

- SUBJECT:** PUD-61
- APPLICANT/PROPERTY OWNERS:** Emil Oxsen and Kathleen Morrison
- PURPOSE:** Application for a Planned Unit Development (PUD) to: (1) rezone an approximately 10,669-square-foot parcel from R-1-6,500 (Single-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District; and (2) Development Plan to allow the existing 1,118-square-foot and 1,200-square-foot single-family detached units and detached garage.
- GENERAL PLAN:** High Density – Greater than 8 dwelling units per gross acre
- SPECIFIC PLAN:** Downtown Specific Plan
- ZONING:** R-1-6,500 and Core Area Overlay District
- LOCATION:** 403 Saint Mary Street and 730 Peters Avenue
- ATTACHMENTS:**
1. Location Map
 2. Exhibit A: Site Plans, Photographs, and Narrative dated “Received, January 22, 2007”
 3. Exhibit B: Draft Conditions of Approval dated March 28, 2007

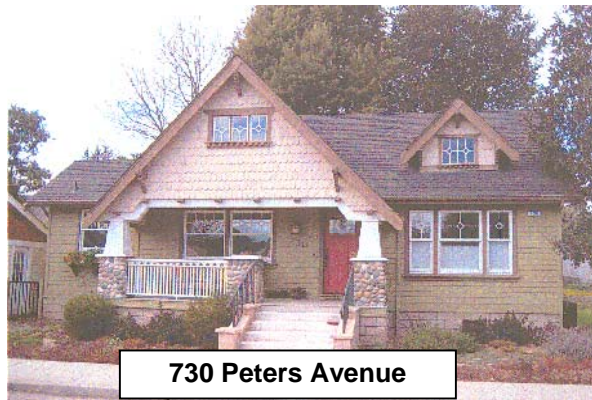
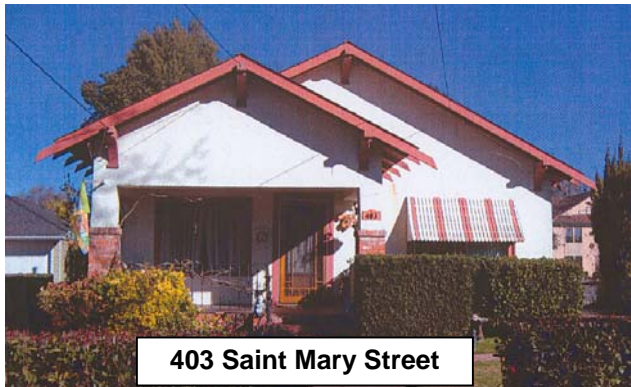
BACKGROUND

The applicants submitted an application for a planned unit development on January 22, 2007 to create a two-lot subdivision of an existing property, with an existing single-family home on each parcel. After City Council action, the applicants will follow with an application for a minor subdivision to create two legal parcels.

The subject site is developed with a 1,120 square-foot single-family home (403 Saint Mary Street) that, per the County Assessor's data, was constructed in 1915. The home is not listed as a resource of primary or secondary importance with the City.

On January 15, 2003, the applicants received approval (PADR-684/PCUP-68/PV-76) to construct a 1,200-square-foot detached second unit in the rear yard area of the subject property. The second unit fronts Peters Avenue (730 Peters Avenue). As a condition of approval, in accordance with the restrictions placed on secondary units at the time, the applicants were required to file deed restrictions requiring one unit to be owner-occupied; that the second unit would not be occupied by more than two adults, and only the number of children permitted by law; and that the second unit should not be sold, subdivided, or held under different legal ownership from the primary residence. In addition, a condition of approval prohibited the second unit to have a second floor.

The proposed project is before the Planning Commission to provide the City Council with a recommendation.



SITE DESCRIPTION

The project site is an approximately 10,699 square-foot (0.23-acre) lot situated at the northwest corner of Saint Mary Street and Peters Avenue. The subject property is located within the Downtown Specific Plan Area and the Core Overlay District. The property is essentially flat with a joint access driveway off of Peters Avenue.

The site is at eastern end of a high-density residential district adjacent to the Downtown's office and central commercial district. Immediately to the west of the subject property is a single-family home and two rental units on a 0.28-acre property zoned R-1-6,500; to the south, across Saint Mary Street, is a eight unit condominium complex zoned PUD-HDR (PUD-High Density Residential) on a 0.28 acre property; to the east, across Peters Avenue, is A Touch of Health Day Spa zoned C-C (Central Commercial); and to the north lies a 11,271-square-foot parcel that is currently developed with a single-family home, but has an approved development plan (PUD-37) for four single-family homes and two apartments. The new zoning for the PUD to the north is PUD-HDR.

ANALYSIS

General Plan and Downtown Specific Plan Land Use Conformity

Both the General Plan land use designation and the Downtown Specific Plan designation for the subject site is High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with two units on approximately 0.23 acres, would result in 8.7 units per acre, consistent with the land use designation. Although the home at 730 Peters Avenue was originally built as a secondary unit with a deed restriction prohibiting it to be sold, subdivided, or held under different legal ownership from the primary residence; staff believes the current proposal is in conformance with the land use designation and policies of the Downtown Specific Plan, and is consistent with the pattern of approved residential development within the Downtown District. Specifically, the project will create two legal parcels, each with street frontage, and each with a home that is no greater than 1,200-square-foot in area, which is generally considered “affordable by design.” Each home has its own separate utility meters and sewer connections.

Site Development Standards

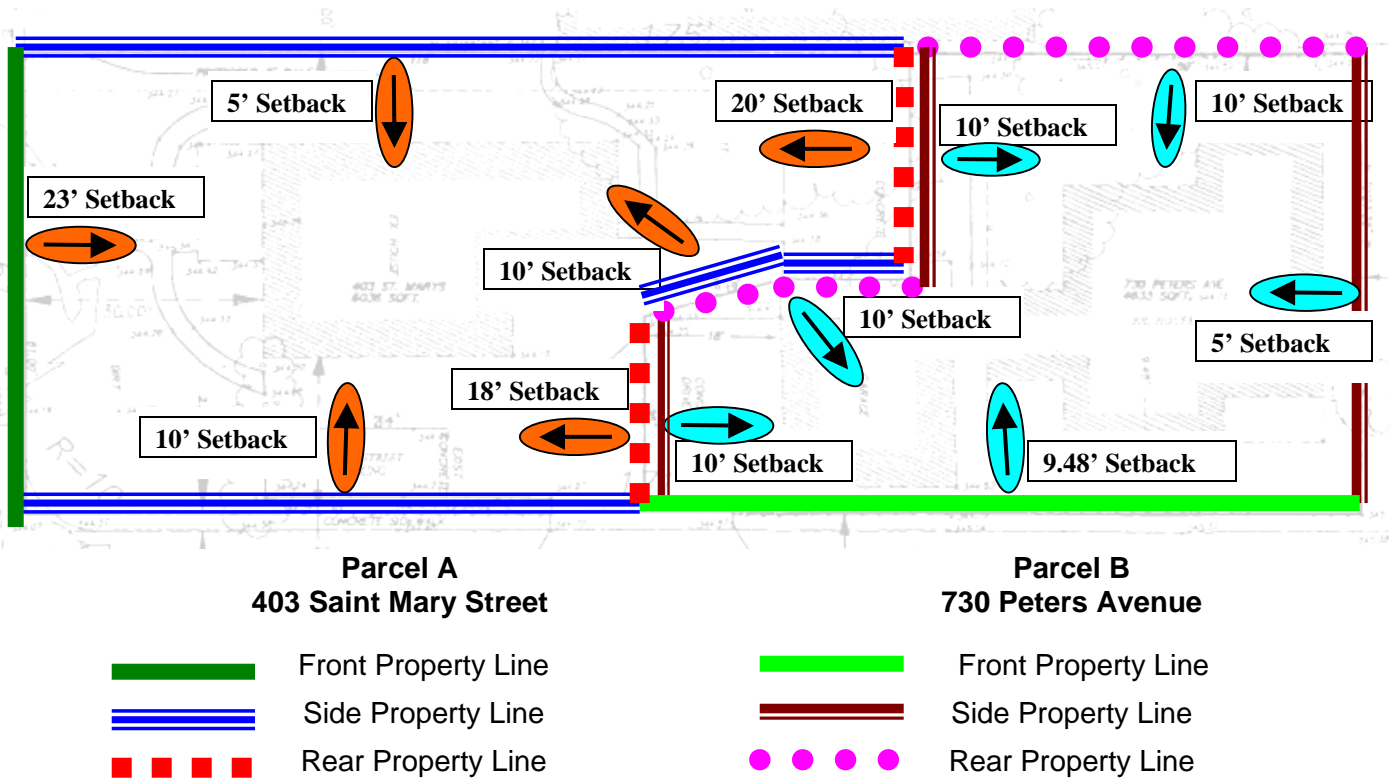
The proposed site development standards proposed for the development both incorporate existing conditions on the subject property and are congruous with the standards of the surrounding residential zoning districts.

	Parcel A 403 St. Mary's Street	Parcel B 730 Peters Avenue
Lot Size (sqft)	6,036	4,633
Primary Building Standards (ft)		
Front Setback	≥ 23	≥ 9.48 ⁽¹⁾
Right Side Setback	≥ 10 (street/east side) ⁽³⁾	≥ 5 (north side) ⁽¹⁾
Left Side Setback	≥ 5 (west side)	≥ 10 (south side)
Rear Setback	≥ 18 ⁽¹⁾ / ≥ 20 ⁽⁶⁾	≥ 10 ⁽¹⁾
Building Height ⁽⁴⁾	≤ 30	≤ 30
Accessory Structure Standards (ft)		
Side Setback ⁽²⁾	≥ 3 ⁽³⁾	≥ 3
Rear Setback ⁽²⁾	≥ 5	≥ 5
Height ⁽⁵⁾	≤ 15	≤ 15

Floor Area Ratio	≤ 35%	≤ 35%
Max. House Square Footage (sqft)	2,112.6	1,621.55

- (1) Existing Condition
- (2) The existing concrete driveway must remain clear at all times. No structures are allowed in this area.
- (3) The existing paved parking [sf shall remain clear for parking and unloading purposes only. The only accessory structure(s) allowed in this area shall be a garage or carport. This standard shall be removed if a two-car garage is constructed elsewhere on the property in accordance with the approved site development standards.
- (4) The height of the primary structure shall be measured from the median grade to highest point, excluding chimneys.
- (5) The height of accessory structures shall be measured from lowest point to highest point.
- (6) The rear yard setback is 20 feet along the western portion of the rear property line and 18 feet from the eastern portion of the rear property line. See diagram below.

To accommodate the pre-existing structures on the site, the proposed new property line zigzags along the east west plane to create two properties. To best accommodate existing setbacks and to avoid the creation of non-conforming structures, staff proposes the following front, side, and rear property lines. Please see the diagram below.



Permitted and Conditional Uses

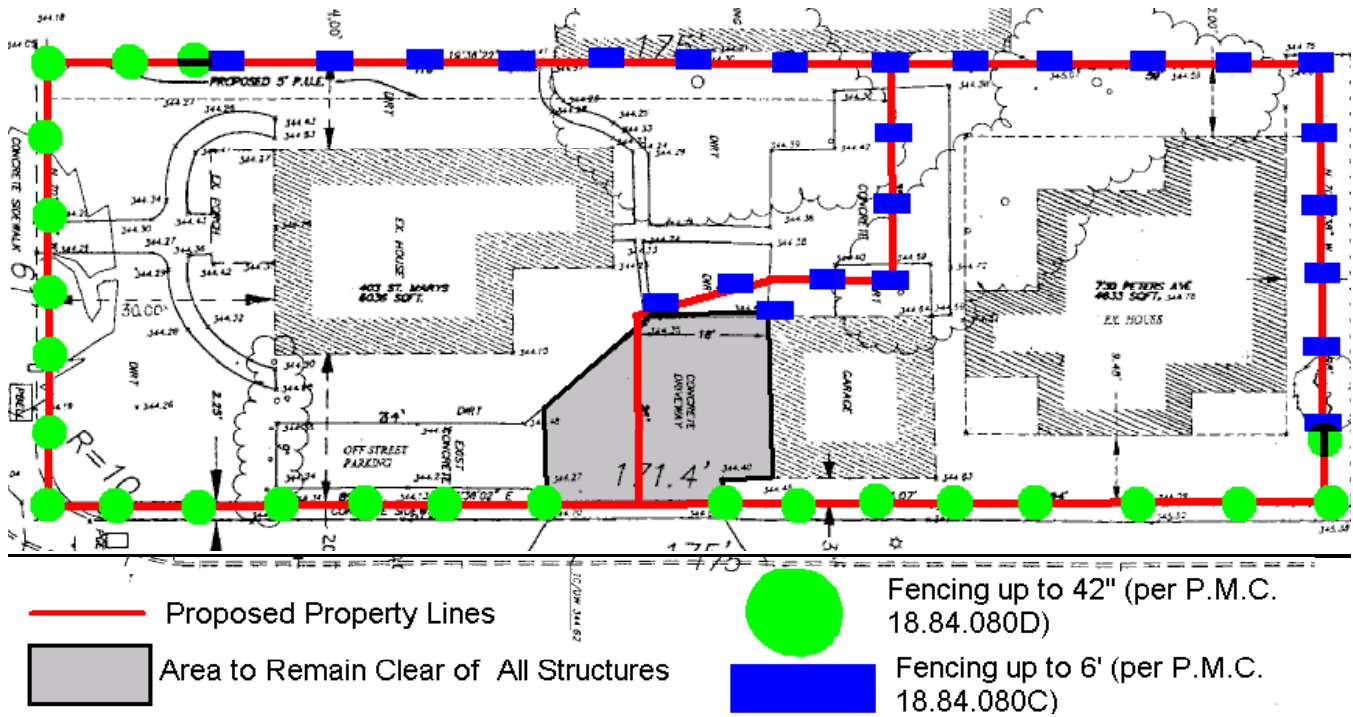
The proposed PUD is subject to the permitted and conditional uses of the R-1 One-Family Residential Districts as outlined in the Pleasanton Municipal Code (P.M.C. §18.32).

Parking

Parking will remain essentially “as is” in relation to the current parking situation. The existing two-car garage will be located on the 730 Peters Avenue property. The property at 403 Saint Mary Street has a 9-foot by 37-foot paved parking pad that is sufficient for two-car tandem parking. Access to the parking area is gained by an approximately 24-foot wide curb cut off of Peters Avenue. No new curb cuts will be required as part of this project. The existing driveway will continue to serve both properties. A condition of project approval requires the applicants to create both a cross-access easement and a maintenance agreement for the shared driveway.

Fencing

Fencing within the PUD will generally follow the fencing requirements outlined in the Pleasanton Municipal Code with minor variations as shown in the diagram below. These variations accommodate the specificities of fencing on a reverse corner lot within the Downtown Specific Plan Area and a joint access driveway.



PUBLIC NOTICE

Staff sent notices of the Planning Commission’s public hearing on this item to all property owners, tenants, and residents located within 1,000-feet of the subject property on March 14, 2007. As of the writing of this report, staff has received no public comment.

FINDINGS

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development District and the considerations to be addressed in reviewing a PUD development plan proposal. The Planning Commission must find that the proposed PUD development plan conforms to the purposes of the PUD District, as listed below, before making its recommendation to the City Council.

1. The proposed development is in the best interest of the public health, safety, and general welfare.

The proposed development, as conditioned, meets all applicable City standards concerning public health, safety, and welfare including vehicle access, geologic and flood hazards. The proposed development involves no new construction and already has adequate storm drain, sanitary sewer, water service, and utilities that are sufficient to serve the development. Public street access is provided to all structures for police, fire, and other emergency response vehicles. This finding can therefore be made.

2. The proposed development is consistent with the Pleasanton General Plan.

The proposed project's land use conforms to the "High Density Residential" land use designation for the project site. The General Plan defines High Density Residential as greater than eight dwelling units per acre. The proposed project, with two units on approximately .23 acres, conforms to this designation. The project site is located within the Downtown Specific Plan area and conforms to all programs and policies outlined in the plan. This finding can therefore be made.

3. The proposed development 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, office, and commercial. As is, development on the subject site is compatible with surrounding development and the natural topographic features of the site. Approval of the PUD will not alter the physical characteristics of the site. This finding can therefore be made.

4. 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.

Because no new development is proposed as part of this PUD, no grading will occur. If grading is required as part of any future structure to be constructed on the subject site, it will be required to be designed in keeping with the best engineering practices to have as minimal an effect upon the environment as possible. This finding can therefore be made.

5. *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 site, there is little natural terrain in the vicinity and no new development is proposed as part of this application. Staff believes this finding can therefore be made.

6. *Adequate public safety measures have been incorporated into the design of the plan.*

As previously mentioned, no new development is proposed as part of this PUD application. The proposed new lot line, however, has been drawn to meet Building and Fire Codes in respect to its relation to existing structures. This finding can therefore be made.

7. *The plan conforms to the purposes of the PUD District.*

One of the purposes of the PUD District is to allow flexibility for projects that would otherwise not meet the standards of the underlying zoning district. The proposed PUD conforms to the policies and programs of both the General Plan and Downtown Specific Plan. It provides a single-family housing alternative that is consistent with the fabric of the Downtown Area. Staff believes that this finding can therefore be made.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 15, Section 15315 Minor Land Divisions. 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 the surrounding area. The proposed site development standards have been created in accordance with the intent of the Specific Plan. The development of this PUD would therefore be carried out in a manner that preserves the unique mixed-use character desired for Downtown Area. Staff believes that the proposed project merits a favorable recommendation from the Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Find that the proposed PUD development plan is consistent with the General Plan and Downtown Specific Plan and the purposes PUD Ordinance;

2. Make the PUD findings as listed in this staff report; and
3. Adopt a resolution recommending approval of Case PUD-61, subject to the development plan as shown on Exhibit A and the conditions of approval listed in Exhibit B, and forward the PUD development plan to the to the City Council for public hearing and review.

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