inches measured from finished grade to the mid-point of the roof, as the Code requires; the height measured from finished grade to the roof peak is 24-feet, 6-inches. The FAR is 37.68%, which is under the maximum 40% allowed by Code. However, staff finds that the house would appear better integrated into the neighborhood if it were designed to be smaller in scale/massing. Therefore, staff believes that the project, as proposed, does not meet all of the criteria discussed in the DTSP, DTDG, and the Zoning Ordinance related to massing/scale. The location of the proposed garage is also problematic.

Variance Requests

As stated above, the subject lot is located in the R-1-6,500 Zoning District and, therefore, new construction would have to comply with the development standards and parking requirements

of that Zoning District for a main dwelling unit. As proposed, the new home would comply with the height, FAR, and rear and side yard setbacks; however, Variances from the Pleasanton Municipal Code would be required in regards to the front yard setback and parking. The development standards for a main structure and parking requirements for the R-1-6,500 Zoning District are noted below with the proposed standards noted in *italic* thereafter:

- Height: 30-foot maximum, measured from the average elevation of the natural grade to the midpoint of the roof.

24-feet, 6-inches as measured from finished grade to the highest point of the roof.

- Setbacks: Front = 23-foot minimum for main structures, 12-feet for covered porches and unroofed steps (standards noted below*), and 15-feet for unroofed second-floor balconies; Rear = 20-foot minimum (exception below**); Sides = 5-foot minimum on one side/12-foot minimum total combined side yards.

Front = 20-feet for the main structure, 12-feet for the covered porch and unroofed steps*, and 15-feet for the balcony; Rear = 15-feet**; Sides = 5-feet/12-feet combined.*

*Section 18.84.120 C allows unroofed steps to come to a point not closer than 12-feet to a front property line, or may project not more than eight feet into a required front yard, provided that the height, including railings, shall not exceed six feet above the grade of the ground at the property line.

Section 18.84.120 F states that covered front porches may come to a point not closer than 12-feet from the front property line, provided that the covered front porch is designed to be an integral part of the home, is open on three sides, has a minimum depth of eight feet, and has a minimum width of 10-feet. Porch eaves may project no more than an additional 24-inches into the required front and/or side yard setback areas.

**Section 18.84.090.E permits one-story portions of a new home to be setback to within 15-feet of the rear property line provided there remains a single unobstructed open space area of 1,560 square-feet in the side or rear yards which has a minimum dimension of not less than 15-feet.

- Separation: At the time of initial construction, a main structure exceeding 15-feet in height shall be separated at least 20-feet from another main structure exceeding 15-feet in height; however, if only one of the main structures exceeds 15-feet in height, then a 17-foot minimum separation is required. One-and two-story additions can be built with the same separation as the existing dwelling.

There is a minimum of 10-feet of separation between the existing house at 215 Neal Street and the proposed one-story walls of the proposed house and a 17-foot

separation between the two-story walls of the new house to the one-story wall of 215 Neal Street.

- Floor Area Ratio (FAR): 40% maximum, measured by adding the total area of the homes (205 and 215 Neal Street) and accessory buildings on the lot, excluding garage areas used for required off-street parking, divided by the lot area.

1,594 square-feet (215 Neal Street) + 114 square-feet (accessory building behind 215 Neal Street) + 1,844 square-feet (proposed residence) = 3,552 square-feet / 9,428 (lot area) = 37.68%.

- Parking: A single-family dwelling is required to provide two off-street parking spaces, one which is covered (i.e., in a garage or carport) with tandem parking and parking in the front yard setback not being allowed.

Attached single-car garage with uncovered tandem parking located in the front yard setback. Staff notes that 205 Neal Street currently has two existing, nonconforming uncovered tandem spaces along the west side of the house. This existing, nonconforming condition could have remained if these spaces were not removed or altered. Since the applicant is removing these spaces in order to accommodate the proposed house, the new parking spaces must conform to current Codes.

Given the development standards, the proposal would require the following Variances from the Pleasanton Municipal Code:

- Reduce the front yard setback from the required 23-feet to 20-feet for the new house.
- Allow tandem parking. Staff notes that the Variance for the tandem parking is required because the existing non-conforming tandem spaces are being removed. If the existing, non-conforming tandem parking spaces were not altered, a variance would not be required. However, it is not feasible to retain the existing tandem parking given the proposed setbacks of the home and an alternative design would be required to accommodate the existing tandem parking.
- Allow a required parking space in the front yard setback.

Staff notes that Mr. Huff is of the opinion that a Variance is not required for reducing the front yard setback from the required 23-feet to 20-feet. Section 18.84.080.B. of the PMC states:

“Where sites comprising 40 percent of the frontage in a R district on a block are improved with buildings, the minimum front yard shall be the average of the minimum front yard depths for structures other than garages or carports on each developed site in the district on the block. In computing the average, a depth of 10-feet greater than the minimum required front yard shall be used for any site having a greater yard depth.”

205 Neal Street (the subject house) currently has a front yard setback of 34-feet, 6-inches. When applying section 18.84.080.B., 33-feet would be used for computing the average since the setback exceeds the 23-foot front yard setback by more than 10-feet. The house located at 215 Neal Street has a front yard setback of approximately 18-feet, 8-inches and the house currently under construction at 221 Neal Street (the Harvey house) has a front yard setback of 23-feet.

The three front yard setbacks added together equals 76.4. When dividing 76.4 by three (the three homes on the Neal Street block) the average front yard setback is approximately 24.8-feet and, therefore, the standard 23-foot front yard setback would be required. The argument was made by Mr. Huff that the Harvey house (221 Neal Street) should be excluded since it isn't finished. If the 221 Neal Street house was excluded, then the average front yard setback would be approximately 25-feet, 8-inches and, therefore, the 23-foot setback would still apply (34-feet, 6-inches (205 Neal Street) + 18-feet, 8-inches (215 Neal Street) / 2 (the two lots) = approximately 25-feet, 10-inches).

Variance Findings

The Planning Commission may grant a variance to a regulation prescribed by Title 18 (*Zoning*), of the Pleasanton Municipal Code with respect to: site area; lot width, frontage or depth; front, rear or side yards; basic floor area; height of structures; distances between structures; usable open space; etc. Variances from these regulations may be granted only when the Planning Commission finds that the following circumstances apply:

1. *That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;*

Staff analysis: The lot inclines towards the east of the property (215 Neal Street); however, the western portion of the lot – the location of the proposed development – is relatively flat. The lot has minimal topographical limitations and has a somewhat atypical shape. The property is located in the R-1-6,500 zoning district which requires: 1) a minimum lot area of 6,500 square-feet, 2) a minimum lot depth of 100-feet, and 3) a minimum lot width of 65-feet. However, in 2006 a Variance application (PV-148) was approved for 205/215 Neal Street to allow a lot depth of approximately 80-feet where a 100-foot minimum is required. The depth of the lot was reduced as a result of a corresponding Lot Line Adjustment application (PLLA-84) between 205/215 Neal Street and 221 Neal Street. The Lot Line Adjustment transferred 1,646 square-feet from 205/215 to 221 Neal Street by adjusting the common side property line, which reduced the total square-footage of 205/215 Neal Street to 9,428 square-feet in area. Although the subject lot exceeds the minimum lot area and width, it is substandard in depth for a lot in the R-1-6,500 Zoning District.

The proposed home meets all other setback and height requirements of the R-1-6,500 Zoning District. However, the substandard lot depth makes it difficult for the applicant to provide the 23-foot front yard setback for new development. Furthermore, the incline of the lot on the east

side and substandard lot depth prevents the applicant from locating the required parking space in a side yard and outside of the front yard setback. The lot depth and strict application of the provisions of this chapter prevent the applicant from maintaining the 23-foot front yard setback and locating a non-tandem parking space outside of the front yard setback and, therefore, would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. Therefore, staff believes this finding can be made.

- 2. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district;*

Staff analysis: In order for this finding to be made, there must be a relationship between the unique site and the variance in question. As stated above, staff believes that the property is unique in that there is an incline of the lot on the east side and it is substandard in lot depth, and if the lot depth met the minimum R-1-6,500 District standards and the lot were level, the parking Variances would not be needed. Variance requests for setbacks have been approved throughout the City, and Downtown, for other properties in the same zoning district (i.e., 4512 (the adjacent property), 4558, and 4698 Second Street, 4575 Augustine Street, and 4070 Stanley Boulevard). Therefore, staff believes that the Planning Commission would not be granting a special privilege to the property owner that is inconsistent with other Variance approvals.

- 3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 1520 § 5, 1991; prior code § 2-11.29(1))*

Staff analysis: The front yard setback for dwellings is designed to insure the public's safety and general welfare by providing adequate visibility for safe traffic maneuvers and to preserve the aesthetic character of the residential neighborhood. The 20-foot front yard setback of the house would not pose a traffic sight obstruction due to the lot's approximately 110-foot distance from the nearest street corner and the additional 14-foot setback from the street provided by the sidewalk and planter areas along the frontage of the lot. Also, the front setback of the house would be compatible with the setbacks of other homes in the area, many of which are less than 23-feet. Additionally, a house of appropriate size would not appear overbearing as viewed from the street due to the additional 14-foot setback provided by the sidewalk and planter areas. Also, even if the building were to meet the 23-foot setback, the front porch would still be 12-feet from the front property line and, therefore, the building wall would not create safety issues. Furthermore, the tandem parking in the front yard would not extend into the public right-of-way (i.e. sidewalk). The proposed reduced setback and tandem parking are common for properties located in Downtown. Therefore, staff believes this finding can be made.

ENVIRONMENTAL ASSESSMENT

The construction of the new home and variance requests are categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15303, New Construction or Conversion of Small Structures, Class 3 and Section

15305, Minor Alterations in Land Use Limitations, Class 5. Therefore, no environmental documents accompany this report.

PUBLIC NOTICE

Notices regarding the proposed Design Review and Variance applications and related public hearing were mailed to property owners and tenants within 1,000-feet of the subject property. Staff has provided the location and noticing maps as Exhibit I for the Commissions reference.

Prior to sending public notification cards, staff had received public comments from residents regarding the proposed application. Staff notes that, if requested by the resident, those public comments were provided to the Planning Commission via email. Of the 19 letters and/or emails received at the time this report was published, 13 were in opposition to the proposal, two had concerns with the proposal but were not necessarily opposed, and two were in support of the proposal (staff notes that two property owners submitted multiple emails). Staff also received a verbal message from the Boags (4558 Second Street) stating similar concerns to those discussed in the emails of non-support. The public comments have been included in Exhibit J for the Commission's consideration.

The applicant has requested that the letters of support provided at the April 13, 2011, Planning Commission meeting be included with this staff report. Therefore, staff has included all of the public correspondence from the April 13, 2011, Planning Commission work session in Exhibit J, labeled as "work session" comments.

Pleasanton Heritage Association (PHA)

The PHA reviewed the plans and provided comments regarding the proposed home. The PHA's comments are related to the size of the proposed home, stating that it is too big, their concerns with needing Variances, and how they believe replacing the existing home (205 Neal Street) would diminish the historic character of the neighborhood. The comments in their entirety are attached as Exhibit K.

STAFF RECOMMENDATION

The two homes (205 and 215 Neal Street) have the appearance of being on two separate lots. Staff is of the opinion that, although well designed and architecturally consistent with the other homes Downtown, the scale/massing of the proposed home is not appropriate for the "independent lot." However, should the Planning Commission wish to approve the house as proposed, staff recommends that the Planning Commission take the following actions:

1. Make the Variance findings listed in this staff report, and
2. Approve Cases P11-0709 and P11-0717, subject to the conditions shown in Exhibit A.

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