

ORDINANCE NO. 1971

AN ORDINANCE APPROVING THE APPLICATION OF FIRST STREET, LLC FOR PUD REZONING AND DEVELOPMENT PLAN APPROVAL, AS FILED UNDER CASE PUD-64

WHEREAS, First Street LLC, has applied for Planned Unit Development (PUD) rezoning and development plan approval to rezone an existing 13,161-square-foot parcel from the RM-2,500 (Multi-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District to renovate the existing home and to construct four detached single-family units ranging from 1,713-square-feet to 1,919 square feet at the property located at 4238 First Street; and

WHEREAS, an Environmental Impact Report (EIR) was prepared and certified for the Downtown Specific Plan on December 2001; and the EIR anticipated that a high-density residential project such as that proposed would be located on the project site; further, the California Environmental Quality Act (CEQA) specifies that individual residential development projects that are prepared pursuant to the requirements of an adopted specific plan, for which as EIR has been prepared and certified, are exempt from additional environmental review; and

WHEREAS, at its meeting of February 5, 2008, the City Council received the Planning Commission's positive recommendations for approval of the PUD rezoning and development plan; and

WHEREAS, a duly noticed public hearing was held on February 5, 2008; and

WHEREAS, after a review of the materials presented, the City Council determined that the proposed rezoning for 4238 First Street is appropriate for the site; and

WHEREAS, the City Council finds that the PUD development plan is consistent with the General Plan, the Downtown Specific Plan, and the purposes of the PUD ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Approves the rezoning of the property at 4238 First Street from the RM-2,500 (Multi-Family Residential) District to the PUD-HDR (Planned Unit Development – High Density Residential) District.

SECTION 2. The Zoning Map of the City of Pleasanton, dated April 18, 1960, on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended by Zoning Unit Map No. 470, attached hereto as Exhibit A, dated February 5, 2008, and incorporated herein by this reference.

SECTION 3. Approves Case PUD 64, the application of First Street LLC for Planned Unit Development (PUD) development plan approval to renovate the existing home and to construct four detached single-family units ranging from 1,713-square-feet to 1,919 square feet at the property located at 4238 First Street, subject to the conditions shown on Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 4. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation

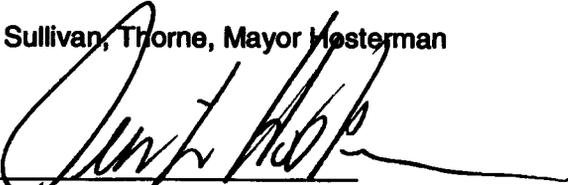
published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption

SECTION 5. This ordinance shall be effective thirty (30) days after its passage and adoption.

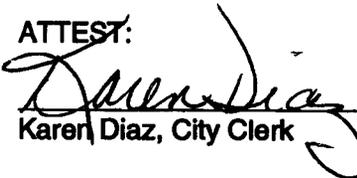
ADOPTED at a regular meeting of the City Council of the City of Pleasanton on February 19, 2008.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on February 5, 2008 and adopted at a regular meeting of the City Council of the City of Pleasanton on February 19, 2008 by the following vote:

Ayes: Councilmembers Cook-Kallio, McGovern, Sullivan, Thorne, Mayor Hosterman
Noes: None
Absent: None


Jennifer Hosterman, Mayor

ATTEST:


Karen Diaz, City Clerk

APPROVED AS TO FORM:

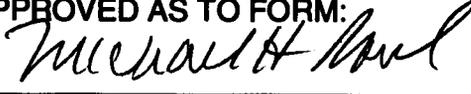
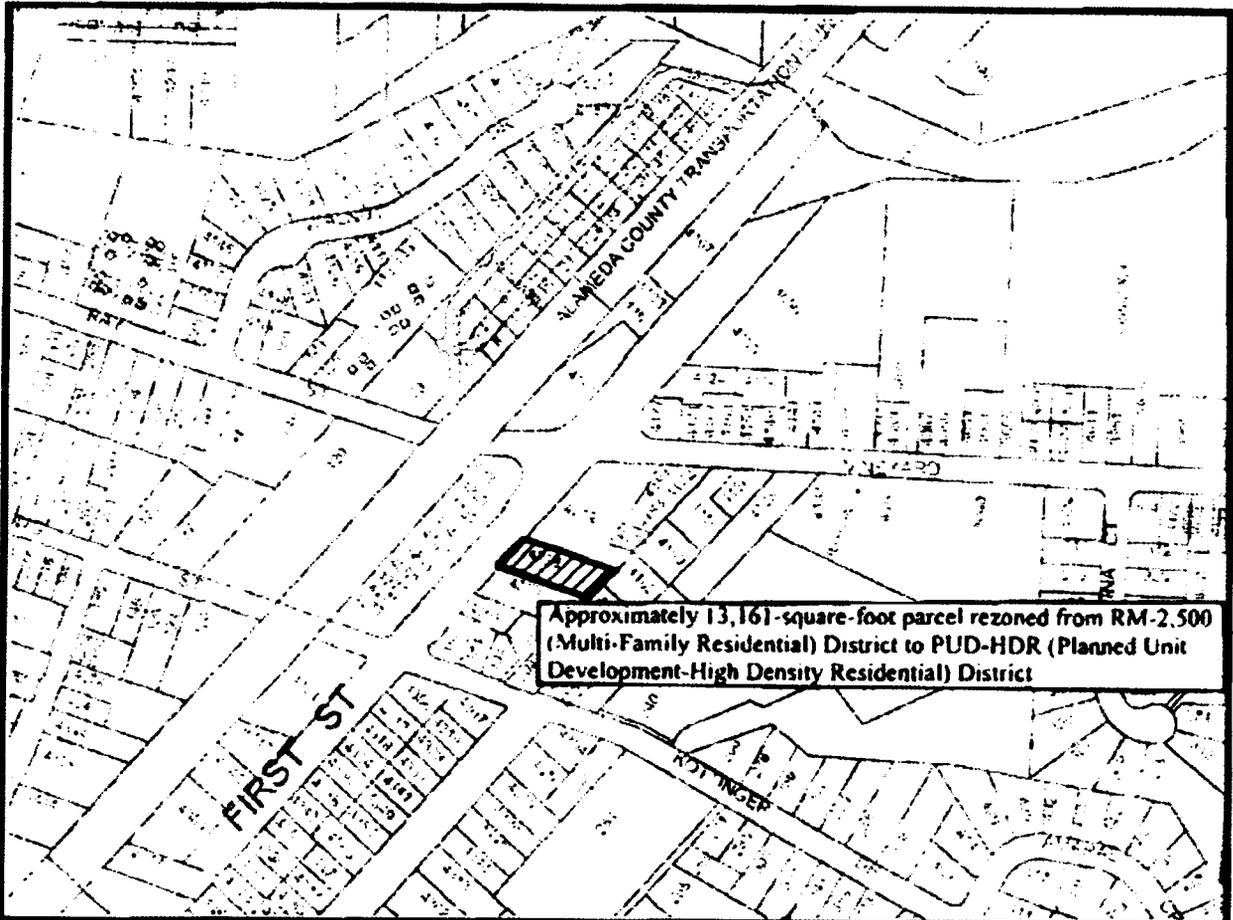

Michael H. Roush, City Attorney

EXHIBIT A



CITY OF PLEASANTON PLANNING DEPARTMENT

Ordinance No. 1971 Zoning Unit Map No. 470

DRAWN BY:
T. Snyder

APPROVED BY:
Jerry M. Jensen
PLANNING DIRECTOR

DATE:
2/05/08

SCALE:
1" = 300'

SEC. NO.:
PUD-64

**EXHIBIT B
CONDITIONS OF APPROVAL**

**PUD-64, 4238 First Street, LLC
4238 First Street
February 5, 2008**

Planning Conditions

1. Permitted and Conditionally Permitted Uses for the project shall be those of the R-1 One-Family Residential District as outlined in the Pleasanton Municipal Code (P.M.C. §18.32).
2. The site development standards for the proposed development are “per the development,” and are outlined in the table below. No additional development—including, but not limited to, residential additions, garage additions, bay windows, porches, balconies, fencing, or accessory structures—is permitted.

	Lot 2	Lot 3	Lot 4	Lot 5	Existing House (Lot 1)
Primary Structures:					
Front Setback ⁽³⁾ (ft)	min 18	min 18	20	19	21
Front Porch Encroachment ⁽³⁾ (ft)	6	5 in.	7 in.	1	as built
Left Side Setback ⁽³⁾ (ft)	2.5	1	3	1	7
Right Side Setback ⁽³⁾ (ft)	1.5	2.5	7	3	3
Rear Setback ⁽³⁾ (ft)	5 ft.	5 ft.	3 ft – 11 ft	8 to 20	3 to 9
Height ⁽¹⁾ (ft)	34 ft.	33 ft. 6 in.	35 ft. 3 in.	33 ft. 6 in.	18 ft. 9 in.
FAR ⁽²⁾ (%)	Max-89%	Max 85%	85%	81%	26%
Accessory Structures:	<i>No Class I or Class II Accessory Structures are Allowed</i>				
Fencing:	<i>No fencing is allowed (except for any future replacement of the existing 6-foot tall redwood fence and 42-inch picket fence; like for like only)</i>				

- (1) Height is measured from the lowest point to the highest point for any structure within the PUD.
- (2) FAR is based on lot size currently submitted and may be altered slightly based on actual lot sizes as recorded in the final tract map.
- (3) These are approximate setback distances. Setbacks are taken from closest point to building wall (i.e. minimum). Larger setbacks are not allowed to be reduced to meet the minimum setbacks.

3. The project developer shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the Municipal Code of the City of Pleasanton. These plans shall be approved by the Planning Director and the Chief Building Official prior to the issuance of a building permit. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities. Specific items to be indicated on the site development plan necessary to construct the improvements are to be in accordance with the City of Pleasanton Private Development Design Guidelines adopted April 15, 1986.
4. The applicant shall provide "carriage" garage doors and shall be subject to the review and approval of the Planning Director prior to issuance of a building permit. The doors may be metal, sectional doors but have the appearance of carriage doors.
5. The plans shall be revised to show that: (1) the second and third floor cantilevering maintain a five-foot setback from the rear (south) property line; (2) Lots 2 and 3 will be moved forward approximately one to two feet; and (3) the interior floor space of Lots 2 and 3 has been reduced.
6. The sliding glass door on the ground floor of Lots 2 and 3 shall be relocated to the west elevation.
7. The plans shall be revised to have gable end knee braces and architectural scallop shingle treatments and shall be subject to the review and approval of the Planning Director prior to building permit issuance.
8. The stucco finish for Lots 3 and 4 shall be shown on a revised color and material board and illustrated on the building plans. The finish shall be subject to review and approval by the Planning Director prior to issuance of a building permit.
9. The existing single-family dwelling unit shall be renovated using materials consistent with the historic period. Any areas of siding that need to be removed shall be replaced in kind. Architectural features such as door, windows, detailing, roofing, and colors, as well as other detailing, shall match the existing structure and shall be subject to review and approval by the Planning Director.
10. Lot 4 shall add more wood to the belly band to create a more defined architectural feature on the home and shall be subject to review and approval by the Planning Director prior to building permit issuance.
11. All of the new units shall be required to have OG gutters.
12. The windows on all of the new units (Lots 2-5) shall be recessed two inches, glazed, with wood trimmed windowsills. No reflective glass is allowed. The window glazing shall be clear with no tint. The windows shall be reviewed and approved by the Planning Director prior to issuance of a building permit.

13. All condensing units shall have the lowest noise rating. The location shall be reviewed and approved by the Planning Director prior to building permit issuance. The applicant may be required to install attic mounted HVAC units in order to maintain clear garage floor area.
14. The chain link fence shall be removed and replaced with picket style fencing not to exceed 42 inches in height and is subject to review and approval by the Planning Director prior to issuance of a building permit.
15. In order to meet the stormwater (C3) requirements, the paver bands may have to be widened and/or relocated and are subject to review and approval by the Planning Director and the City Engineer prior to issuance of a building permit.
16. All new homes and the renovated existing home are required to be a "green home". Prior to building permit submittal, a list of the green building measures used in the design of the new homes and renovation of the existing home covered by this approval shall be provided to the Planning Department for the review and approval by the Planning Director. The homes covered by this approval shall be designed to achieve a "certified rating" of a minimum of 50 total points, with achieving the minimum points in each category, using Build It Green's 2007 GreenPoints rating system. The green building measures shall be shown on one of the first two pages of the plans submitted for issuance of a building permit. **Each point identified shall have a notation showing which sheet the item can be found and each sheet shall note where the point is located.** All proposed green building measures shall be shown throughout the plan set, as appropriate, as determined by the Planning Director and the Chief Building Official. A special inspection by a representative from the Planning Department shall be coordinated with regards to landscaping, irrigation, and exterior materials. All of the green building measures indicated on the approved checklist shall be inspected and approved by either the City of Pleasanton, a qualified specialist, or the applicant shall provide written verification by the project engineer, architect, landscape architect, or designer.
17. All residences in the PUD shall be constructed to allow for future installation of a Photovoltaic (PV) system. The project/ building developer shall comply with the following requirements for making all houses on the subject site photovoltaic ready. Making the home photovoltaic ready shall require the following measures to be implemented with the construction of the structures covered:
 - a) Electrical conduit and cable pull strings shall be installed from the roof/attic area to the buildings' main electrical panels.
 - b) Roof trusses shall be engineered to handle an addition load of five (5) pounds per square foot beyond that of the anticipated load for the roofing material.

- c) **An area shall be provided near the electrical panel for the installation of an “inverter” required to convert the direct current output from the photovoltaic panels to alternating current.**
 - d) **These measures shall be shown on the building permit plan set submitted to the Planning Director for review and approval before issuance of the first building permit. The project developer shall provide the future homeowners the necessary information delineating the means by which photovoltaic panels can be applied to the roofs of the structures covered by this approval. This information shall be submitted to the Planning Director for review and approval prior to the occupancy of the first unit.**
18. **On-site parking is only allowed in the garages (for Lots 2-5) and in the uncovered spaces, and in the two designated parking spots for the existing home. The garage parking spaces shall have a minimum dimension of 10 feet by 20 feet (10'x20'). Parking is prohibited anywhere within the joint-access driveway. Moving, delivery, and any other type of service vehicle must either park in the home's garage or designated guest parking, or park off-site.**
 19. **The parking spaces located on the east side of the existing home shall be striped off and assigned to the existing home only. The CC&R's shall note that those spaces shall be used for the existing home only and are not to be used for guest parking for the additional four units.**
 20. **The project developer shall pay any and all fees for the entire project prior to issuance of the first building permit.**
 21. **Prior to the issuance of a building permit, the project developer shall submit details and/or a spec sheet of the proposed exterior doors to the Planning Department for review and approval by the Planning Director.**
 22. **Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in new or renovated homes.**
 23. **The electrical plan for this home shall provide telecommunications infrastructure consistent with state-of-the-art methods, e.g., cabling for DSL, broadband, or wireless service, wiring for total room access, etc., in effect at the time that building permit(s) are issued. The plan shall be part of the building permits issued for plumbing and electrical.**

Disclosure /Clause Conditions

24. **Prior to recordation of the parcel map, a deed restriction shall be recorded on all lots covered by this approval and shall include the following:**
 - a) **A clause which states that the property is in an area subject to noise, activity and traffic impacts associated with a Downtown location.**

- b) **A deed restriction prohibiting any new fencing, additions, or accessory structures of any type on the property.**
 - c) **Parking is prohibited at all times within the joint-access driveway. Moving, delivery, and any other type of service vehicle must either park within the home's garage or designated parking spot, or park off-site.**
25. **Wording for all disclosures, deed restrictions, and clauses shall be submitted to the City Attorney for review and approval before City Council approval of the first final subdivision map for this development and shall be recorded over the project site by separate instrument.**

Landscaping Conditions

26. **Prior to landscape installation, a final landscape plan and irrigation plan shall be submitted to and approved by Planning Director as part of the building permit plan sets prior to issuance of a building or on-site permit. Said landscape plan shall be consistent with the approved landscape plan plus any conditions of approval, and shall be detailed in terms of species, location, size, quantities, and spacing. The landscaping and irrigation plans are subject to the review and approval of the Planning Director.**
27. **Prior to occupancy, the landscape architect shall certify in writing to the Planning Director that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.**
28. **Before project final, all landscaping shall be installed, reviewed, and approved by the Planning Director.**

GENERAL

29. **The proposed development shall be in substantial conformance to the development plans and related materials, Exhibit A, dated "Received, October 2, 2007," on file with the Planning Department, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to the approved exhibits.**
30. **The PUD development plan approval shall lapse two years from the effective date of this ordinance unless a building permit is obtained and construction diligently pursued.**
31. **The project developer shall work with the Pleasanton Unified School District and the City Planning Director to develop a program, in addition to the school impact fees required by State law and local ordinance, to off-set this project's long-term effect on school facility needs in Pleasanton. This program shall be designed to fund school facilities necessary to offset this project's reasonably related effect**

on the long-term need for expanded school facilities to serve new development in Pleasanton. The method and manner for the provision of these funds and/or facilities shall be approved by the City and in place prior to issuance of building permits. In no event shall construction commence unless the above method and manner for the provision of these funds and/or facilities has been approved by the City.

32. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site.
33. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
34. A construction trailer may be placed on the project site for daily administration/coordination purposes during the construction period. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site. All such vehicles, if any, shall be removed from the site at the end of each workday.
35. The approved building materials and colors shall be stated on the building permit plans to the satisfaction of the Planning Director. Substitutions shall not be allowed unless otherwise approved by the Planning Director.
36. All site improvements and house construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Federal holidays. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. The Planning Director may allow earlier "start-times" for specific construction activities (e.g., concrete-foundation/floor pouring), if it can be demonstrated to the satisfaction of the Planning Director that the construction noise and traffic will not affect nearby residents.

Building Conditions

37. The project developer shall obtain a building permit from the Building and Safety Division and any other applicable City permits for the project prior to the commencement of any construction.
38. The project developer shall pay any and all fees to which the project may be subject prior to issuance of a building permit. The type and amount of the fees shall be those in effect at the time the building permit is issued.
39. The applicant shall pay \$2,500 toward the construction of facilities in the Bernal Sports Park. The applicant shall pay the fee at the time of issuance of the first building permit for either the existing structure or any of the new structures.

40. The building permit plan check materials will be accepted for submittal only after the ordinance approving the PUD development plan becomes effective, unless the project developers submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the ordinance is overturned or that the design is significantly changed. In no case will a building permit be issued prior to the effective date of the ordinance.
41. All structures covered by this approval shall be constructed to:
 - a) Meet Title 24 state energy requirements, and
 - b) Comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.
42. The project developer shall submit three copies of the site geotechnical report to the Chief Building Official for third party peer review and shall pay for such review at the time specified by the Director, but in all cases before the issuance of a grading permit.
43. **Prior to final building permit inspection**, a final inspection by the Planning Department is required prior to occupancy.
44. **During Construction**, the project developer is responsible for implementing the following measures:
 - a) Portable toilets shall be kept as far as possible from existing residences and shall be emptied on a regular basis as necessary to prevent odor.
 - b) Ensure that the project contractor is aware of, and abides by, all conditions of approval. The project developer is especially responsible for ensuring that the contractor is aware of and implements all erosion control/storm water quality measures.
 - c) Ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans.
45. **Prior to first framing inspection for each structure**, the height of the structure shall be surveyed and verified as being in conformance to the approved building heights from the lowest grade to the highest point. Said verification is the project developer's responsibility and shall:
 - a) Be performed by a licensed land surveyor or civil engineer.
 - b) Be completed and provided to the Planning Department.

46. If archeological materials are uncovered during grading, trenching, or other on-site excavation, all work on site shall be stopped and the City immediately notified. The county coroner and the Native American Heritage Commission shall also be notified and procedures followed as required by the California Environmental Quality Act (CEQA). A similar note shall appear on the improvement plans.

Fire Conditions

47. The project developer shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24).
48. Automatic fire sprinklers shall be installed in all new homes and a new fire hydrant may be required to serve the subject site. If the existing home's interior is demolished to the studs then residential sprinklers shall be required.
49. The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.
50. **Prior to any construction framing**, the project developer shall provide adequate fire protection facilities, including, but not limited to a water supply and water flow in conformance to the City's Fire Department Standards, able to suppress a major fire.
51. The applicant shall provide a turning radius template drawn on the construction plans submitted to the Building and Safety Division, to the satisfaction of the Planning Director, prior to issuance of a building permit, for the new car port for Lot 1.

Engineering Conditions

Tentative Map Requirements:

52. A tract map shall be required to subdivide the property into five lots. With the tract map, the project developer shall set forth the maintenance areas of the proposed development and maintenance responsibilities. The project developer shall record CC&R's at the time of recordation of the final subdivision map, which shall create a maintenance association for the development. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation of the final map. The maintenance association shall be responsible for the maintenance of all private utilities, the common access driveway, and other common areas and facilities on the site. The City shall be granted the rights and remedies of the association, but not the obligation, to enforce the maintenance responsibilities of the property owners association.

Stormwater Design Requirements

53. The project shall comply with the Alameda Countywide NPDES Permit #CA50029831, a copy of which is available at the City offices.

The following requirements shall be incorporated into the project:

- a) The project developer shall submit a final grading and drainage plan prepared by a licensed civil engineer depicting all final grades and on-site drainage control measures including bio-swales. Irrigated bio-swales shall be redesigned as needed to the satisfaction of the City Engineer to optimize the amount of the storm water running off the paved surface that enters the bio-swale at its most upstream end. This plan shall be subject to the review and approval of the City Engineer prior to the issuance of any building permits.
- b) In addition to natural controls the project developer may be required to install a structural control, such as an oil/water separator, sand filter, or approved equal (in the parking lot) (on the site) to intercept and pretreat storm water prior to reaching the storm drain. The design, locations, and a schedule for maintaining the separator shall be submitted to the City Engineer/Chief Building Official for review and approval prior to issuance of building permits. The structural control shall be cleaned at least twice a year: once immediately prior to October 15 and once in January. The project developer shall enter into a maintenance agreement for the oil/water separator.
- c) The project developer shall submit sizing designs criteria to treat stormwater runoff at the time of plan submittal.
- d) Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
 - 1) Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides.
 - 2) Where feasible, landscaping shall be designed and operated to treat stormwater runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified. Soil shall be amended as required.
 - 3) Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.

- 4) Landscaping shall also comply with City of Pleasanton ordinances and policies regarding water conservation.
- e) Prior to grading permit issuance the project developer shall submit a copy of the State Water Resources Control Board Notice of Intent (NOI) for coverage under the State Construction Storm Water General Permit for projects with clearing, grading and excavation exceeding the current standards.
- f) Roof drains shall discharge and drain away from the buildings foundation to an unpaved area wherever practicable.

Stormwater Construction Requirements

54. The project development shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer prior to issuance of building or grading permits. Failure to comply with the approved construction SWPPP may result in the issuance of correction notices, citations or stop work order. The following construction Best Management Practices (BMPs), as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.

The project developer is responsible for implementing the following measures during all construction phases of the project:

- a) The project developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building Official. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Chief Building Official. The project developer is responsible for ensuring that the contractor is aware of and implements such measures.
- b) All cut and fill slopes shall be revegetated and stabilized after completion of grading, but in no case later than October 15. Hydroseeding shall be accomplished before September 15 and irrigated with a temporary irrigation system to ensure that the grasses are established before October 15. No grading shall occur between October 15 and April 15 unless approved erosion control/storm water quality measures are in place, subject to the approval of City Engineer/ Chief Building Official. Such measures shall be maintained until such time as permanent landscaping is place.

- c) Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water runoff pollution.
- d) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
- e) Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
- f) Create a contained and covered area on the site for the storage of bags, cement, paints, oils, fertilizers, pesticides, or other materials used on the site that have the potential of being discharged into the storm drain system through being windblown or in the event of a material spill.
- g) Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
- h) Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.

Stormwater Operation Requirements

55. All projects, unless otherwise determined by the City Engineer or Chief Building Official, shall enter into a recorded Stormwater Treatment Measures Inspection and Maintenance Agreement for ongoing maintenance and reporting of required stormwater measures. These measures may include, but are not limited to:
- a) A mechanism shall be created, such as a property owners' association, to be responsible for maintaining all private streets, private utilities and other privately owned common areas and facilities on the site including stormwater treatment measures. These maintenance responsibilities shall include implementing the maintenance plan, which is attached to the Stormwater Treatment Measures Inspection and Maintenance Agreement. This document shall be reviewed by the City Attorney's Office and recorded with the final map.
 - b) On-site storm drain inlets clearly marked and maintained with the words "No Dumping – Drains to Bay."

- c) **Proper maintenance of landscaping, with minimal pesticide and fertilizer use.**
- d) **Ensure wastewater from vehicle and equipment washing operations is not discharged to the storm drain system.**
- e) **Ensure that no person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials or rinsewater from cleaning tools, equipment or parts into storm drains.**
- f) **Clean all on-site storm drains at least twice a year with one cleaning immediately prior to the rainy season. The City may require additional cleanings.**
- g) **Regularly but not less than once a month, sweep driveways, sidewalks and paved areas to minimize the accumulation of litter and debris. Corners and hard to reach areas shall be swept manually. Debris from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wastewater containing any soap, cleaning agent or degreaser shall not be discharged into the storm drain.**
- h) **Vegetated swales with grasses shall be mowed and clippings removed on a regular basis.**

Site Engineering

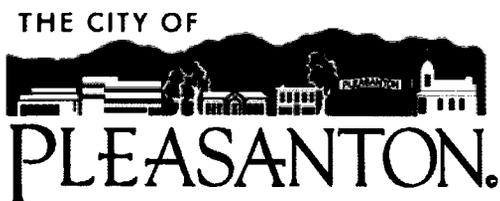
56. The project developer shall:

- a) **Submit a refundable cash bond for hazard and erosion control prior to issuance of an Engineering or Building and Safety Division permit if required. The City Engineer will determine the amount of this bond.**
- b) **Submit a waste management plan to the Building and Safety Division prior to issuance of building or demolition permits. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 50 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final building permit. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only". The project developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.**
- c) **Prior to building permit issuance, submit a grading and drainage design plan to the Engineering Department for review and approval and in conformance with the NPDES requirements. The plan shall demonstrate that the proposed development would minimize or eliminate increases in the**

volume or rate of runoff associated with both small and large storm event (including two-year to 100-year storm events) from the development site.

- d) **Submit a construction Best Management Practices (BMPs) program for review and approval by the Planning Director prior to issuance of building and/or grading permits. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMPs. Construction site cleanup and control of construction debris shall also be addressed. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a stop work order.**
- 57. **All utilities required to serve the existing houses on-site shall be installed underground, including telephone, cable, electric, and gas lines.**
- 58. **Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project developer. This shall include slurry seal, overlay, or street/sidewalk reconstruction if deemed warranted by the City Engineer.**
- 59. **Prior to final building inspection, the project developer shall post address numerals on the buildings so as to be plainly visible from all adjoining streets or driveways during both daylight and night time hours.**

[end]



**Planning Commission
Staff Report**

October 10, 2007
5.b.

SUBJECT: PUD-64

APPLICANT: Mike Carey

PROPERTY OWNERS: 4238 First Street, LLC

PURPOSE: Application for Planned Unit Development rezoning and development plan approval to: (1) rezone an existing 13,161-square-foot parcel from RM-25 (Multiple-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District; (2) renovate the existing home; and (3) construct four detached single-family units ranging from 1,500 square feet to 1,750 square feet.

GENERAL PLAN: High Density Residential-Greater than 8 dwelling units per gross acre.

SPECIFIC PLAN: Downtown Specific Plan: High Density Residential

ZONING: RM-25 (Multiple-Family Residential)

LOCATION: 4238 First Street

ATTACHMENTS:

1. Location Map
2. Exhibit A, Site Plan, Landscape Plan, Elevation Drawings, and Floor Plans dated “Received October 2, 2007”
3. Exhibit B, Draft Conditions of Approval
4. Exhibit C, Photographs
5. Exhibit D, Planning Commission Meeting Excerpt from July 25, 2007
6. Exhibit E, Public Correspondence

BACKGROUND

In August of 2006 the applicant, Mike Cary, submitted a preliminary review application regarding the site located at 4238 First Street. The intent of this review was to receive formal

comments from the City regarding development opportunities and regulations that would apply if additional units were to be added on the vacant portion of the parcel. Since the initial preliminary phase, staff has worked closely with Mr. Carey and other City Departments to provide direction of the proposal; which included a neighborhood meeting with positive feedback. Once comments were received from the residents and staff, the applicant applied for a PUD rezoning and development plan approval in order to achieve more flexibility in the development plan standards than those provided for the RM-2,500 zoning district,.

On July 25, 2007 the Planning Commission held a work session to review and provide comments on several site design concepts for the applicants formal development application to rezone the existing 13,161-square-foot parcel, renovate the existing home and construct a detached garage with a second unit above it, and construct four single-family homes. Each Commissioner provided the following comments on their preference to the various site concepts:

Commissioner Pearce:

- Detached units would be acceptable
- 3-story height doesn't seem to be an issue
- Variation in sizes to break-up the massing would be beneficial
- Tandem parking is acceptable

Commissioner Blank:

- Concerned about parking and would like to see it maximized along with the green space
- Detached units would be acceptable
- 3-story height is fine
- Variation in sizes to break-up the massing
- Tandem parking is acceptable

Chair Fox:

- Would like to see something different than the West Angela Street project
- Detached units would be acceptable
- 2 and 3-story units would break-up the massing (2-three stories and 2- two stories: alternating)
- Look into doing 2-car garages
- Variation in sizes and architecture; Craftsman and another style to provide a more unique look to each of the 4 units.
- Concerned with backing out onto First Street

Commissioner O'Conner:

- Would it be possible to move the stairs to get 2 parking spaces?
- Provide tandem for some, maybe 2, but not all of them. Possibly vary the garage sizes: alternate from 1-car to 2-car etc.

- Variation in sizes and style would enhance the project's appearance.
- A bonus room above the detached garage may be more acceptable than a second dwelling unit since the parking is tight
- Likes the idea of single-family verses duplex

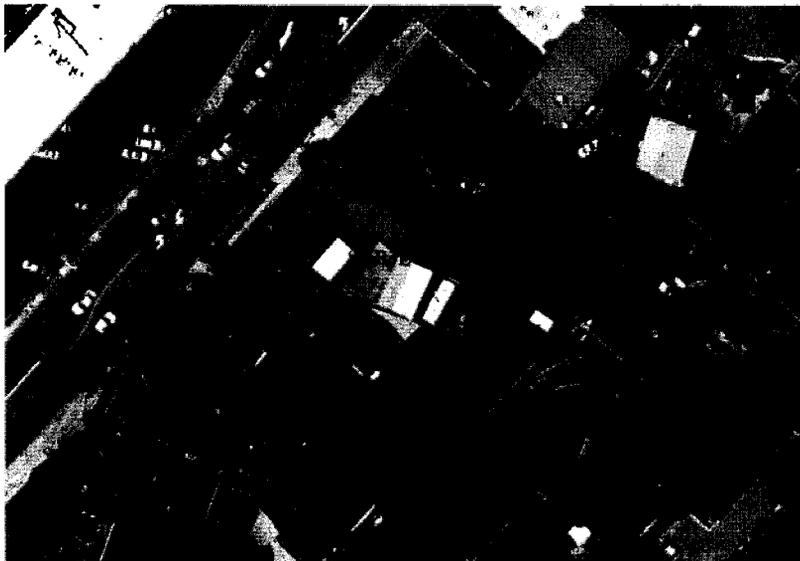
The Commission was also open to making the garage a carport and moving it to the side of the existing house to allow for more open space and/or parking. The Commissioner's also agreed that a bonus room may be more acceptable than a second dwelling unit since there is concern with the amount of parking being provided. Please see Exhibit D for the Planning Commission workshop minutes.

With the information that was provided to staff and the applicant through the work session, the applicant made a few adjustments to the development concept and submitted revised plans for consideration. The development plan and the rezoning from the RM-2,500 to PUD zoning district are now before the Commission for review and recommendation to the City Council.

SITE DESCRIPTION

The subject site is an approximately 13,161 square-foot (.30 acre) relatively flat infill lot located in the Downtown Specific Plan area with Vineyard Avenue to the north and Kottinger Drive to the south. There is an approximately 1,210 square-foot one-story residence, built between 1885 and 1900 and an approximately 200 square-foot detached two-car garage located to the rear of the house; with the remaining 11,751 square-feet being vacant land. There are currently two small fruit trees on the property which are less than 6-inches in diameter and recommended by the City's Landscape Architect for removal with a condition for replacement trees.

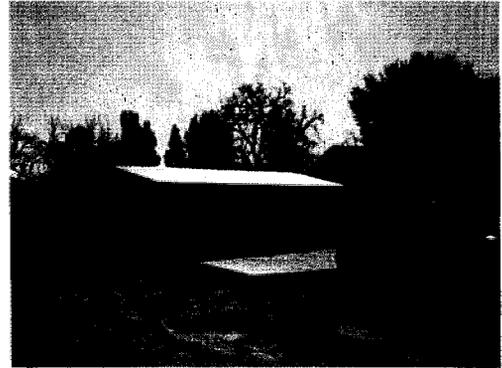
Aerial View



Existing house



Existing detached garage



Partial rear view of the subject site looking towards First Street



Adjacent properties include the Pleasanton Plaza to the west and the recently closed Shell service station located to the north of the subject site. There is a two-story multiple-family development and single-family detached residential units to the south and single-story to two-story multi-family homes and apartments to the east. Please see Exhibit C for pictures of adjacent properties.

PROJECT DESCRIPTION

The applicant proposes to rezone the subject site from RM-25 (Multiple-Family Residential-minimum 2,500 square-foot lot area per unit) District to PUD-HDR (Planned Unit Development-High Density Residential) District to provide more design flexibility. The proposal consists of retaining the existing home and developing four three-story single-family homes and removing the existing detached garage and constructing a new trellis carport. The four detached single-family units would have a one car garage located on the bottom floor with additional tandem driveway parking. The existing house would utilize the new trellis parking space with another additional space being provided to the existing house between lot 2 and the carport. There will be one guest parking space provided onsite for the four units; between lot 3 and 4.

Staff would like to note that when the notification for this project was sent, the unit sizes have since been refined. The notice for the units was for a size ranging from 1,500 square-feet to 1,750 square-feet when the units are now being proposed at approximately 1,713 square-feet and 1,919 square-feet; which represents approximately 6-feet great in width and puts the floor area ratio (FAR) around 85%+/- . The maximum height will range from approximately 33 to 35 feet with the trellis carport height at approximately 10-feet; both measured from finished grade to the highest point of the structure. The proposed detached units offer four alternative, but complementary, designs. To keep in character with the downtown area, the applicant has indicated that the design would be similar to the houses along Second Street; as illustrated in the elevation drawings in Exhibit A. The units alternate in size to break up the appearance of the buildings and, like the existing home, will include small porches and deck areas. The following chart illustrates and compares the proposed lot development standards.

	Lot Sqft	Unit Size	Floor Plan	FAR	FYSB	RYSB	SYSB	Height	Parking
Lot 1	4,605.89	1,210.05	N/A	26%	16-ft to 21-ft	3-ft to 9-ft	3-ft & 5-ft	18'9"	1 Covered & 1 Uncovered
Lot 2	2,151.64	1,919	A	89%	6-ft	5-ft	1'6" & 5-ft	34-ft	1 Car Garage & Tandem Driveway
Lot 3	2,017.72	1,713	B	85%	6-in to 6-ft	5-ft	2' 6" & 1'6"	33'6"	1 Car Garage & Tandem Driveway
Lot 4	2,262.22	1,919	A	85%	6-in to 20-ft	3-ft to 11-ft	7-ft & 3-ft	35'3"	1 Car Garage & Tandem Driveway
Lot 5	2,123.33	1,713	B	81%	1-ft to 19-ft	8-ft to 20-ft	3-ft & 1-ft	33'6"	1 Car Garage & Tandem Driveway

Site Improvements

The applicant is proposing to enhance the site by adding 24" box native trees and 1 to 5 gallon shrubs and ground cover. Staff notes that the tree located between lot 2 and lot 3 will be relocated so that it is not on the shared property line. Staff has added a condition of approval

that the applicants will be required to create a maintenance association that will maintain the landscaping, driveway, and mail kiosk; to which the applicant has agreed to.

In order to meet the stormwater requirements and enhance the appearance of the lot, the first 8 to 11 feet of the new 18-foot driveway will be pavers with two additional paver bands. Staff notes that the paver bands were added in order to meet the stormwater requirements; however the location and dimensions of the bands may change after final review of the stormwater requirements. Staff has discussed this with the applicant and a condition of approval has been added to reflect this. A mail kiosk for the 5 units will be added to the front of the property; which has been reviewed and approved by the post office.

There is a relatively new 6-foot tall redwood fence that borders the majority of the property. The applicant is proposing to remove the chain link fence located in the front and small side yard portion of the existing residence and replace it with picket style fencing, not exceeding 42" in height, to match that of the existing redwood fence. Due to the proximity of the units, access is limited and fencing between the units would inhibit life support services (i.e. Fire, Police, etc). Therefore, future fencing along property lines for the new and existing lots will not be allowed. Staff has discussed this with the applicant and a condition of approval has been added to reflect this.

ANALYSIS

General Plan and Downtown Specific Plan Land Use Conformity

The General Plan land use designation for the subject site is High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with five units on approximately .30 acres would result in 2.4 units per acre, which is equivalent to 8 dwelling units per acre and therefore consistent with the General Plan designation. The project would also be consistent with the following General Plan policy in the Housing Element, "at a minimum, maintain the amount of high-density residential acreage currently designated on the General Plan Map."

The Downtown Specific Plan designation for the property is High Density Residential. The proposed residential project would conform to this designation. The project would also be consistent with the following Downtown Specific Plan policy, "Encourage development at densities which generally exceed the General Plan range midpoints in order to enhance the opportunities for affordable housing, unique housing types, and economic growth in the Downtown."

PUD Rezoning

The applicant proposes to change the zoning of the property from RM-25 District to PUD-HDR (Planned Unit Development-High Density Residential). This would be consistent with the General Plan and the Downtown Specific Plan land use designation for the site.

Downtown Design Guidelines

The Downtown Design Guidelines are intended to encourage the enhancement of Downtown Pleasanton's older buildings and to guide the development of its new buildings so as to strengthen the desirable aesthetic and pedestrian-oriented qualities of the Downtown. The project consists of four individually designed, single-family detached homes with a turn-of-the-century home located at the front of the site. Two of the houses will face towards Vineyard Avenue and two homes are set back on the site, facing First Street. The units have purposely been tucked back on the side and rear of the lot to present a single-family theme that simultaneously presents a smooth transition with the duplexes and apartment complexes located both to the northeast, east, and south of the subject site. The homes have individually designed façades incorporating heritage architectural color and detailing such as board and batten, lap siding, hardiplank, and framed windows. Building mass has been reduced through the incorporation of hipped roofs and small gables. To further enhance the overall aesthetics and continuity of the project, the homes will be painted with colors chosen from a "historic color palette". Further heritage style is expressed through the incorporation of bay windows and small front porches and decks. The location of garage entries are well screened and with the existing house maintaining the front yard setback, a vibrant pedestrian-oriented atmosphere is present and provides a harmonious transition with the commercial area across First Street and adjacent properties. The proposed plan appears to be consistent with the intent of the Downtown Design Guidelines and the project appropriately reflects the size, scale, and massing of the Downtown area and other existing residential structures.

Site Development Standards

There are no specific site development standards for the Planned Unit Development zoning district in the City's Zoning Ordinance. The purpose of the PUD zoning designation is to allow flexibility in determining site-specific development standards. The development proposal consists of 5 individual parcels. Each design has the units arranged in an "L" shape on the property to eliminate a cluster design by keeping the units tucked on the back of the property and in keeping with the other surrounding residential buildings. Due to the width of the driveway, proposed at 18-feet, it will be a private drive. The Fire Department has reviewed the width and is supportive of it.

Although the proposed development standards do not meet the RM-25 development standards, staff believes that the proposed site layout fits in with the Downtown area. The applicant has strategically located the detached single-family homes along the south and rear sides of the property; emphasizing and enhancing a single-family streetscape along First Street.

Building Architecture

Since the original project submittal, the applicants have revised the designs to provide more interest, various materials integration, and more articulation between the units. The buildings will each have a specific color palate adding interest and diversity to the project's streetscape.

The roof material on all of the buildings is proposed as architectural grade composition with “Ravenswood” for the new units and a complementary color “Charcoal” for the existing home. The façade change to the existing residence will be similar in color and roofing material as to be complementary to the new units. The proposed buildings are approximately 33 to 35-feet tall when measured from finished grade to roof ridge. The units have a garage in the lower level and two floors of living space above. Each unit has a covered front porch with steps providing direct access to the living area. Staff believes that the proposed vinyl windows, if recessed, will be complementary to the building design. Staff has discussed this with the applicant and has added a condition of approval to reflect this. Each unit offers “historic” colors and varying architectural features and materials to allow for diversity.

Parking

Access is gained from the new paved driveway off of First Street; no new curb cuts are necessary. The four new residential units each contain a full-sized one car garage on the lower level that is accessed from the existing joint-access driveway. Tandem parking would be provided in each of the driveways with one additional guest parking space being provided between lots 3 and 4. The existing home will have two dedicated parking spaces to be located and striped off along the east side of the existing home. No parking will be allowed in any area of the joint access driveway.

Usable Open Space

In providing the required on-site parking while preserving all existing on street parking, the opportunities for usable open space have been substantially reduced. The Pleasanton Municipal Code prescribes minimum group and private usable open space for dwelling units in the RM districts. A PUD zoning, however, is designed to provide flexibility in development standards to allow innovative design for projects that otherwise meet the intent of the General Plan, relevant Specific Plan, and, in this case, the Downtown Design Guidelines. Consistent with the architecture of a vibrant, urban, street-friendly design, open space is incorporated into the project in the form of porches and balconies. Each unit is proposed to have an approximately 70-square-foot front porch and approximately 117 square-feet of deck. Lack of group open space is mitigated by the close proximity of Kottinger Village Park to the subject site.

Green Building

All new residential projects are required to include green building measures in the design of new homes. The proposed project shall achieve a minimum of 50 total points and the minimum requirements in each category (Community, Energy, Indoor Air Quality/Health, Resources, and Water) required for a Certified Rating. The project has been conditioned to require the green building measures to be shown on the plans submitted for issuance of a building permit.

Building and Fire Code Compliance

The new units would be required to comply with all current Building and Fire Code requirements. The buildings would be equipped with automatic fire suppression systems (sprinklers), as required by the Fire Department. Due to the proximity of some of the buildings to the property lines, the applicants would be required to install one-hour wall/wall materials as required by the Building and Safety Division.

Pleasanton Downtown Association

Although the project site is outside the boundaries covered by the Pleasanton Downtown Association (PDA), the PDA Board reviewed the project plans and expressed support for the project. Please see Exhibit E for the letter from the PDA.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns. On October 4 the applicant met with Doug Safreno, property owner of the Shell service station and the adjoining side residential property, to discuss the project. Mr. Safreno is in support of the project, however requested the following: 1) relocated the sliding glass door on the ground floor of lot 2 to the west elevation so that it does not face the carport on the residential property; 2) make the second and third floor stories of lots 2 and 3 continuous of the ground floor so that they do not cantilever over the rear elevation (south); and 3) noted that the shared property line of the Shell gas station is not accurate. Mr. Safreno informed the applicant that the subject site has approximately 2-feet to gain if the line were readjusted. Staff has added a condition of approval stating that a survey shall be conducted of the shared property line to ensure its accuracy.

The applicant also provided staff with 13 letters of support for the project on October 4; which can be found in Exhibit E. Staff notes that another letter of support for the project was provided by Robert Byrd prior to noticing the project; which is also in Exhibit E.

As previously stated, because the plans were revised after noticing was sent, the unit sizes are larger than what is reflected on the noticing. However, staff has not received any comments or letters of opposition regarding the project.

PUD CONSIDERATIONS

The Zoning Ordinance of the Municipal Code sets forth purposes of the Planned Unit Development District and “considerations” to be addressed when reviewing a PUD development plan.

1. Whether the plan is in the best interest of the public health, safety and general welfare:

All on-site infrastructures shall be installed by the project developer with connections to municipal systems in order to serve the site. Adequate storm drain, sanitary sewer, and water service utilities are present near the development and are sufficient to serve the new buildings. Public street access is provided to all structures for police, fire, and other emergency response vehicles. The buildings are designed to meet the requirements of the Building Code and other applicable City codes. The applicants would install ample landscaping as part of the project.

Therefore, as conditioned, staff believes that the proposed plan is in the best interest of the public health, safety, and general welfare, and that this finding can be made.

2. Whether the plan is consistent with the City's General Plan:

The proposed project's land use, High Density Residential, conforms to the "High Density Residential" Land Use Element designation for the project site. The General Plan land use designation for the subject site is High Density Residential (greater than eight dwelling units per gross acre). The proposed project, with 5 units on approximately .30 acres for a density of 2.4 units per acre, would be consistent with this General Plan designation. The project would also be consistent with the following General Plan policy in the Housing Element, "at a minimum, maintain the amount of high-density residential acreage currently designated on the General Plan Map."

Because the site is located within the Downtown Specific Plan, the Specific Plan programs, policies, and land use designation are regarded as a more refined, detailed version of the General Plan. The land use designation for this property in the Downtown Specific Plan is "High Density Residential". The proposed use conforms to this designation.

Thus, staff concludes that the proposed development plan is consistent with the City's General Plan and Downtown Specific Plan, and staff believes this finding can be made.

3. Whether the plan 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, and personal service uses. As conditioned, staff believes that the proposed project would be compatible with the single-family/multi-family character in the area. The height of the proposed buildings is within the height range of surrounding buildings. The site is flat with minimal grading proposed for drainage purposes. The design of the buildings is consistent with the Downtown Design Guidelines and staff believes that

the plan, as conditioned, is compatible with the previously developed properties and the natural topographic features of the site, and staff believes this finding can be made.

4. Whether 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:

The subject site is flat, therefore, as conditioned, staff feels that the minimal grading required is designed in keeping with the best engineering practices and would not have an impact on the environment. Staff believes that this finding can be made.

5. Whether 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 infill site, there is little natural terrain in the vicinity. Development of the site complements the natural terrain by making only minor changes as necessary to the site's existing, relatively flat topography. Therefore, staff feels that this PUD finding can be made.

6. Whether adequate public safety measures have been incorporated into the design of the plan:

The project, as conditioned, would be consistent with City safety standards. The buildings would be equipped with automatic fire suppression system (sprinklers), as required by the Fire Department. The project would be required to comply with all building and fire code requirements.

Therefore, staff believes that the plan has been designed and conditioned to incorporate adequate public safety measures.

7. Whether the plan conforms to the purposes of the PUD District:

The proposed PUD development plan conforms to the purposes of the PUD district. One of these purposes is to ensure that the desires of the developer and the community are understood prior to the commencement of construction. Staff believes that the proposed project implements the purposes of the PUD ordinance in this case by providing a high-density project consistent with the General Plan, Downtown Specific Plan, and Municipal Code. The PUD process allows for ample input from the public and for an ultimate decision by the City Council regarding the appropriateness of the proposed uses and development plan.

Staff feels that through the PUD process, the proposed project has provided neighboring property owners and residents, the applicants, and the City with a rezoning and development plan that optimizes the use of this infill site in a sensitive manner. Therefore, staff believes that this finding can be made.

ENVIRONMENTAL ASSESSMENT

In-fill development projects on sites of five acres or less that have no habitat for endangered, rare, or threatened species, that can be adequately served by all required utilities and public services, that are consistent with the General Plan and zoning regulations, and would have no significant effects on traffic, noise, air quality, or water quality are also categorically exempt (In-fill Development: 15332(32)(a-e)) from CEQA. Furthermore, an Environmental Impact Report for the Downtown Specific Plan was approved by the City Council on March 5, 2005. The Environmental Impact Report anticipated that a high-density residential project, such as that proposed, would be located on the project site. Therefore, no other environmental documentation accompanies this report.

CONCLUSION

The subject site is an infill lot within the Downtown Specific Plan Area. As such, development of this site must relate to the design and development standards of the Downtown residential area while respecting the concerns of and minimizing the impacts on nearby residents. Staff believes that the applicants have done a good job of adhering to the Downtown Design Guidelines. The development exceeds the high-density residential midpoint, which is a goal supported by the General Plan. The project blends in with the Downtown's character and residents who live in the development can walk to Downtown to shop and eat, thus adding to viability and success of Downtown. Therefore, staff believes that the project deserves a favorable recommendation.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Make the finding that the proposed PUD development plan is covered by the previously approved Final Environmental Impact Report for the Downtown Specific Plan.
2. Find that the proposed PUD development plan and related material, Exhibit A, is consistent with the General Plan, Downtown Specific Plan, and purposes of the PUD ordinance;
3. Make the PUD findings listed in this staff report; and

4. Adopt a resolution recommending approval of PUD-64, subject to the development plan as shown in Exhibit A and the conditions of approval listed in Exhibit B, and forward the PUD development plan to the City Council for action.

Staff Planner: Natalie Amos, Assistant Planner, 925.931.5613, namos@ci.pleasanton.ca.us

PUD-64, 4238 First Street, LLC

Application for Planned Unit Development rezoning and development plan approval to: (1) rezone an existing 13,161-square-foot parcel from RM-25 (Multiple-Family Residential) District to PUD-HDR (Planned Unit Development – High Density Residential) District; (2) renovate the existing home; and (3) construct four detached single-family units ranging from 1,500 square feet to 1,750 square feet at the property located at 4238 First Street.

Commissioner Blank moved to make the finding that the proposed PUD development plan is covered by the previously approved Final Environmental Impact Report for the Downtown Specific Plan; that the proposed PUD development plan and the related material, Exhibit A, is consistent with the General Plan, the Downtown Specific Plan, and the purposes of the PUD ordinance, to make the PUD findings listed in the staff report; and to recommend approval to the City Council of PUD-64, subject to the development plan as shown in Exhibit A and the conditions of approval listed in Exhibit B.

Commissioner Olson seconded the motion.

In response to an inquiry by Commissioner Narum regarding whether the home at 4238 First Street would be sprinklered, Ms. Decker replied that it would be sprinklered depending on how far down to the studs the renovation went. It is the City's policy that if a renovation included demolition of the interior down to the studs, the home must be retrofitted with a sprinkler system. Commissioner Narum did not see a mention of sprinklers in the staff report.

Ms. Decker noted that a condition could be added to state that if the interior of the structure were demolished such that the studs are exposed, the house would be required to be sprinklered.

The proposed modification was accepted by Commissioners Blank and Olson.

ROLL CALL VOTE:

AYES: Commissioners Blank, Fox, Narum, Olson, and Pearce.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: None.

Resolution No. PC-2007-41 recommending approval of PUD-64 was entered and adopted as motioned.