



## Planning Commission Staff Report

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February 9, 2011  
Item 6.b.

- SUBJECT:** Work Session for PUD-82
- APPLICANT:** David DiDonato, Donato Builders, Inc.
- PROPERTY OWNER:** Robert Molinaro
- PURPOSE:** Work session to review and receive comments on a proposal to construct 13 detached single-family homes on an approximately 1.17-acre site.
- GENERAL PLAN:** The General Plan Land Use designation for the parcels is High Density Residential.
- SPECIFIC PLAN:** The Downtown Specific Plan Land Use designation for the parcels is High Density Residential.
- ZONING:** The current zoning is R-1-6,500 (One-Family Residential) District.
- LOCATION:** 4171 and 4189 Stanley Boulevard
- EXHIBITS:**
- A. Revised Site Plans and Letter from Applicant, dated January 5, 2011
  - B. Planning Commission Work Session Discussion Points
  - C. Minutes of the December 7, 2010, City Council Meeting
  - D. Memorandum from the City Landscape Architect
  - E. Shadow Study from Darell Walterson
  - F. Email received after publishing of the December 7, 2010, City Council Staff Report
  - G. December 7, 2010, City Council Staff Report with the following Attachments:
    - 1. Exhibit B: Proposed Plans, FAR Table, Site Development Standards, Green Point Checklist, Tree Reports, and Noise and Vibration Study
    - 2. Shadow Study and State Solar Shade Control Act

3. Revised Letter from Linda Garbarino, Pleasanton Heritage Association, dated "Received" November 1, 2010
  4. Excerpts of the Planning Commission meeting minutes, dated September 15, 2010
  5. Emails received after publishing the September 15, 2010, Planning Commission Staff Report
  6. September 15, 2010, Planning Commission Staff Report with the following Attachments:
    - a. Exhibit C - Downtown Specific Plan Land Use Map
    - b. Exhibit D - Location Map
    - c. Exhibit E - Photographs of the Property
    - d. Exhibit F - Preliminary Site Plan from the May 21, 2008, Planning Commission Work Session Meeting
    - e. Exhibit G - Minutes of the May 21, 2008, Planning Commission Work Session Meeting
    - f. Exhibit H - Neighborhood Petition Submitted at the May 21, 2008, Planning Commission Work Session Meeting
    - g. Exhibit I - California Department of Parks and Recreation Survey Form-523 Prepared by Architectural Resources Group
    - h. Exhibit K - Public Noticing Map
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## **I. BACKGROUND**

A PUD rezoning and development plan application for a 14-unit residential development was reviewed and recommended for approval by the Planning Commission (4-1 vote) at a public hearing held on September 15, 2010. The City Council reviewed the application at its December 7, 2010, public hearing. The Council identified several concerns it had with the project, requested additional information be provided for some of the studies, and returned the project to staff, the Planning Commission, and the applicant to address these concerns and requests.

The Council provided the following specific comments on the project (additional comments made by the Council are located in the attached minutes):

### Green Building

Since the proposed homes would not exceed 2,000 sq. ft., the project is exempt from the City's Green Building Ordinance, but would need to comply with the new State-adopted CALGreen Building Code requirements that took effect January 1, 2011. The applicant voluntarily proposed to incorporate approximately 75 points on the Single-Family Green Building Rating System. Some Councilmembers requested that the applicant increase the number of Green Building points. The applicant indicated that he would look into increasing the number of Green

Building points. This information will be provided in conjunction with the Planning Commission's formal review of the development plan.

#### Noise Study

Councilmember Sullivan requested that train whistle (horn) noise levels be provided for the inside of each home. This information will be provided in conjunction with the Planning Commission's formal review of the development plan.

#### Tree Report

Some Councilmembers requested clarification of the analysis and conclusions provided in the July 16, 2010, tree report prepared by HortScience and had requested that the City's Landscape Architect provide input. The City's Landscape Architect has prepared a memo (Exhibit D) explaining the analysis in the tree report and his justification for approving the removal of one of the deodar cedar trees.

#### Density

The Council indicated that it would like the Commission to review the proposed density (i.e., the number of dwelling units).

#### Open Space

Some Councilmembers desired an open space area for children to play.

#### Demolition of Existing House

Some Councilmembers supported retaining the existing house while other Councilmembers supported its demolition as proposed.

#### Shadow Study

Darell Walterson, adjacent resident at 4151 Stanley Boulevard, contacted staff after the Planning Commission hearing for this project and voiced concern that the proposed homes would block sunlight from reaching the photovoltaic (PV) panels that are located on the roof of his detached garage. Mr. Walterson also questioned if there were any State laws protecting his PV panels from the proposed development.

There is no State law which provides an existing property owner solar rights to prevent an adjacent property owner from building a structure which affects a solar array. The State Solar Shade Control Act (CA Public Resources Code sections 25980 *et. al.*, Exhibit G, Attachment 2) does provide certain protections to solar collectors (e.g., PV panels or solar water heating panels) from the shading effects of trees or shrubs provided certain conditions are met. For instance, the solar collector must be set back at least 5 feet from a property line and located at least 10-feet above grade, except that a solar collector may be less than 10 feet in height if the solar collector is set back 5 feet from the property line plus an additional three times the amount lowered below 10 feet. It appears that Mr. Walterson's eastern PV panel array complies with the setback requirements, but the western array may not comply. Assuming they both comply,

Mr. Walterson would be protected from the installation of future trees or shrubs on the adjacent properties if they were to cast a shadow greater than 10 percent of the collector absorption area at any one time between the hours of 10:00 a.m. and 2:00 p.m., local standard time. Staff notes that any violation of the Solar Shade Control Act would be a civil (private) matter between property owners and the City would not be responsible for enforcing.

Although there are no State laws applicable to the proposed structures' affects on Mr. Walterson's PV panels, staff requested the applicant provide a shadow study which would show the shading of the proposed homes located immediately west of Mr. Walterson's PV panels. The applicant's architect had provided a shadow study for the City Council hearing (please see Exhibit G, Attachment 2) showing the shading from the proposed front yard trees and from the proposed homes. The applicant's shadow study indicates the shading at 2:00 p.m. on the day of the year when the sun reaches its lowest level, December 21<sup>st</sup>, thereby casting the longest shadows. Staff notes that 2:00 p.m. was selected for the applicant's shadow study because it is the latest time considered for impacts by the State Solar Shade Control Act. The applicant's shadow study shows there would be no shading impacts from the proposed front yard trees. The study shows there would be some, but minimal, shading impacts from the proposed buildings (staff notes that the shading on the neighbor's roof is shown as the hatched area and that the western PV panel array does not extend to the edges of the roof).

At the Council meeting, Mr. Walterson voiced concerns regarding shading impacts and indicated to the Council that he was going to have an independent shadow study done. Councilmember Sullivan requested a copy of the neighbor's shadow study. The neighbor's shadow study has been attached to this report (Exhibit E). The neighbor's shadow study appears consistent with the applicant's shadow study for 2:00 pm on December 21<sup>st</sup> except that the applicant's shadow study did not include the shadows cast by the chimneys of the proposed homes. The neighbor's shadow study also shows the shadows cast at 4:00 pm on December 21<sup>st</sup> and includes a separate sheet showing the shadows at 2:00 pm and 4:00 pm on March 21<sup>st</sup> and September 21<sup>st</sup>.

In response to the Council's comments, the applicant created several conceptual site plan revisions before selecting his preferred site plan. Prior to proceeding further with plan revisions, the applicant requested a Planning Commission work session to obtain the Commission's feedback on the revised site plan as well as any other items it would like addressed. The work session will also provide the public with an opportunity to comment on the revised site plan and development of the site. After the work session, the applicant would determine the plan revisions to make and return to the Planning Commission with the revised plans for its review and recommendation. The revised plans and the Commission's recommendation would then be brought back to the City Council for review and final determination.

## II. SITE DESCRIPTION

### Subject Property and Surrounding Area

The project site, comprised of five parcels, is located on the north side of Stanley Boulevard (please see the aerial photographs of the site and surrounding area below and on the following page). The site topography is relatively flat and contains an existing single-family dwelling built in 1908 (see photograph on page 7) and a variety of trees, shrubs and grasses.



2005 Aerial Photograph of the Site and Surrounding Area



**Aerial of the Subject Property (Google Maps 2010)**

The property is bordered on the east by a single-family home and the Del Valle Manor townhome development. Window-ology (window covering sales office and warehousing) borders the site to the west. The Union Pacific Railroad borders the site to the north. Single-family homes in the Jensen Tract neighborhood are located on the opposite side of the railroad tracks. Pleasanton Mobile Home Park and single-family homes are located to the south of the subject site, opposite Stanley Boulevard.



**2010 Photograph of the Existing House at 4189 Stanley Boulevard**

### **III. PROJECT DESCRIPTION**

The previously proposed project was described in detail in the attached City Council and Planning Commission staff reports. Key changes between the proposal reviewed at the prior hearings and that now before the Commission include the following:

- A lot with a dwelling unit was eliminated (former Lot 12 with a Plan 2 model)
- A common open space area was added with possible tot lot/play equipment
- Two guest parking spaces were added (seven total)

Staff has included the applicant's preferred site plan (11" by 17" size) along with three conceptual site plans (8½" by 11" size). The applicant's preferred site plan is the same as the "Concept A" site plan except one guest parking space was eliminated and the location of the guest parking spaces was adjusted.

### **IV. CONSIDERATIONS FOR THE WORK SESSION**

This workshop is the Commission's opportunity to direct the applicant and staff as to issues it wishes to be addressed. The areas noted below are those on which staff would find the Commission's input most helpful.

## **Density**

Thirteen units on 1.17 acres would result in a density of 11.1 dwelling units per acre (11.1 du/ac). The proposed density complies with the site's General Plan and Downtown Specific Plan Land Use Designation of "High Density Residential" which requires projects to have densities greater than eight dwelling units per acre (8 du/ac). The General Plan requires Low Density Residential and Medium Density Residential designated properties to provide public amenities such as the dedication of parkland or open space beyond the standard City requirements in order to exceed the midpoint densities of these land use designations. The midpoint density of the High Density Residential land use designation is 15 du/ac and there is no public amenity requirement to exceed the midpoint density of High Density Residential designated properties.

### **Discussion Points**

- *Is the proposed density acceptable?*

## **Affordable Housing**

The City's Inclusionary Housing Ordinance requires single-family home or townhouse projects with 15 units or more to provide at least 20 percent affordable housing units at very low, low, or moderate income households. For example, three affordable housing units would be required for a 15-unit single-family home project.

### **Discussion Points**

- *Should a minimum of 15 units be built in order to require affordable housing units be constructed per the City's Inclusionary Zoning Ordinance?*

## **Site Plan**

### **Discussion Points**

- *Are the single-family home lot locations and sizes acceptable?*
- *Is the open space parcel acceptably located and sized? The applicant had considered locating the open space parcel at other locations and created conceptual site plans for Lots 5 and 6 (see Exhibit A). However, the applicant indicated that these other locations are not preferred for several reasons: they are not centrally located in the development; they are not as visible as the proposed location; they would not accommodate as many guest parking spaces; they would not reduce shading impacts on the neighbor's PV panels; and they would affect the placement and/or quantity of the Plan 3 model. Another possible location for the open space parcel is Lot 1, which may allow one or two of the large deodar cedar trees (#61 and #62) to be saved. However, it may not be ideal to have an open space/play area in close proximity to Stanley Boulevard due to noise impacts from traffic and possible safety concerns with children. Furthermore, retaining one or two of the deodar cedar trees would*



*limit the available space to install amenities such as play equipment and there could be a safety concern with falling branches.*

- *Does the Commission have a preference for the improvements in the open space parcel? For example, should play equipment be installed? The applicant is unsure if the homeowners would have small children and would like the flexibility to install no play equipment if the majority of the homeowners do not have small children. The applicant suggests waiting until the houses are sold to determine the amenities for the open space parcel. Since the applicant could construct the project in phases and since it could take many months to sell all of the homes, staff believes that the open space amenities need to be determined now as part of the project.*

### **Demolition of the Existing House**

The existing single-family home built in 1908 would be demolished to accommodate the proposed development. The applicant has also indicated that he would donate the house to anyone that desired it. The home is not included in the Historic Neighborhoods and Structures table of the General Plan nor was it included in the Downtown Historic Resource List and Map that was created for the 2002 update of the Downtown Specific Plan to identify individual properties and neighborhoods that contain outstanding examples of heritage structures. The project site is also not located in one of the four Heritage Neighborhoods that are identified in the Downtown Design Guidelines. The structure has been determined to have no historical significance through a DPR-523 survey conducted by experts in the field of historic preservation.

#### **Discussion Points**

- *Does the Commission support the demolition of the existing house?*

### **Parking**

Two garage parking spaces would be provided per unit. In addition, residential driveways would be at least 18-feet long to accommodate parked vehicles with the garage door in a closed position. Seven guest parking spaces would be provided on site. In total, 59 parking spaces would be provided for the 13 units (resulting in 4.5 spaces per unit). For comparison purposes, the adjacent 36-unit Del Valle Manor townhome development has two garage spaces per unit, short (5 ft. long) driveways that do not accommodate parking, and 16 guest parking spaces (resulting in 2.4 spaces per unit).

An additional guest parking space could be added to the open space parcel (e.g., on the north side of the two proposed spaces). The applicant believes adding another parking space would block views of the open space parcel.

Staff believes that the compact space on the open space parcel should be angled counterclockwise a bit more to enable easier access into and out of this space.

#### Discussion Points

- *Is the proposed parking adequate? Should an additional guest parking space be added to the open space parcel?*

#### **Tree Removal**

A tree report by Ed Brennan, consulting arborist, was prepared for the project that specifies the species, size, health, and value of the existing trees on the site that exceed six-inches in diameter (Exhibit G, Attachment 1). As originally proposed, all 20 of the existing trees on the subject property would be removed to accommodate the proposed development, including 12 heritage-sized trees (i.e., a tree which measures 35 feet or greater in height or which measures 55 inches or greater in circumference). A fruitless mulberry tree in the City right-of-way along the project frontage will also be removed as part of the City's Stanley Boulevard reconstruction project. The applicant is currently evaluating whether it would be possible to retain two trees: tree no. 65, a heritage-sized Douglas fir tree near the northern property line of Lot 3; and tree no. 76, a heritage-sized California black walnut tree near the southern property line of Lot 11.

In July 2010, the current property owner, Robert Molinaro, requested to remove the three heritage-sized deodar cedar trees near the front of the property due to safety concerns with large falling branches. The City's Landscape Architect hired HortScience to conduct a thorough examination of these three trees. The tree report by HortScience dated July 16, 2010 (Exhibit G, Attachment 1), indicates that all three trees are healthy and unlikely to fall over, although each had some defects in structure. Tree no. 62 (the middle tree) has had several large branch failures over the years and has an asymmetric form and the arborist recommended removal of this tree. The City's Landscape Architect agreed with the arborist's findings and approved the removal of the tree. The City's Landscape Architect has prepared a memo (Exhibit D) further explaining the analysis in the tree report and justification for approving the tree's removal. At the time this report was written, the property owner had not yet removed the tree.

In the past, the Planning Commission and/or City Council have attempted to discourage tree loss in developments by adding an extra requirement to contribute the value of removed trees to the City's Urban Forestry Fund. 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 arborist has valued the trees to be removed at \$65,050, which excludes the value of the mulberry tree along Stanley Boulevard that will be removed for the Stanley Boulevard reconstruction project. Staff normally tries to mitigate tree removal by requiring additional trees be planted on the site beyond what is normally required in production home developments (i.e., street trees and other trees installed in the front yards). In some developments, tree mitigation is required at a 6:1 ratio for each tree removed with a certain percentage of those trees being box-sized. Given the small size of the lots, staff does not believe

there is adequate room to install additional trees, particularly if a 6:1 ratio is used for the 18 or 20 trees to be removed. Therefore, at the prior hearings, staff had recommended that the applicant pay the appraised value of the trees to be removed into the City's Urban Forestry Fund. Staff recommended that the value of tree no. 62 (\$16,000) should not be included since the City's Landscape Architect already approved the removal of this tree. The value of the trees to be removed is \$49,050 if tree no. 62 is excluded and is \$40,850 if tree nos. 65 and 76 are saved. The applicant has indicated that he may install landscaping for all yard areas around the homes. Should the applicant decide to install landscaping for all yard areas, staff would recommend the applicant receive credit for the cost of the trees installed in the rear and side yard areas beyond that currently shown on the development plan.

#### Discussion Points

- *Does the Commission support the proposed tree removal and mitigation?*

#### **Housing Type, Sizes, Height, Setbacks, FARs, and Design**

The applicant is proposing the same housing type, sizes, height, and designs as previously proposed: Spanish-style single-family homes ranging from 1,599 square feet to 1,920 square feet in area and 26 ft. 1 in. to 27 ft. 9 in. in height. Floor area ratios (FARs) remain the same and would range from 48-67% using the net lot area (net area excludes the access easement area generally containing the private street and guest parking areas) and would range from 32-62% using the gross lot area. Setbacks also remain the same as with the previously reviewed site plan and would vary from lot to lot.

#### Discussion Points

- *Does the Commission wish to make any suggestions regarding the housing type, sizes, height, setbacks, FARs, or design?*

#### **Sunlight Impacts**

The removal of the house from former Lot 12 would reduce some of the shadows cast on the 4151 Stanley Boulevard neighbor's PV panels, particularly at 4:00 p.m.

#### Discussion Points

- *If the location of the open space parcel remains as currently proposed, should the location and species of the new trees and tall-growing shrubs planted in the open space parcel be selected to prevent shading impacts on the neighbor's PV panels?*
- *Should the applicant further modify the project to reduce shading impacts on the neighbor's PV panels?*

## **V. PUBLIC COMMENT**

Public notices were sent to all property owners and tenants within a 1,000-foot radius of the project site. Public comments received during the prior hearings for this project have been attached to this report. At the time this report was written, staff had not received any additional public comment regarding the work session. Staff will forward to the Commission any additional public comments as they are received.

## **VI. ENVIRONMENTAL ASSESSMENT**

Since the Planning Commission will take no formal action on the project at the work session, no environmental document accompanies this work session report. Environmental documentation will be provided in conjunction with the Planning Commission's formal review of the rezoning and PUD applications.

## **VII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the attached material, take public testimony, and make suggestions/comments to the applicant and staff regarding the development of the site.

*For questions or comments about this proposal, please contact: Steve Otto, Senior Planner at 925-931-5608 or [sotto@ci.pleasanton.ca.us](mailto:sotto@ci.pleasanton.ca.us).*