

- SUBJECT:** PADR-1338/PV-131
- APPLICANT/PROPERTY OWNER:** Dustin and Robin Boyce
- PURPOSE:** Application for: (1) administrative design review to demolish approximately 470 square feet of the existing home and construct an approximately 2,222-square-foot two-story addition, an approximately 833-square-foot basement and an approximately 950-square-foot detached garage; and (2) variances from the Municipal Code to: (a) increase the floor area ratio (FAR) from 40 percent to 45 percent; (b) reduce the right (south) side-yard setback from 5 feet to the existing 3.85 feet; and (c) increase the height of the garage from 15 feet to 20.5 feet.
- GENERAL PLAN:** Medium Density—2 to 8 dwelling units per gross acre
- SPECIFIC PLAN:** Downtown Specific Plan; Downtown Revitalization District,
- ZONING:** R-1-6500 (Single Family Residential)
- LOCATION:** 4546 Second Street
- ATTACHMENTS:**
1. Location Map
 2. Exhibit A, Site Plan and Elevation Drawings, and Photo-Simulations, dated “Received July 25, 2006”
 3. Exhibit B, Draft Conditions of Approval for PADR-1338/PV-131
 4. Exhibit C, Zoning Administrator Staff Report, dated September 15, 2005
 5. Exhibit D, Zoning Administrator Hearing Minutes, dated September 15, 2005

6. Exhibit E, Petition Submitted to the Planning Department, dated “Received June 7, 2006”
 7. Exhibit F, Updated Responses from Petition Signers to Boyce Project
 8. Exhibit G, Letter to Neighborhood from Applicant with Attached Elevations, dated September 14, 2006
 9. Exhibit H, Other Public Comment Received by Phone and E-Mail
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BACKGROUND

On July 17, 2005 Dustin Boyce submitted an application for administrative design review approval to demolish approximately 470 square feet of an existing home and construct an approximately 833-square-foot, non-habitable basement; a 2,313 square-foot two-story addition at the rear of the existing home; and an approximately 1,900-square-foot two-story detached accessory structure in the rear yard area.

The proposal required several variances from the Pleasanton Municipal Code: a variance to allow an increase in the floor area ratio from 40% to 60.5%; a variance to allow a reduction in the required side yard setback from 5 feet to the existing 3.85 feet; a variance to reduce the side yard separation from 17 to 13 feet; and a variance to increase the height of the garage (accessory structure) from 15 feet to 29 feet. The FAR was high because the calculation included the full-sized attic area of the garage. Although attics are not typically calculated in the floor area ratio, the design as originally submitted had wall heights allowing a person to stand in the attic area. This led staff to believe the garage attic was more like a second story and thus counted its square-footage towards the FAR. The project was noticed and staff received various comments from the applicant’s neighbors. On September 9, 2005, staff met with the applicant’s neighbors to discuss their specific concerns to the project. On September 15, 2005, the Zoning Administrator heard Case Number PADR-1338/PV-131. The testimony provided by the six neighbors indicated there was strong opposition to the project. Concern was expressed related to:

- Excessive square-footage and bulk on a small lot;
- Disbelief that the basement and second story of the garage would be used only for storage;
- The design appeared to have a 2-story garage and a 3-story house due to the pitch of the roofs and because there were windows in dormers in the attic area;
- The garage was too large and a 3-car garage did not fit within the character of the neighborhood;
- An ongoing lawsuit between the applicant and his neighbor regarding access to the rear of the applicant’s property;

- The architecture was unattractive;
- Effect of the proposed development on the neighbor's trees.

The City has a policy to try to help neighborhoods find compromise when there appears to be significant concern related to a proposed project. The Zoning Administrator continued the project to allow the applicants to work with their neighbors. As a result of the Zoning Administrator hearing, the Zoning Administrator recommended the applicant erect story poles to reflect the height of the addition and to have photo montages provided for the next hearing. Staff then coordinated a meeting between the applicant, his architect, and the concerned neighbors.

On October 10, 2005, staff hosted an informal workshop to discuss the applicant's project. Neighbors reiterated their concerns noted above about the massing and bulk of the project. The applicant subsequently met with the project planner on November 23, 2005 to discuss various design options to address the neighbors' concerns. Staff proposed changes to the plans including reducing the size and height of the garage, and to lower the height of the home.

The applicant submitted revised plans to the City on December 1, 2005. The revised plans had a reduced the floor area ratio of 45.6%. The applicant reduced the garage height from 29 feet to 22.5 feet. The reduction in height rendered the "second story" of the garage into non-habitable space, thus reducing the FAR . The floor area was further reduced by shortening the length of the addition from 37 feet down to 36 feet. The plans also removed the dormer windows in the attic areas of the house and garage.

On January 23, 2006, staff met with the applicant to discuss the various design revisions that the applicant could employ to gain both staff and neighborhood support. Staff did not support the project at a FAR of 45.6%

On January 26, 2006 a Zoning Administrator hearing was scheduled. With the applicant's consent, the hearing was postponed and the time was used as a workshop session for the applicant to further discuss project plan options with the neighbors. The applicant presented the revised plans reflecting the changes noted above. The neighbors still expressed strong opposition to the project. They felt the revisions were minimal and did not address or mitigate any of their initial concerns.

On May 16, 2006 the applicant submitted revised plans. The revisions, reduced the garage height to 20.5 ft, the second story "pop-out" on the north side was eliminated. Dormer windows were added back into the attic areas of the house and garage. The elimination of the second-story "pop-out" on the north elevation, eliminated the need for a side yard separation variance and reduced the FAR to 45%. The City has a policy of supporting, on a case-by-case basis, increases of FAR up to 45% within the Downtown Revitalization District.

The applicant also submitted photo-simulations of the proposed project and photos of other large homes in the Downtown area. After the Zoning Administrator and project

planner held two meetings with concerned neighbors (on May 24 and May 25, 2006), it was evident that the neighbors retained unresolved concerns with this revision of the project in regard to the massing and height of the proposed two-story addition and three-car garage. The neighbors expressed exasperation at the revised submittals feeling that they did not present substantial changes warranting their review. Following the neighborhood meetings, the neighbors submitted a petition with the signatures of 57 Pleasanton residents expressing opposition to the applicants project (Exhibit E). It is unclear whether all who signed the petition had reviewed the May 16th submitted plans.

Variance and administrative design review applications are typically processed by action of the Zoning Administrator. However, due to the continued concerns expressed by the neighbors the Zoning Administrator elevated this project, which is now in front of the Planning Commission for review and action.

SITE DESCRIPTION

The subject site is a 6,693 square-foot lot located on the eastern side of Second Street between East Angela and Neal Streets. The lot is 44.62 feet wide, 150 feet in length, and slopes up from the front of the lot to the rear. Per County records the subject property is developed with a 1,050 square-foot single-story, single-family dwelling. The original 792-square-foot home was built in 1910, with approximately 470 square feet of rear additions (to be demolished) added at a later date. The site is surrounded by a mix of one and two-story single-family homes.

PROJECT DESCRIPTION

The applicant proposes to demolish 470 square feet of an existing home and construct an approximately 2,222-square-foot two-story addition, an approximately 833-square-foot basement used for storage purposes only, and an approximately 950-square-foot, 20.5-foot tall, detached garage. The addition would be located at the rear of the existing house, and the detached garage would be located at the rear of the lot. See photos and photo-simulations below.



Front of Boyce Residence - Existing



Front of Boyce Residence - Proposed



South Elevation of Boyce Residence - Existing



South Elevation of Boyce Residence - Proposed

The subject property is located in the R-1-6500 (Single Family Residential) zoning district. As outlined in the table below, the proposed project would not adhere to three of the zoning district's development standards and therefore requires variances from the Municipal Code. The three requested variances are to: (a) increase the floor area ratio (FAR) from 40 percent to 45 percent; (b) reduce the right (south) side-yard setback from 5 feet to the existing 3.85 feet; and (c) increase the height of the garage from 15 feet to 20.5 feet.

<u>Site Standards for R-1-6500</u>	<u>Minimum Required</u>	<u>Existing</u>
Area	6,500 sq.ft.	6,698 sq.ft.
Width	65 ft.	44.62 ft.
Depth	100 ft.	150 ft.
<u>Development Standards for R-1-6500</u>	<u>Required</u>	<u>Proposed</u>
F.A.R.	≤ 40%	45%*
Side Yard Setback	≥ 5 ft	3.85 ft* (existing)
Combined Side Yard Setback	≥ 12 ft	14.32 ft
Rear Yard Setback:	≥ 20 ft	67.29 ft
Height of Primary Structure	≥ 30 ft	29.83 ft
Height of Accessory Structure	≤ 15 ft	20.5 ft*

* *Variance Required*

ANALYSIS

The First, Second, and Third Street neighborhood located within the Downtown District is changing. Due to the walkability of the neighborhood, the neighborhood's charm, and the proximity of the neighborhood to Pleasanton's thriving Downtown, families living in the neighborhood are desiring to remain in this neighborhood, even as their families age and grow. Similar additions and over-height garages, have consistently been approved in the neighborhood, and there are several pending applications for similar increases in floor area ratio. A few examples of these projects are described below. By allowing well-designed additions in this neighborhood, the Downtown's residential district retains its neighborhood charm while allowing families to grow and change in place creating a stable neighborhood.

Approved Sideyard Setback Variances for Primary Structure

- 415 Abbie Street: 2-foot side yard setback.
- 340 Abbie Street: 4.83-foot side yard setback.

Approved Accessory Structure Height Variances

- 4432 First Street: A 25-foot tall two-story accessory structure.
- 4326 Second Street: 18.25-foot tall detached garage.
- 4443 Second Street: 20-foot tall two-story accessory structure.

Approved Floor Area Ratio Variances

- 4319 Second Street: 44.7% FAR.
- 4687 Second Street: 45% FAR.
- 4377 Second Street: 43.2% FAR
- 4687 Second Street: 45%
- 4467 Second Street: 55%

The City Council recognizes that few of the City's standards zoning district regulations fit the development pattern that has occurred from the early 1900s to today in the residential neighborhood bounded by Abbie Street, Kottinger Drive, First Street, and Second Street. In accordance with a land use policy of the Downtown Specific Plan (no. 13, page 29), the Council has discussed the need to rezone this neighborhood so that acceptable proposals that do not meet the current development standards of the existing zoning district can be approved without multiple variances. Although a Code amendment has not been prepared to date, both Council and staff recognize the need for changes to the development standards in this neighborhood.

Downtown Specific Plan and Design Guidelines

The *Downtown Specific Plan* is intended to serve as the primary regulatory guide for preserving and enhancing the Downtown. It contains several objectives, policies, and programs related to preserving the unique character of Downtown's residential areas. The *Downtown Design Guidelines* seek to ensure that the historic character of Downtown is enhanced while providing options for homeowners to upgrade and enrich their homes. The objectives, policies, programs, and guidelines mentioned below are applicable to the project:

1. Downtown Specific Plan—Maintaining Downtown's Scale and Character

(a) Objective 3, Page 66: *To ensure that the design of new buildings and modifications to existing heritage neighborhoods are compatible with the Downtown's traditional design character and scale.*

(b) Goal 1, Page 73: *Encourage attractive building architecture and signs which reinforce the traditional, pedestrian-oriented design character and scale of the Downtown.*

(c) Policy 3, Page 105: *Maintain the scale and character of the Downtown.*

Per the Downtown Design Guidelines, new construction, remodels, and additions for residential uses should be sensitive to the Downtown's unique character and scale.

Staff believes the proposed addition and garage would be harmonious with the character of Downtown. The proposed design, colors, and materials are consistent with those of the existing house. Although the height of the addition is high (26 feet at the mid-point, 31.75 feet to the peak), it is not out of scale with several of the other structures along Second Street. Staff believes that the applicant has taken care to match the steep (8/12) roof pitch of the existing home in order to create a seamless transition to the new addition. Although a lower height could be achieved through a more moderate roof pitch, staff believes the resulting home would be less aesthetically pleasing and would be at odds with the character of the neighborhood.

While the proposed floor area ratio and the height of the garage require variances, as noted above, these requests are not out of step with several other projects previously approved in the neighborhood. The garage height is further mitigated by its location at the rear of the lot. The majority of the garage is set behind the house and is therefore not visible from the street. Additionally, due to the sloping elevation of the subject site, the garage height at the rear of the lot is just over 10.2-feet, which is under the 15-foot height limit for accessory structures. Staff has added a condition of approval to the project that requires the applicant to plant trees, to the review and approval of the Planning Director, between the proposed garage and the rear of his property. For these reasons, staff believes the proposed character and scale is in keeping with that of other homes in the neighborhood and Downtown.

2. Downtown Specific Plan—Historic Preservation Policy 6, Page 68: *Additions and other modifications to the exteriors of buildings exceeding 50 years in age should match the original building exterior in terms of architectural style and all other exterior design elements.*

The proposed design, colors, materials, and detailing will match those of the existing structure.

3. Downtown Specific Plan—Residential Policy 14, Page 76: *Preserve and protect the character of the East Side neighborhood around Second Street from tear-downs, large-scaled and inappropriately-styled additions and lot consolidations. Preserve and encourage similar architectural elements and details such as porches, picket fences, and flower boxes. Preserve the neighborhood's orientation of street-facing entrances and windows.*

As stated above, staff believes the style of the addition is appropriate and that the scale is consistent with other homes approved within the neighborhood. The proposed addition incorporates many of the architectural elements and detailing of the original home including the steep pitched roof and window treatments.

4. Downtown Specific Plan—Residential Policy 17, Page 76: *Protect the established size and spacing of buildings in residential neighborhoods by avoiding excessive lot coverage and maintaining appropriate separations between buildings.*

The lot coverage would be similar to other homes in the neighborhood and the separation would be similar to the existing separation, since the new structure retains the existing side yard setbacks.

5. Downtown Specific Plan—Residential Policy 19, Page 76: *Maintain the original character of homes by encouraging additions at the rear of the site, where possible.*

The proposed addition is sited at the rear of the existing home.

6. Downtown Specific Plan—Residential Policy 20, Page 76: *Encourage garages at the rear of lots.*

The proposed garage is sited at the rear of the lot.

Heritage Trees

Both neighbors immediately adjacent to the subject site at 4524 and 4558 Second Street have expressed concern regarding the effects of the proposed project—particularly the grading required for the garage and the basement—on trees located on their properties. The City's Landscape Architect visited both neighboring sites and has reported that in the southeast corner of Ms. Lutman's yard (4524 Second Street) are two large trees: a Black Walnut (*Juglans nigra*) is located approximately 1 foot from the property-line fence shared with the applicant, and a Purple-leafed Plum (*Prunus* species) is located approximately 5 feet from the property-line fence. The Landscape Architect stated that both

trees are considered “Heritage trees” by virtue of their trunk circumference, 62” combined and 70” combined, respectively, and appear to be vigorous and in good health with no evidence of disease, insect infestation, decline, or structural infirmity. Typically, *Prunus* species tolerate construction impacts moderately well, whereas *Juglans* species do not tolerate construction impacts. Both species typically produce a shallow, radial root system that is not likely to extend deeper than about 3 to 4 feet. The Landscape Architect stated that the condition of both trees makes them good candidates for preservation, however, a significant portion of their root systems may be damaged or destroyed should excavation for the proposed structure take place. The general “rule of thumb” is to prohibit changes of grade or trenching to occur within the drip line of trees to be preserved.

On Mr. Finlay Boag’s property (4558 Second Street), the subject tree is a multi-trunked Locust tree (*Robinia* species) that is approximately 5 feet from the side property line fence (adjacent to the Boyce lot). The trunks have a total combined circumference of 60” and the tree is more than 35’ in height, thereby meeting the classification for a “Heritage Tree.”

Staff notes that the applicant has previously received a grading permit and has excavated within 23 feet of the rear property line. The trees of concern, however, are located along the rear 18 feet of the rear property line. The City’s Landscape Architect indicated that development impacts could be mitigated by such measures as hand trenching the garage’s foundation, requiring a greater setback from the property-line for the proposed structure, utilizing standard arbor techniques for cutting roots (larger than 1” diameter) when they are encountered, requiring that cut slopes be quickly backfilled (within 48 hours) once excavated - or else covered with burlap and wetted regularly, in order to avoid root desiccation, and/or significantly pruning the top portion of the Heritage Black Walnut to reduce the “sail effect,” and the possibility of its overturning due to the loss of support roots.

The Landscape Architect determined that due to the proximity of the proposed construction to the neighboring heritage trees and the possible damage to the root systems, a Consulting Arborist’s should be retained to evaluate the construction impacts to the trees and to recommend possible mitigations for those impacts. The applicant has hired one of the arborists on the City’s list of approved consulting arborist to evaluate the condition of the neighboring trees and their estimated worth, and to recommend mitigation measures. As of the printing of this staff report, the consulting arborist’s tree report was not yet ready. Staff has, however, conditioned this project so that all recommended mitigation measures of the arborist report are followed.

Pleasanton Municipal Code Design Criteria

Per Chapter 18.20 of the Pleasanton Municipal Code, the Planning Commission must determine that the proposed project meets the outlined design criteria to approve the proposal. The design review criteria for this project and staff analysis follow.

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

The proposed project is a rear addition to an existing house and a detached garage located at the rear of the lot. The project is well designed and will 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.

The proposed addition and garage would be consistent in color, material, and architectural detailing with the existing residence and would preserve and enhance the residential character by continuing to be harmonious with the neighborhood. The addition would be located at the rear of the existing home, providing a stepped back façade from the street view, thus minimizing its impact. The proposed project is increasing the floor area ratio on the lot to 45%. This increase is consistent with several other homes within the Downtown District. Staff finds that the proposed second-story addition and detached garage will be in harmony with adjoining buildings and will blend in with the neighborhood character and will not impact public views.

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.

By integrating the proposed addition and pursuing a design that is compatible with those in the neighborhood, the project preserves and enhances the residential character of the neighborhood.

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

Although the adjacent neighbors would see the proposed project, there are no private view easements in this neighborhood. Additionally, the project's siting at the rear of the lot minimizes the impact to views from the public right-of-way.

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

No changes to the front yard landscaping are proposed as a part of this project.

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

Lighting is not currently proposed. However, staff has added a condition of approval that requires any exterior lighting to limit glare on surrounding properties and prohibits up-lighting.

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.*

The architectural style is compatible with the neighborhood and the function of design and relationship to the surroundings. The project will have the same colors, materials, and architectural detailing and the existing house. No mechanical equipment is proposed.

8. *Integration of signs as part of architectural concept.*

No signage is proposed with this project.

9. *Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993).*

No miscellaneous structures, street furniture, or public art is proposed with this project.

VARIANCE FINDINGS

Three variances are requested as part of this project:

- A. A reduction in the south (right) side yard setback from the required 5 feet to the existing 3.85 feet.
- B. An increase in the height of an accessory structure from 15 feet to 20.5 feet.
- C. An increase in the floor area ratio from 40% to 45%.

The Planning Commission may grant a variance to a regulation when it is able to make three findings. The three findings are outlined below along with discussion of whether they can be made for each requested variance.

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;

(A) Decrease in Side Yard Setback

The R-1-6,500 zoning district requires a minimum lot depth of 100 feet and a minimum lot width of 65 feet. At 44.62 feet, the subject lot has a substandard width. Staff believes that the substandard lot width is a special circumstance that makes compliance with the side yard setback more difficult on the subject lot than on lots that meet the minimum lot width of the R-1-6500 zoning district. Staff therefore feels that this first finding can be made for the side yard setback reduction.

(B) Increase in Accessory Structure Height

The subject lot is located within the Downtown Revitalization District. Staff believes that the site's Downtown location is unique due to the fact that there are existing acces-

sory structures in the Downtown that exceed the 15-foot height limit, thereby creating a distinctive neighborhood character. Staff therefore believes that the District provides a special “locational” circumstance and that this first finding can be made for the height variance.

(C) Increase in Floor Area Ratio

Similar to the above finding, the site’s Downtown location is unique in that few of the City’s zoning district regulations fit the development pattern that has occurred from the early 1900s to today in the residential neighborhood. The City has therefore supported higher FARs in this neighborhood. In addition, the subject lot is substandard in width thereby reducing options for a home’s layout and design. This finding can therefore 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;

(A) Decrease in Side Yard Setback

Many homes, including the subject home, in the Downtown R-1-6500 residential zoning district have nonconforming side yard setbacks of less than the required five-foot minimum. The Zoning Administrator has approved several variances to maintain the existing side yard setback for new additions. The finding can therefore be made that the granting of a variance from the side yard setback to maintain an existing nonconforming setback is not a grant of special privilege.

(B) Increase in Accessory Structure Height

The maximum height of an accessory structure in all residential zoning districts is 15 feet. Staff has approved several over-height accessory structures in the Downtown Revitalization District. This project is further mitigated by the sloping nature of the lot, where the height of the garage at the rear of the lot is only 10.2 feet tall. This finding can therefore be made.

(C) Increase in Floor Area Ratio

The City has supported several increases in FAR in the Downtown residential neighborhoods. This finding can therefore 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. (Ord. 1520 § 5, 1991; prior code § 2-11.29(1)).

(A) Decrease in Side Yard Setback

The right side yard setback of the existing home is 3.85 feet. The applicant proposes to build first- and second-story additions flush with the existing home. The request to reduce the side yard setback can be supported because the existing setback has proven to not be

detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. This finding can therefore be made.

(B) Increase in Accessory Structure Height

As conditioned, any proposed accessory structure is required to meet all applicable Uniform Building Codes and will therefore not be detrimental to public safety or be materially injurious to properties or improvements. This finding can therefore be made.

(C) Increase in Floor Area Ratio

Similar to the above finding, all structures are required to meet all applicable Uniform Building Codes and will therefore not be detrimental to public safety or be materially injurious to properties or improvements. This finding can therefore be made.

PUBLIC NOTICE AND COMMENT

Staff sent notices of the Planning Commission's public hearing on this item to all property owners and residents located within 1,000-feet of the subject property on September 13, 2006. Staff has received numerous phone calls and emails relating to the project. The neighbors who are opposed to this project have stated that this project is "too much" for the size of the lot. They object to the height of the two-story addition including the attic, the square-footage and height of the three-car garage, and expressed concern with soil stability over the extensive grading required to construct the basement and the garage. In addition, several of the neighbors feel the proposed addition is unattractive and not compatible with the charm of the neighborhood. Staff has also received public comment in favor of the project. Those in support of the project feel the project is well-designed and will fit in well in the neighborhood (Exhibit H).

On June 7, 2006, staff received a petition signed by 57 Pleasanton residents who opposed the project (Exhibit E). On August 4, 2006, staff sent a reduced set of latest plans (Exhibit A) to all signers of the petition along with a letter asking them if, based on the latest set of plans, they still opposed the project. Staff received 33 responses: 30 of the petition signers still oppose the plans; 3 no longer oppose the plans (Exhibit F).

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Section 15301(e) and Section 15303 (e). Therefore, no environmental document accompanies this report.

CONCLUSION

Staff notes that in order to support the revitalization of the Downtown District, the City has expressed a desire to increase both the height of accessory structures and the FAR within the District's residential areas. The increased standards would allow primary and

accessory structures to be built on what are traditionally smaller lots that both meet the consumer preferences of contemporary families as well as retain the character of the Downtown Community. Although not yet codified in the Pleasanton Municipal Code, the City has viewed such variance requests within the Downtown Revitalization District with more leniency than elsewhere in the City. Such variance requests are not given 'by right' but evaluated on a case-by-case basis taking into account such factors as the shape and size of the lot, as well as the design, massing and siting of proposed structures. When supportable conditions are met, staff has been able to make the findings to moderately increase the FAR.

Staff believes the design, massing and siting of the proposed project are compatible with the character of the Downtown Community and have reduced impacts to neighboring properties. For the reasons cited above, staff is able to make the findings supporting the variances for Case Number PADR-1338/PV-131 to extend a non-conforming side yard setback, to increase the height of an accessory structure to 20.5 feet, and to increase in the floor area ratio of the subject lot to 45%.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Make the required findings as listed on pages 11-13 of the staff report for the requested variances to the standards of the Pleasanton Municipal Code; and
2. Approve Case Number PADR-1338/PV-131 subject to the conditions of approval listed in Exhibit B.

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