

## Planning Commission Staff Report

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May 14, 2014  
Item 5.a.

- SUBJECT:** P14-0152
- APPLICANT:** Peter Michino
- PROPERTY OWNER:** Peter Michino
- PURPOSE:** Application for Design Review approval to construct a two-story, two-unit apartment building behind the existing dwelling.
- GENERAL PLAN:** High Density Residential (> 8.0 du/ac).
- SPECIFIC PLAN:** Downtown Specific Plan – High Density Residential (> 8.0 du/ac).
- ZONING:** RM-1,500 (Multi-Family Residential) District and the Core Area Overlay District.
- LOCATION:** 434 Rose Avenue
- EXHIBIT:**
- A. [Draft Conditions of Approval, dated May 14, 2014.](#)
  - B. [Site Plan, Landscape Plan, Grading Plan, Building Floor Plans and Elevations, Building Colors, and Green Building Multi-Family Checklist, dated "Received, May 6, 2014."](#)
  - C. ["Arborist Report, 434 Rose Avenue, Pleasanton, CA," prepared by HortScience, Inc., dated January 30, 2014.](#)
  - D. [Pleasanton Municipal Code Sections 18.36 \(RM Multi-Family Residential Districts and 18.80 \(Core Area Overlay District\).](#)
  - E. [Location Map and Public Noticing Area.](#)
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### I. BACKGROUND

Peter Michino, the applicant, has submitted an application for Design Review Approval to allow the construction of two new apartment units behind an existing single-family residence at 434 Rose Avenue. The subject property is zoned RM-1,500 (Multi-Family Residential) District and Core Area Overlay District, and is designated High Density

Residential (> 8.0 du/ac) by the Land Use Element of the Pleasanton General Plan and the Downtown Specific Plan. The Design Review application is subject to review and approval by the Planning Commission at a public hearing.

## II. SITE DECSCRIPTION

### Subject Property

The project site is a single property located on the southerly side of Rose Avenue. It is a flat, approximately 7,725 square-foot (0.18 acres) site, with an existing single-family dwelling. An existing dirt driveway along the left-side of the residence provided access from Rose Avenue to a detached garage that was located near the southeast corner of the site. The garage was removed within the past two years. As stated to staff by the project architect, the existing garage could not be preserved due to extensive dry-rot and termite damage.

Figure 1, below, is a photograph of the existing home.



Figure 1, Photograph of Existing Home from Rose Avenue

Nineteen existing trees are located on- and off the project site including 16 trees along the east property line between the site and the adjoining vacant lot, one tree along the west property line between the site and the adjoining property site, and one tree in the public landscape area between the sidewalk and street curb on Rose Avenue. Tree species include valley oak, coast live oak, and holly oak species, and a combination of ornamental and orchard type trees varying from 6- to 36 inches in diameter. Four of the 19 existing trees qualify as Heritage trees.

### Surrounding Area

The subject property is bordered on its north side (Rose Avenue), south side, and west side by residential development including single-family homes and apartments. The vacant site on the east side of the subject property is used annually for overflow parking for the Alameda County Fair. All surrounding properties are designated by the Land Use Element of the Pleasanton General Plan for High Density Residential land uses and are zoned RM-1,500 (Multi-Family Residential) and the Core Area Overlay Districts.

Figure 2, below, is the 2005 aerial photograph/location map of the project site and of the surrounding land uses.



Figure 2, 2005 Aerial Photograph/Location Map



Figure 3 and Figure 4, below, are photographs of the buildings on the north side of Rose Avenue.



**Figure 3, Looking Northwest from the Project Site.**



**Figure 4, Looking Northeast from the Project Site.**

### III. PROJECT DESCRIPTION

Figure 5, below, is a copy of the proposed site plan.

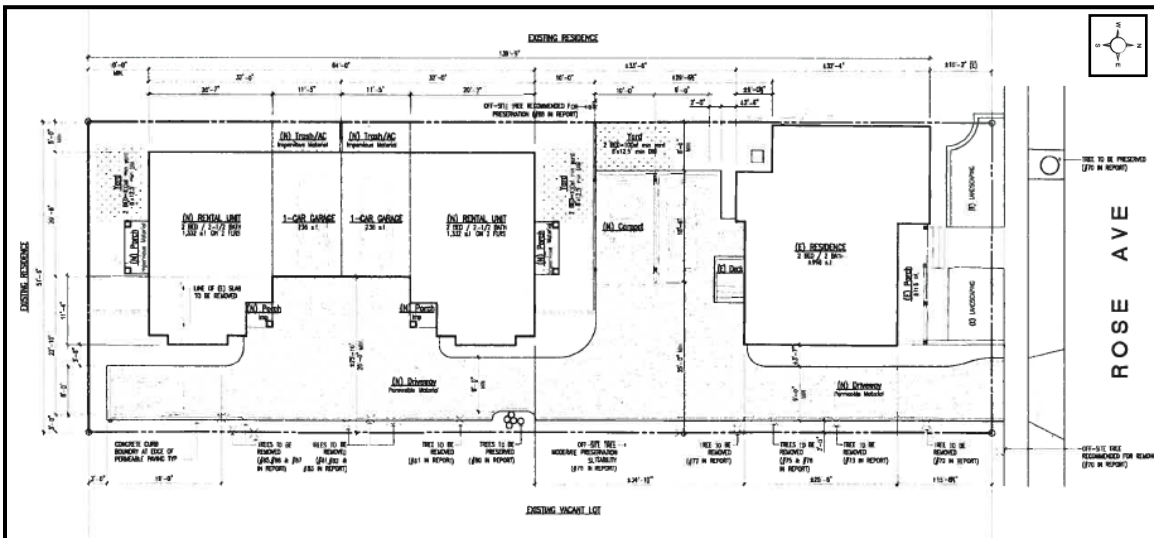


Figure 5, Proposed Site Plan

The applicant proposes to construct one two-story, two-unit apartment building behind the existing single-family dwelling that will remain and will be incorporated into the project as a third rental unit. The two new rental units would be approximately 1,332 square feet in area, would be two stories and approximately 26-feet, 9-inches in height<sup>1</sup>, and would have a kitchen, living/dining area, laundry area, 2 bedrooms, 2 ½ bathrooms, second-floor loft/office area, and an attached one-car garage that is accessible from the respective apartment.

The existing single-family home was renovated within the past two years<sup>2</sup>. It is constructed on a raised foundation and includes a kitchen/dining area, living area, 2 bedrooms, 2 bathrooms, and a front entry porch. The applicant proposes to construct a new detached carport behind the existing home for its assigned parking space. An open, parking space would be located between the existing residence and the proposed carport. The proposed building design, including materials and colors, would match the materials and colors of the existing home: charcoal grey composition shingles, blue grey stucco and gutters, and white fascia, window frames, and doors.

An eight-foot wide private driveway off Rose Avenue would be constructed along the south side of the proposed development to provide access to the new garages, carport, and two open parking spaces. The driveway would be constructed of permeable pavers to reduce stormwater runoff. No internal sidewalks would be provided.

<sup>1</sup> Measured from site grade to the highest point on the proposed structure.

<sup>2</sup> Within the past two years, the City issued building permits to renovate the existing home to its present appearance including new roof and windows, stucco exterior, air conditioning, etc. (none of the changes triggered design review approval); and a tree removal permit for the trees located in the rear yard due to disease.

Existing trees and proposed tree removal and preservation is discussed in the ***Tree Preservation and Removal*** section of the staff report.

#### **IV. ANALYSIS**

##### **Pleasanton General Plan and Downtown Specific Plan**

The site's General Plan and Downtown Specific Plan Land Use Designation of "High Density Residential" require projects to have densities greater than 8.0 dwelling units per acre. Any housing type (detached and attached single-family homes, duplexes, townhouses, condominiums, and apartments) is allowed as long as it meets the density requirement. The proposed development with a density of 16.9 units per acre is consistent with the General Plan and Downtown Specific Plan land use designation for the site.

The proposed project would also further the following Pleasanton General Plan and Downtown Specific Plan Programs, Policies, and Objectives:

##### Pleasanton General Plan

- Land Use Element, Policy 9:  
Develop new housing in infill and peripheral areas which are adjacent to existing residential development, near transportation hubs or local-serving commercial areas.
- Housing Element, Goal 1:  
Attain a variety of housing sizes, types, densities, designs, and prices which meet the existing and projected needs of all economic segments of the community.

##### Downtown Specific Plan

- Design and Beautification, Goal 1:  
Encourage attractive building architecture and signs which reinforce the traditional, pedestrian-oriented design character and scale of the Downtown.

#### **Traffic, Circulation, and Parking**

##### Traffic and Circulation

At three units, the proposed project is considered a small-scale project located in the Downtown, and, for this reason, does not require a traffic study. Vehicular access to the development would be provided from a single private driveway off Rose Avenue. The private driveway section would measure eight-feet in width (curb-to-curb), which City staff considers adequate to serve the existing unit and the two proposed new units.

No sidewalks are provided on the driveway from the units to Rose Avenue. Given the limited number of units and the length of the private driveway, staff does not believe that an internal sidewalk is necessary for pedestrian safety. Vehicle speeds will be low and adequate visibility is provided of any pedestrian walking along the private driveway. In

addition, a sidewalk would require the removal of landscape area, some of which is being used to preserve existing trees as well as to achieve an adequate landscape separation between building and paved areas.

The applicant would be required to pay the City and Tri-Valley traffic fees as part of the project. The applicant concurs with this requirement.

### Parking

Five parking spaces are provided as one garage parking space for each of the two new rental units, one carport parking space for the existing front unit, and two open guest parking spaces. A total of five parking spaces are provided in compliance with the minimum number of five parking spaces required for the proposed project by the Pleasanton Municipal Code. A parking space is also provided on Rose Avenue in front of the project site that would be available for use by the residents and their guests of the proposed project. (This parking space was not counted as part of the project's parking, however, as it could be used by any member of the public.)

All full-size covered and open parking spaces have the minimum 25-foot back-up area required by the Pleasanton Municipal Code<sup>3</sup>. As conditioned, the garages will not be allowed to be modified by the residents or used for storage in a manner that interferes with the ability to park a car within the garage; that the residents shall park their vehicles in the garages or carport; and that the driveway and parking spaces shall remain free of boats, trailers, campers, etc. The applicant concurs with these requirements. With these conditions, staff believes that there would be adequate parking provided in the development for both residents and guests.

### **Site Plan**

The proposed site plan was developed through several discussions with staff and the applicant to provide adequate setbacks from property lines in compliance with the development standards of the Pleasanton Municipal Code, maximize usability of the private yard areas, and to preserve existing trees. The perimeter setbacks meet the requirements of the zoning districts covering the subject property. Overall, staff finds the proposed site plan and setbacks and separations to be acceptable and similar to other relatively small-lot developments on Rose Avenue and located in the Downtown. (The preliminary grading and landscape plans do not show the continuous straight alignment of the driveway curb along the south property line. As conditioned the grading and landscape plans will be revised prior to submittal of the building permit plans to match the site plan.)

### Development Standards

The subject property is zoned RM-1,500 (Multi-Family Residential) District and is located in the Core Area Overlay District. The Core Area Overlay District provides for modified development standards that supersede the development standards of the RM-1,500 District for building setbacks, open space, and parking to accommodate smaller, multi-family developments such as the one proposed.

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<sup>3</sup> Section 18.88.040 Standards and Table 18.88.040 Minimum Parking Space Dimensions.

The following table compares the proposed project to the required development standards of the RM-1,500 District and the Core Area Overlay District of the Pleasanton Municipal Code.

<b>Development Standards</b>	<b>Required</b>	<b>Proposed</b>
<b>Front Setback (Rose Avenue)</b>	15 feet	Proposed Apartment – 76 feet Existing Residence -- 10 feet <sup>4</sup>
<b>Side Setback, One Side/Both Sides</b>	5 feet/10 feet	Proposed Apartment – 5 feet/19 feet, 6 inches Existing Residence -- 0 feet <sup>4</sup> /14 feet, 7 inches
<b>Rear Setback</b>	10 feet	10 feet
<b>Building Height</b>	40 feet <sup>5,6</sup>	22 feet, 6 inches (measured per the Municipal Code)  26 feet, 9 inches (measured between the lowest to highest points of the building)
<b>Floor Area Ratio</b>	50%	47.4%
<b>Parking</b>	1.5 parking spaces per two-bedroom unit equals 5 parking spaces	5 parking spaces
<b>Private Open Space</b>	50 square feet per bedroom with a minimum dimension of 8 feet for ground level areas.	100 square feet per two-bedroom unit with a minimum dimension of 8 feet.

As shown above, the proposed project meets or exceeds the development standards required for this site by the Pleasanton Municipal Code.

### Size and Spacing of Buildings

A Downtown Specific Plan Design Policy indicates that the established size and spacing of buildings in residential neighborhoods should be protected by avoiding excessive lot coverage and maintaining appropriate separations between buildings. The property is surrounded by a combination of single-family homes and multi-family apartment buildings. Since these buildings vary in size, shape, and locations on properties, staff did not find an established size or spacing of buildings to compare the proposed project to and, instead, believes that the proposal should be reviewed on its own merit.

<sup>4</sup> The 10-foot front yard setback and zero lot line side yard setback of the existing single-family home are considered to be legal non-conforming.

<sup>5</sup> Section 18.84.140: “Except as otherwise noted in this chapter, the height of a structure shall be measured vertically from the average grade elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between the eaves and ridges for a hip, gable, or gambrel roof.”

<sup>6</sup> Section 18.84.100: “In an RM district, no structure shall exceed the height of a sloping plane 15 feet in height at the interior of the minimum required side yard prescribed in Table 18.84.010 of this chapter, and sloping away from the side property line five feet for each additional 15 feet in height.”



Staff finds the proposed unit sizes, building height (including the previously stated sloping plane<sup>6</sup> height requirement of the RM district), and floor area ratio to be acceptable and would be consistent with the pattern of approved residential development on Rose Avenue and within the Downtown. By retaining the existing single-family residence and incorporating it into the proposed project, the appearance of the proposed project to Rose Avenue – one single-family home with a driveway entrance to the side – will be retained. Staff, therefore, believes that the proposed siting, massing, and size of the proposed units in conjunction with the existing single-family home is appropriate for the area and would result in an attractive development.

### Common and Private Open Space

A 10-foot deep yard area would be provided on the north and south sides, respectively, of each apartment unit. An eight-foot deep private yard area<sup>7</sup> would be provided for the existing single-family home in the area between the carport/open parking and the west property line. The proposed private yards conform to the requirements of the Core Area Overlay District for a minimum area of 50 square feet per bedroom, or 100 square feet for each two-bedroom unit, and a minimum dimension of eight feet. The proposed project does not include a common open space area as it is not required in the Core Area Overlay District.

The project site is located within one-half mile of the following City parks/recreation facilities: Bernal Community Park, Civic Park, Delucchi and Lions Wayside Parks, Main Street Green, and Veterans Plaza Park. Because the site is within one-half mile of the Bernal Community Park, the project is conditioned to contribute \$2,500 per unit, or a total of \$5,000 to the Bernal Park Reserve Fund, in addition to the in-lieu park dedication fee for the two new rental units. The applicant concurs with this requirement.

Staff is satisfied that the private yards and surrounding parks will substantially meet the residents' park and open space needs.

### **Architecture and Design**

The proposed apartment building matches the design of the existing single-family home as to materials, colors, and detailing. Sufficient architectural detailing and accent relief is provided on all four sides of the proposed building to vary the two-story façades and provide visual relief. The proposed color scheme is charcoal grey composition shingles, blue grey stucco walls, gutters, and downspouts, white-painted doors, fascia, and trim, and white vinyl vertical sliding windows. A copy of the proposed color and material board is included with the Planning Commission's packet. The color and material board with the original color paint chips will be available for view at the public hearing.

The design guidelines adopted for the Downtown stress the use of traditional materials, finishes, colors, and detailing. As stated previously, the design of the proposed apartment building matches the design of the existing home as renovated and matches or compliments the design styles and patterns on Rose Avenue. Staff, therefore, finds

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<sup>7</sup> In addition to the private yard area, the covered front porch – 116 square feet in area with a minimum depth of 5 feet, 6 inches – provides additional private open space for this residence.

that the stucco wall materials, composition roofing, and proposed colors are appropriate. Staff has added conditions requiring raised window trim on the rear building elevation matching the window trim on the front and side building elevations; requiring the frame and sash of the proposed windows to have a similar thickness to a wood-framed/sash window; and requiring a relatively smooth hand-troweled look and finish to the stucco wall surfaces. The applicant concurs with these requirements.

Overall, staff believes that the building designs are attractive, and that the architectural style, articulation, finish, colors, and materials are appropriate for the Downtown, comply with the Downtown Design Guidelines, and would complement the existing buildings on Rose Avenue.

### **Landscaping**

The proposed planting palette includes one- to five-gallon size shrubs and 15-gallon size trees. Staff finds the proposed plant species to be acceptable. Staff has included a condition requiring that all trees be 24-inch box size trees at planting. Although not indicated on the plans, the applicant has stated that he would install landscaping for all private yard areas around the new apartment units. Staff has included a condition that a private yard planting plan shall be provided with the building permit plans and that one additional 24-inch box size tree be planted in each private yard of the new rental units.

### **Tree Preservation and Removal**

Figure 6, below, is a photograph of the existing trees along the east side of the project site.



**Figure 6, Existing Trees on Property**

The existing trees located on and immediately adjacent to the project site include 16 trees along the east property line between the site and the vacant lot, one tree along the west property line between the site and the developed lot, and one tree in the public landscape area between the sidewalk and street curb along Rose Avenue. The existing tree species include coast live oak, holly oak, lemon, tree of heaven, and valley oak species.

A tree report has been prepared that specifies the species, size, health, and value of the existing trees on the site that exceed six-inches in diameter. The attached report designated a total of five existing trees (#70, #78, #80, #81, and #88) as "Preserve" and 13 existing trees (#71 to #73, #75 to #77, #79, #82 to #87) as, "Remove, low suitability (for preservation)" including two "heritage-sized" trees (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference) and recommends their removal. The arborist has valued the 13 trees to be removed at a total of \$7,750.

Staff normally attempts to preserve existing trees or, if a tree must be removed, to mitigate their removal by requiring additional trees to be planted on the site, typically at a 6:1 tree replacement ratio, and/or to require payment of the tree's value into the City's Urban Forestry Fund<sup>8</sup>. However, given the lack of common open space area and the relatively small size of the project site, staff does not believe there is adequate room to install additional trees if a 6:1 ratio is used if all 13 trees are removed.

As a result of working with the applicant, the following tree preservation/mitigation measures would be required:

1. Preserve tree #70, #72 and #73, #75 to #78, #80 and #81, and #84 to #88 as shown on the site plan and the preliminary landscape plan. (If any of these trees cannot be preserved, as determined by the Director of Community Development with review of the Building Permit plans, the applicant will be required to pay the tree's valuation to the City's Urban Forestry Fund.)
2. Increase the size of all new trees from 15 gallon size to 24-inch box size trees and plant two 24-inch box-size trees in the private yard areas of the new rental units as described in the previous **Landscape** section of the staff report.
3. Pay the appraised value of any tree to be removed into the City's Urban Forestry Fund.
4. Prior to issuance of a grading or building permit, the project developer shall install a temporary six foot tall chain-link fence (or other fence type acceptable to the Director of Community Development) generally along the existing tree drip lines of the trees to be preserved. The fencing shall remain in place until final landscape inspection.

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<sup>8</sup> The Urban Forestry Fund is used to plant new trees in the City as well as conservation, promotion, and public education in regard to Pleasanton's street trees, park trees, and trees on private property.

The applicant concurs with these requirements.

### **Green Building**

As required by the City's Green Building Ordinance, the proposed apartment building is required to qualify for at least 50 points on Alameda County Waste Management Authority's (ACWMA) "Multifamily Green Building Rating System." Exhibit B is the "GreenPoint Rated Checklist" for the proposed apartment building (122 points), which exceeds the overall 50-point minimum total for a multi-family residential project and that exceeds the minimum points required for each category in the checklist. The State's Green Building Standards Code (CALGreen) will also apply to the proposed development and is similar to the green building measures that the City's Green Building Ordinance currently requires.

### **Grading and Drainage**

The subject property is generally flat terrain. Grading for the proposed project would be limited to the preparation of the building pad and foundation, driveway, and the installation of any below-ground utilities, such as electrical conduits, sewer, and water infrastructure. Storm water from the proposed roof areas of the project would be conveyed to the new landscape areas for treatment and pervious pavers would be used on the driveway and parking areas to reduce untreated stormwater runoff to the City's storm drain system.

### **Growth Management Allocations**

Development of this property would fall under the "First-Come-First-Serve" category of the City's Growth Management Program, which has an annual, non-transferable allocation of 100 units. Recent demand for "First-Come-First-Serve" units has not exceeded supply and staff anticipates that there would be adequate building permit capacity for the two new units.

## **V. PUBLIC COMMENT**

Public notices were sent to all property owners and tenants within 1,000 feet of the subject property. Staff has not received any verbal or written comments or concerns from the noticed property owners or tenants as of the writing of the staff report. Any comments or concerns from the adjacent owners or tenants will be forwarded to the Planning Commission.

## **VI. CONCLUSION**

The proposed project blends well with the development pattern and character of the surrounding areas. The proposed building design matches the appearance of the existing residence that will remain. As an infill development, the proposed project would provide two new rental units in an attractive and livable environment for the future residents, who will be able to walk to the Downtown, patronizing Downtown businesses and amenities including a developing nightlife, thus supporting and adding to the economic viability of Downtown.



## **VII. ENVIRONMENTAL ASSESSMENT**

Projects of this nature are categorically exempt (Section 15303(b), New Construction or Conversion of Small Structures, Class 3) from the requirements of the California Environmental Quality Act (CEQA) in that the proposed project consists of a total of three units -- two proposed apartment units and one existing single-family home – less than the maximum six units allowed by this exemption. Therefore, no environmental document accompanies this report.

## **VIII. STAFF RECOMMENDATION**

Staff recommends the Planning Commission adopt a draft resolution approving Case P14-0152 subject to the conditions of approval listed in Exhibit A.

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