

Planning Commission Staff Report

February 9, 2011
Item 6.c.

SUBJECT: PV-203

APPLICANT: Michael Tolleson

PROPERTY OWNER: Rahul Limaye

PURPOSE: Application for a Variance from the Pleasanton Municipal Code to allow a garage to be set back 11 feet, 6 inches from the street-side sideyard property line where a 20-foot setback is required.

LOCATION: 4267 Churchill Drive

GENERAL PLAN: Medium Density Residential – 2 to 8 dwelling units per gross acre

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

EXHIBITS:

- A. Draft Conditions of Approval
- B. Site Plan, Narrative, and Site Photos dated “Received October 15, 2010”
- C. Garage Building Permit and Site Plan
- D. Location and Noticing Maps

BACKGROUND

In September of last year, Mr. Tolleson (applicant) presented staff with two proposals for relocating the garage at 4267 Churchill Drive, the subject site. Staff did an informal review of the two proposals and informed Mr. Tolleson that both proposals would require an Administrative Design Review application with one of the options also requiring a Variance from the Municipal Code to reduce the street-side yard setback to accommodate the relocated garage. Staff informed Mr. Tolleson that it was unlikely that the findings could be made to support a variance and should a formal application be submitted a variance would likely not be supported at staff level. Staff suggested that Mr. Tolleson consider pursuing an option that did not require a Variance. Further discussion on the two options can be found in the “Analysis” section of this report.

On October 15, 2010, Mr. Tolleson submitted an application for a Variance to reduce the street side-yard setback for a new garage. Mr. Tolleson was informed that the requested Variance

was not supported by staff; however, should he choose to move forward with the application additional information and Planning entitlements would be necessary. Mr. Tolleson did not want the property owner to ensue unnecessary costs by producing additional plans and processing fees if the Variance application was not going to be granted. Therefore, Mr. Tolleson requested that the Variance move forward and if approved an Administrative Design Review application, with appropriate drawings, would be submitted at a later date. Staff notes that Administrative Design Review applications are processed at staff level and are not reviewed by the Planning Commission unless appealed.

Variance applications are normally processed at staff level with action taken by the Zoning Administrator at a public hearing. However, section 18.132.060 (*Public hearing*) of the Pleasanton Municipal Code allows Variance applications to be referred to the Planning Commission for review and action. Staff does not support the Variance and if the Zoning Administrator did not grant the Variance the applicant indicated he would appeal to the Planning Commission. Therefore, staff has referred the Variance application directly to the Planning Commission for consideration.

SITE DESCRIPTION

The subject site is located south of Fairlands Drive on the northeast corner of Churchill Drive in the Pleasanton Meadows / Fairlands neighborhood (please refer to Figure 1 below). The site is a flat approximately 8,997 square-foot lot with an approximately 2,514 square-foot single-story residence and 400 square-foot attached garage. There is a driveway and parking pad located on the southeast side (front) of the house and a driveway that leads to the garage on the west side (street-side). There is a two-story residence located east (right) and northeast (rear right) and a single-story residence located north (rear) of the subject site.

Please refer to the next page for Figure1

Figure 1: Aerial View



Figure 2: Focused View

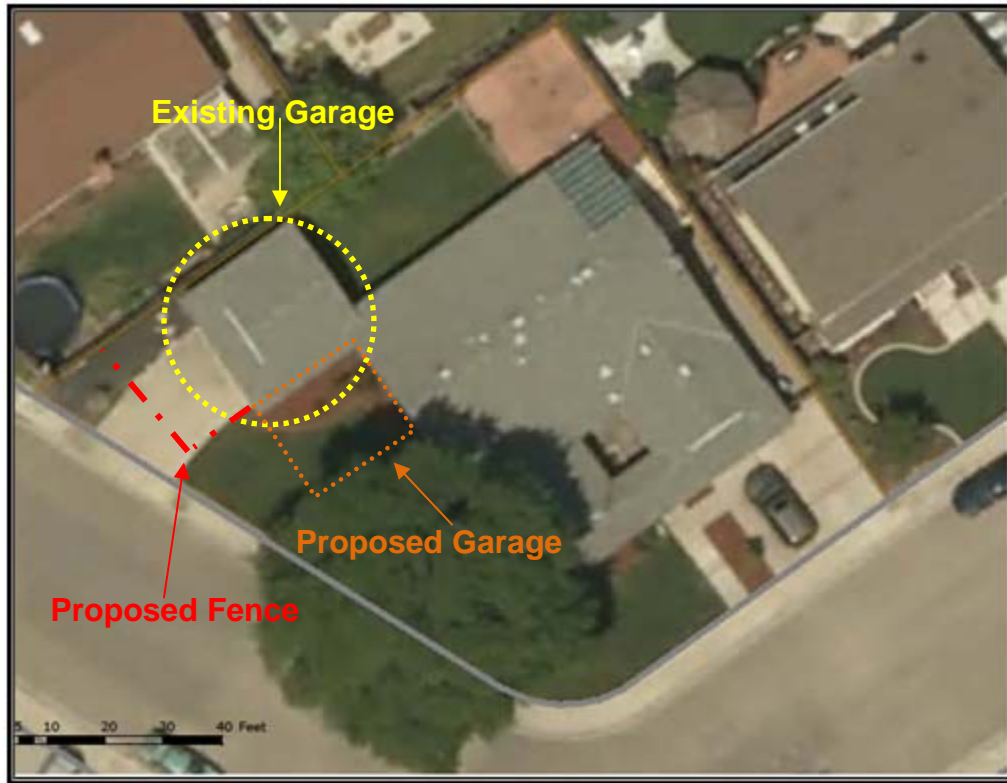


PROJECT DESCRIPTION

The applicant is requesting a variance from the Municipal Code to reduce the street-side yard setback from the required 20-feet to 11-feet, 6-inches for the construction of a new garage. The proposed garage is approximately 400 square-feet and would replace the existing garage

(please see Figure 3 below) along the west elevation. The new garage would be located approximately 19-feet south of the existing garage's location to allow for direct interior access into the house and would be continuous with the rear house wall (please refer to Exhibit B). The applicant is also proposing to construct a new fence along the street-side yard to allow for more usable rear yard space. Fences located on the street-side yard are required to have a minimum 5-foot setback and, as proposed, the fence measures 4-feet 6-inches. Reducing the street-side yard setback for the fence was not included in this Variance request. However, staff would not support a request to reduce the street-side yard setback for the fence and, therefore, the fence would have to be setback an additional 6-inches in order to meet the minimum 5-foot street-side yard setback.

Figure 3: Garages



As discussed in the “Background” section of this report, the applicant did not want to submit additional information (i.e., elevation drawings, floor plans, etc.) pertaining to the new garage and fence and, therefore, details pertaining to the garage and fence are not discussed in this report.

ANALYSIS

Existing Garage

Based on the applicant’s narrative (Exhibit B), the proposed residence was a model home for the development (Tract 2964) with the sales office being located in the subject residence’s designated garage space. The applicant indicates that the garage space was constructed as

an office with an employee restroom and the existing attached garage was constructed to meet the City's parking requirements. According to the applicant's narrative, the driveway, located south of the house, remained for homebuyer parking and the existing attached garage, setback approximately 18-feet from the street-side yard, and second driveway were constructed on the west side of Churchill Drive. As shown in Exhibit C, there was a building permit issued for the construction of the existing attached garage; however, there are no floor plans on file with the City for the home. Staff notes that the building permit site plan indicates that the "homebuyer" driveway was to be removed. Corner lots are allowed two driveways, subject to approval from the City Engineer, and, therefore, staff is not recommending removal of the "homebuyer" driveway.

Proposed Garage

The proposed garage is subject to the development standards of the R-1-6,500 (Single Family Residential) zoning district and, as such, is required to have a minimum setback of 20-feet, as described in section 18.84.090 (D) (*Side and rear yards – Requirements and exceptions*) of the Municipal Code. The purpose of the 20-foot setback is to accommodate parked cars on the driveway when the garage door is closed. As proposed, the driveway varies in length from 13-feet to 19-feet, 6-inches and, at best, would only be able to accommodate one small-to medium-sized car at the north side of the driveway.

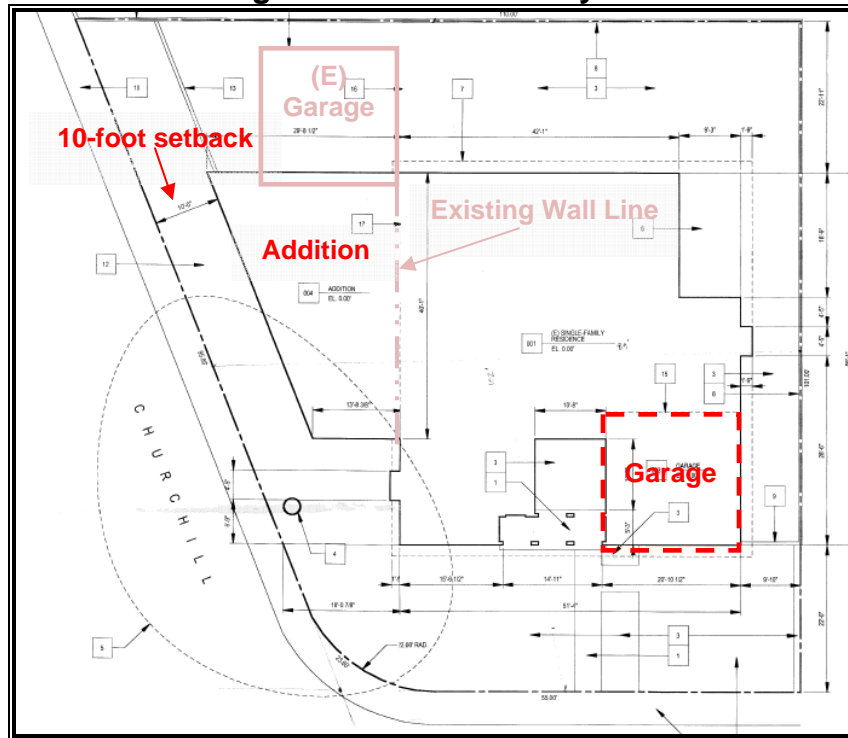
The new garage would replace the existing garage and would be located approximately 19-feet south of the existing garage's location (please refer to Figure 3 on page 4). Although the existing garage is setback approximately 18-feet, the western property line is not at a 90-degree angle and skews to the east (right) towards the interior of the lot. The property line "skew" and location of the existing residence reduces the street-side yard setback as the garage moves closer to the front of the residence. By removing and constructing a new garage, the property owner will gain more usable rear yard space (please see Exhibit B). As proposed, the garage would have a street-side yard setback of 11-feet, 6-inches instead of the 20-feet that is required. The garage would, however, meet the size requirements for parking (20'x10' for each space) in the R-1 zoning district.

Alternative Garage Proposal

When requesting informal feedback from staff in September of 2010, the applicant had provided staff with two proposals. As shown in Figure 4 (see next page), an alternative would be to construct an addition along the west elevation and return the garage to the front (south) of the house. The addition, unlike garage requirements, would only require a minimum 10-foot setback on the street-side.

Please refer to the next page for Figure 4

Figure 4: Alternative Layout



The alternative option shown in Figure 4 would meet the setback requirements for the R-1-6,500 zoning district and would not require a Variance. However, without knowing the square-footage or height of the addition, staff does not know if the alternative plan would meet the other development standards (i.e., floor area ratio and height requirements) of the R-1-6,500 district.

The applicant acknowledges the feasibility of alternative solutions (i.e., parallel entry garage or moving the garage to its original location) that would not require a variance; however, he feels that it is unreasonable. The applicant feels that a parallel entry garage, while feasible, would create a large concrete driveway. There are, however, alternative materials that are environmentally friendly and soften the appearance of a driveway (e.g., turf block stone or concrete pavers, gravel, brick, etc.). By returning the garage to the front of the house, the homeowner would gain rear yard space and adhere to the street-side yard setbacks (as shown in Figure 4 above).

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: In order for this finding to be made, there must be a special circumstance applicable to the property. 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, Section 18.84.050 (*Width of corner lots*) states the following:

“Corner lots shall have extra width in addition to the width prescribed in the zoning schedule at least equal to the width of the minimum interior side yard prescribed for a main structure in the district and in no case shall the lot be less than 80-feet.”

In the R-1-6,500 zoning district the minimum interior side yard width for a main structure is 5-feet. With a minimum lot width of 65-feet and a minimum interior side yard width of 5-feet, the lot width for a corner lot in the R-1-6,500 zoning district would be 70-feet. However, as stated above, a corner is required to be at least 80-feet in width.

The lot is approximately 8,996 square-feet, has a depth of approximately 102-feet, and a width of approximately 89-feet (as defined by the Pleasanton Municipal Code). The subject lot, therefore, exceeds the minimum lot standards for a corner lot in the R-1-6,500 zoning district. The lot is flat and does not have topographical limitations and, although it has a somewhat atypical shape, it does not deprive the property of privileges enjoyed by other properties in a R-1-6,500 zoning district.

Staff found that there were not any special circumstances applicable to the property that justify reducing the street-side yard setback for the proposed garage and, therefore, the property would not be deprived of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.

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 site and the variance in question. The subject site is a flat lot located in a residential neighborhood and exceeds the minimum lot area, depth, and width for a corner lot and, therefore, staff does not believe that the lot size, shape, topography, location, or surroundings are unique. Furthermore, there are feasible alternatives that would not require a Variance to reduce the street-side yard setback.

Staff is not aware of other similar Variances granted to other properties in the R-1-6,500 zoning district. Granting this variance would be a special privilege to the homeowner that is

inconsistent with other properties in the same zoning district. Therefore, this finding cannot be made.

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.*

Staff analysis: The purpose of the 20-foot setback for a garage is to provide sufficient room for cars to park outside of the garage. Due to the angle of the street-side yard property line, the proposed driveway apron is approximately 13-feet to 19-feet, 6 inches in length. The proposal could create safety impacts if pedestrians and others on the sidewalk have to go into the street because a car is blocking the sidewalk. Therefore, staff believes that the proposal could be detrimental to the public health and safety, thus, this finding cannot be made.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within 1,000-feet of the site. At the time this report was prepared, staff had not received public comments. Staff has provided the location and noticing maps as Exhibit D for the Commission's reference.

ENVIRONMENTAL ASSESSMENT

Minor lot line adjustments, side yard, and setback variances not resulting in the creation of a new parcel are categorically exempt (Section 15305 Minor Alterations in Land Use Limitations) from the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

The subject lot is flat, does not have topographical limitations, and exceeds the minimum lot standards set forth in its respective zoning district. Staff believes that the findings for the Variance request cannot be made and that the applicant has alternative solutions that do not require Variances from the Municipal Code. Staff encourages the applicant to revise the proposal to meet the development standards of the R-1-6,500 zoning district.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny Case PV-203.

Alternative for Commission Consideration

If the Commission believes that the three Variance findings can be made for the garage, staff has attached draft conditions of approval (Exhibit A) for the Commission's consideration.

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