

Planning Commission Agenda Report

February 28, 2018
Item 6.b.

SUBJECT: P17-0766 and P17-0783

**APPLICANTS/
PROPERTY OWNERS:** Erich Pfuehler and Sara Barth

APPELLANTS: Donald and Noel Anger

PURPOSE: Consider an Appeal of the Zoning Administrator's approval of an Administrative Design Review application to construct an approximately 665-square-foot, single-story addition to include a new Accessory Dwelling Unit, and an approximately 426-square-foot second-story addition with 77-square-foot terrace to the rear of the existing residence.

LOCATION: 565 St. Mary Street

GENERAL PLAN: Medium Density Residential

SPECIFIC PLAN: Downtown Specific Plan – Medium Density Residential

ZONING: R-1-6,500 (One-Family Residential) District

EXHIBITS:

- A. [Draft Resolution](#) and [Conditions of Approval](#)
- B. [Approved Plans dated "Received November 29, 2017," and Revised FAR Exhibit dated "Received February 9, 2018"](#)
- C. [Zoning Administrator's Approval Letter dated "January 4, 2018"](#)
- D. [Letter of Appeal dated "January 18, 2018", with photos](#)
- E. [Applicant response to appeal, dated "Received February 18, 2018"](#)
- F. [Pleasanton Historic Resource Survey for 565 St. Mary Street](#)
- G. Zoning Administrator Meeting Minutes – [October 13, 2017](#), and [January 4, 2018](#)
- H. [Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's (ZA) approval of case P17-0766 and P17-0783, subject to the Conditions of Approval listed in Attachment 1 to Exhibit A.

EXECUTIVE SUMMARY

The subject application is an appeal of the Zoning Administrator's approval of Administrative Design Review application P17-0766 and P17-0783 to construct an approximately 665-square-foot, single-story addition to include a new Accessory Dwelling Unit, and an approximately 426-square-foot second-story addition with 77-square-foot terrace to the rear of the existing residence at 565 St. Mary Street. The neighbor/appellant (at 541 St. Mary Street) believes the second-story addition and rear terrace will impact their privacy. As approved and conditioned by the Zoning Administrator, the addition is consistent with the intent of the zoning district and design criteria and the neighbor's concerns have been addressed through conditions of approval added at the Zoning Administrator hearing.

PROJECT BACKGROUND

On June 9, 2017, the applicants submitted Administrative Design Review (ADR) applications to construct an approximately 665-square-foot, single-story addition to include a new Accessory Dwelling Unit, and an approximately 460-square-foot second-story addition with 134-square-foot terrace to the rear of the existing residence located at 565 St. Mary Street. The project also included construction of a new second story balcony/terrace at the rear of the home.

The subject property is located in the Downtown Specific Plan area. The existing Craftsman style home was built in 1922 and was determined to be a historic resource based on the City's Historic Resource Survey completed in 2015. An excerpt from the City's Historic Resource Survey for the subject home is included within Exhibit F for reference. The existing two-story home is approximately 2,407 square feet with an approximately 792-square-foot basement. Per the Historic Resource Survey, the rear sunroom and portions of the front porch and bay window do not appear to be completely original to the home.

All second-story additions within the Downtown Specific Plan are required to install story-poles prior to sending out public notices. Story poles were confirmed to be in place on August 8, 2017 and ADR public notices were sent to adjacent properties as well as the Pleasanton Heritage Association and Downtown Improvement Association. After the ADR notice was sent, the adjacent neighbors, the Angers, at 541 St. Mary Street (east of the subject property) contacted staff and indicated that they had concerns regarding the proposed second-story addition and terrace and the potential view and privacy impacts to their home.

On October 13, 2017, a Zoning Administrator (ZA) hearing was held on the subject proposal. The hearing was attended by the applicants' architect; the applicants/property owners, and neighbors of the project, residents of 541 St. Mary Street (please refer to Exhibit G for meeting minutes). After public testimony, discussion, and review of the proposed plans it was determined by the ZA that the project needed further revisions and the item was continued. Redesign options suggested by the ZA included reducing the size of the windows on the east side by making the windows larger on the north and west sides; eliminating the terrace; and reducing the size of the second-story addition by moving the rear wall back by between two and four feet.

In response to this direction, the applicant submitted revised plans on November 29, 2018, that included the following changes:

- reducing the length of the second-story addition by two-feet four-inches;

- reducing the size of the second-story terrace by reducing the overall width of the terrace by six feet and moving it approximately two-feet, four-inches further away from the Anger's property line; and
- increasing the height of the terrace walls from 42 inches to 51 inches to help mitigate the neighbors' privacy concerns.

On January 4, 2018, a continued ZA hearing was held on the revised proposal, with the applicants and neighbors at 541 St. Mary also present. Although the neighbors appreciated the revisions that were made to reduce the size of the second story addition, they expressed disappointment that the terrace was not completely removed from the project, based on a continued concern about privacy impacts. The Angers also raised concerns regarding the Floor Area Ratio (FAR) of the home with the addition, and questioned the basis for the calculation of the project FAR, particularly that the area indicated in the plans as basement was not included in the applicant's calculation of FAR¹ and was in fact being used as a play area.

After hearing public comment and review of the proposed plans, the ZA agreed that, although the project met the requirements of the Pleasanton Municipal Code (PMC) and Downtown Specific Plan, there may be privacy impacts associated with the new terrace, with additional mitigation needed. Based on this, the ZA approved the project with the following additional conditions (see ZA Approval Letter dated "January 4, 2018," within Exhibit C.):

1. Plans submitted for building permits shall show the proposed second story terrace reduced in depth by one-foot and reduced in width by one-foot along the east side to be a maximum size of 15 feet, 5 inches by 5 feet.
2. Plans submitted for building permits shall include a 5-foot wide by 6-foot tall privacy panel along the east side of the second-story terrace.
3. Plans submitted for building permits shall include obscure or frosted glass on the new second story windows on the east elevation.
4. Plans submitted for building permits shall clearly identify the uses of all areas of the basement. All areas not designated as storage only shall be included within the Floor Area Ratio calculation for the project. The Floor Area Ratio shall not exceed 40 percent.

On January 18, 2018, within the 15-day appeal period, Donald and Noel Anger filed an appeal of the ZA approval (see Exhibit D), stating objections to the second-story addition with regard to privacy, and the FAR Calculations. Accordingly, the appeal is now before the Planning Commission for review and action.

¹ Floor Area Ratio calculations are based on the following PMC definition: "Gross floor area" means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines.

SITE DESCRIPTION

The subject site is located at the northeast corner of St. Mary Street and Pleasanton Avenue. The property is located in the Downtown Specific Plan area and therefore subject to the Specific Plan and Downtown Design Guidelines. The subject lot measures approximately 73 feet in width, 125 feet in depth, and is 9,125 square feet in area. The site contains an approximately 2,407-square-foot, two-story single-family residence with an approximately 360-square-foot detached garage, as seen in Figure 1.

The appellants' property is located adjacent to the subject property at 541 St. Mary Street and is an L-shaped lot that surrounds the subject property to the north and east. The adjacent home is an approximately 2,119-square-foot single-story home with a detached garage. Figure 2 and 3 show both properties, with the subject property outlined in red, and neighboring property in blue in Figure 3.

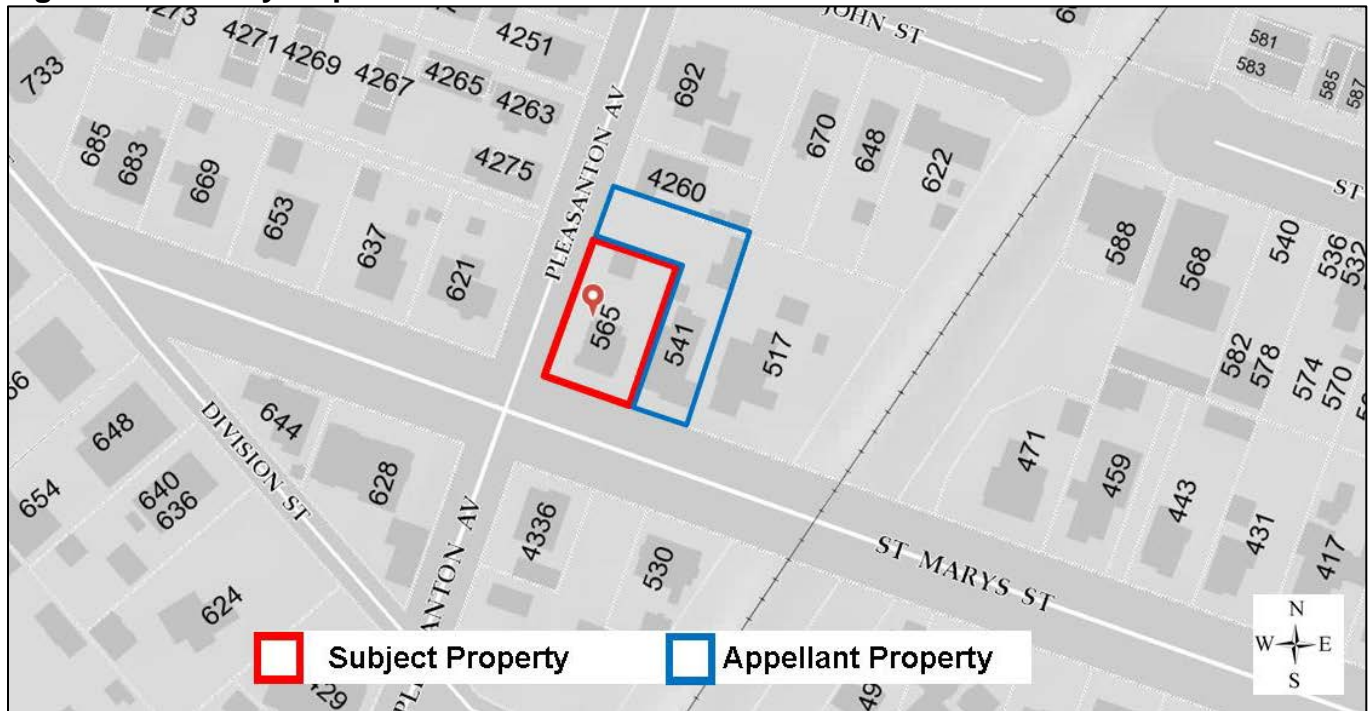
Figure 1 – Street View of Subject Lot Looking North



Figure 2 – Aerial Photograph



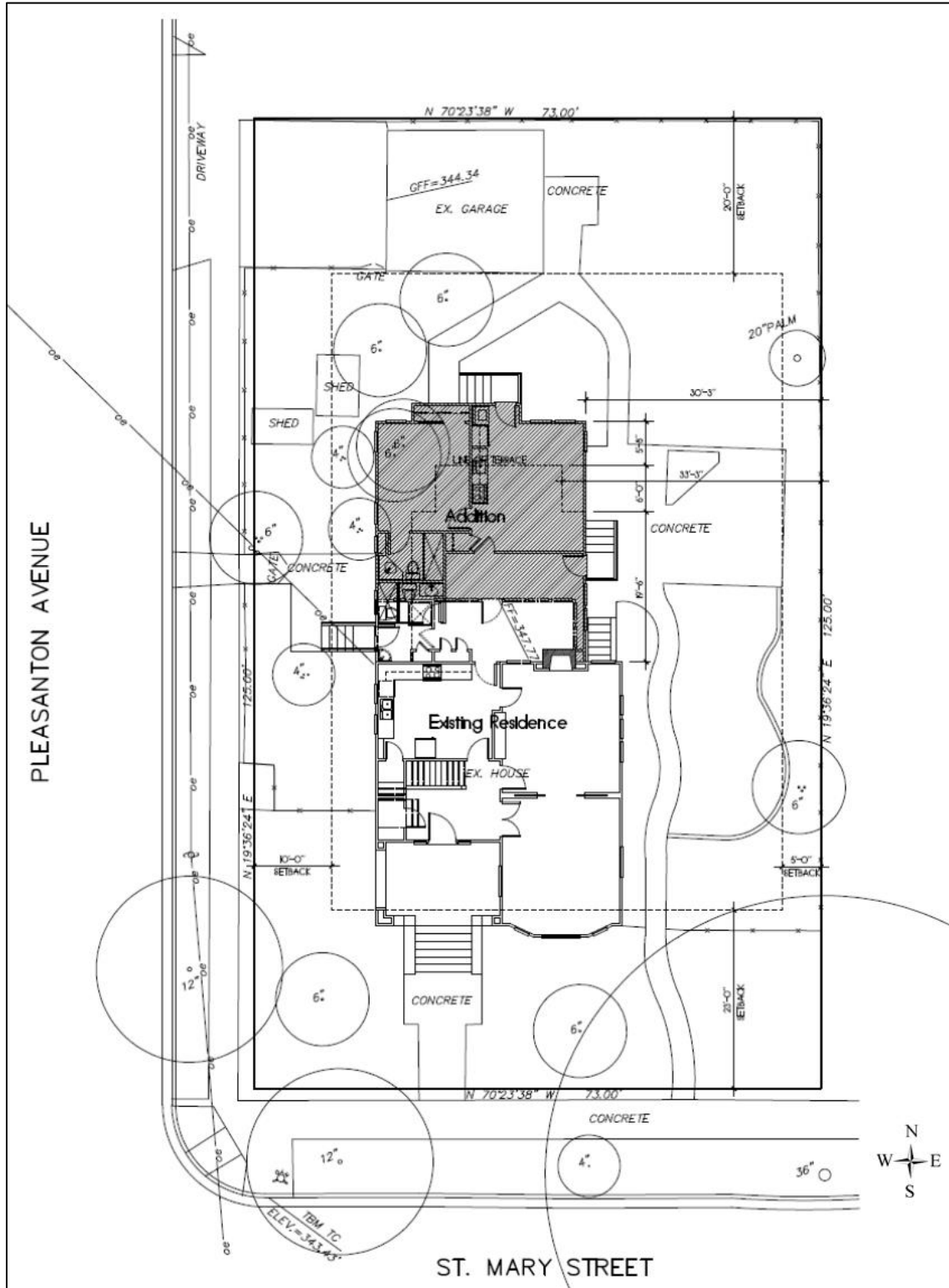
Figure 3 – Vicinity Map



PROPOSED PROJECT

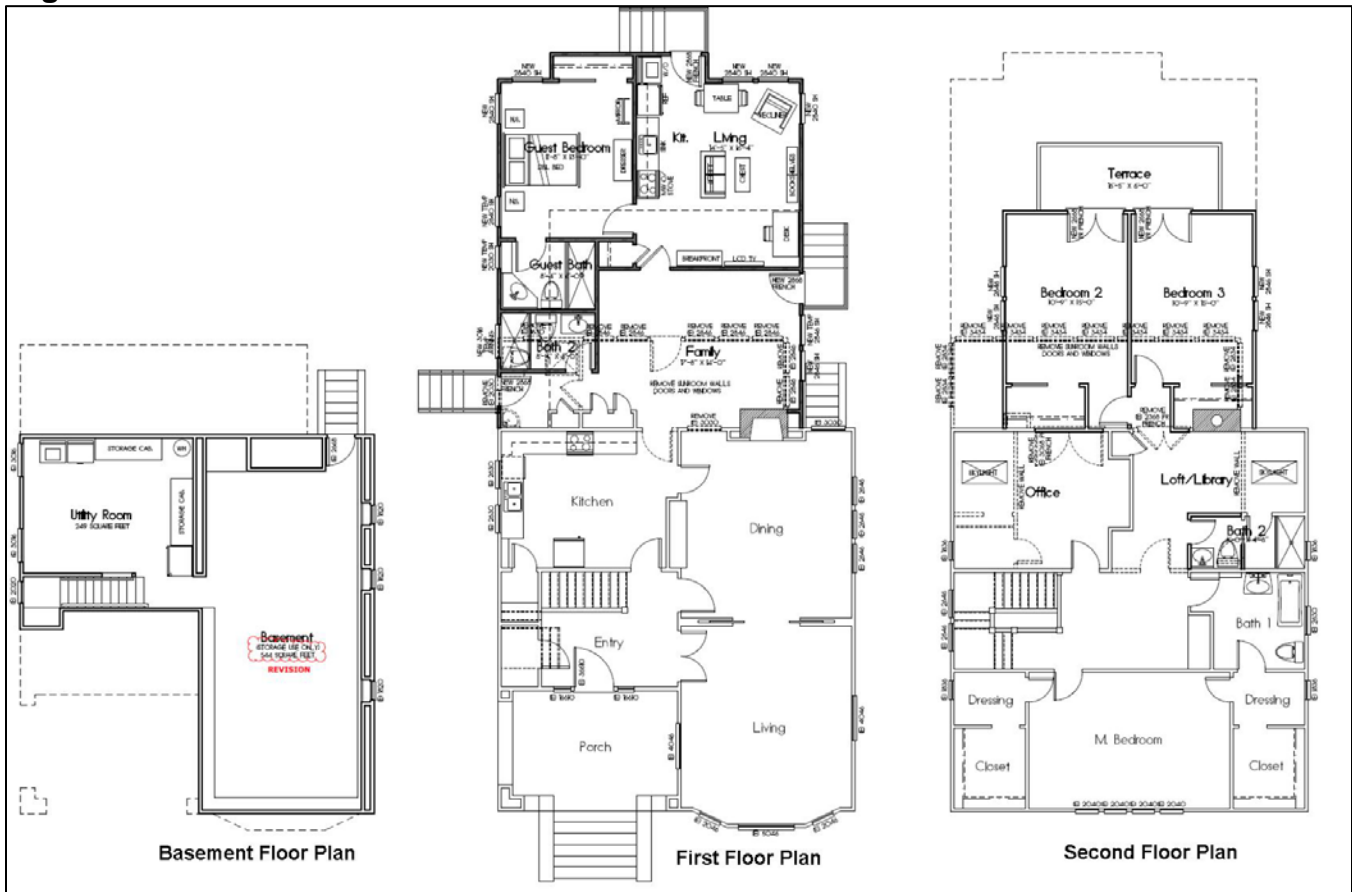
The applicant has applied for approval to construct an approximately 665-square-foot, single-story addition to include a new Accessory Dwelling Unit, and an approximately 426-square-foot second-story addition with 77-square-foot terrace to the rear of the existing residence as shown in the site plan in Figure 4.

Figure 4 – Site Plan



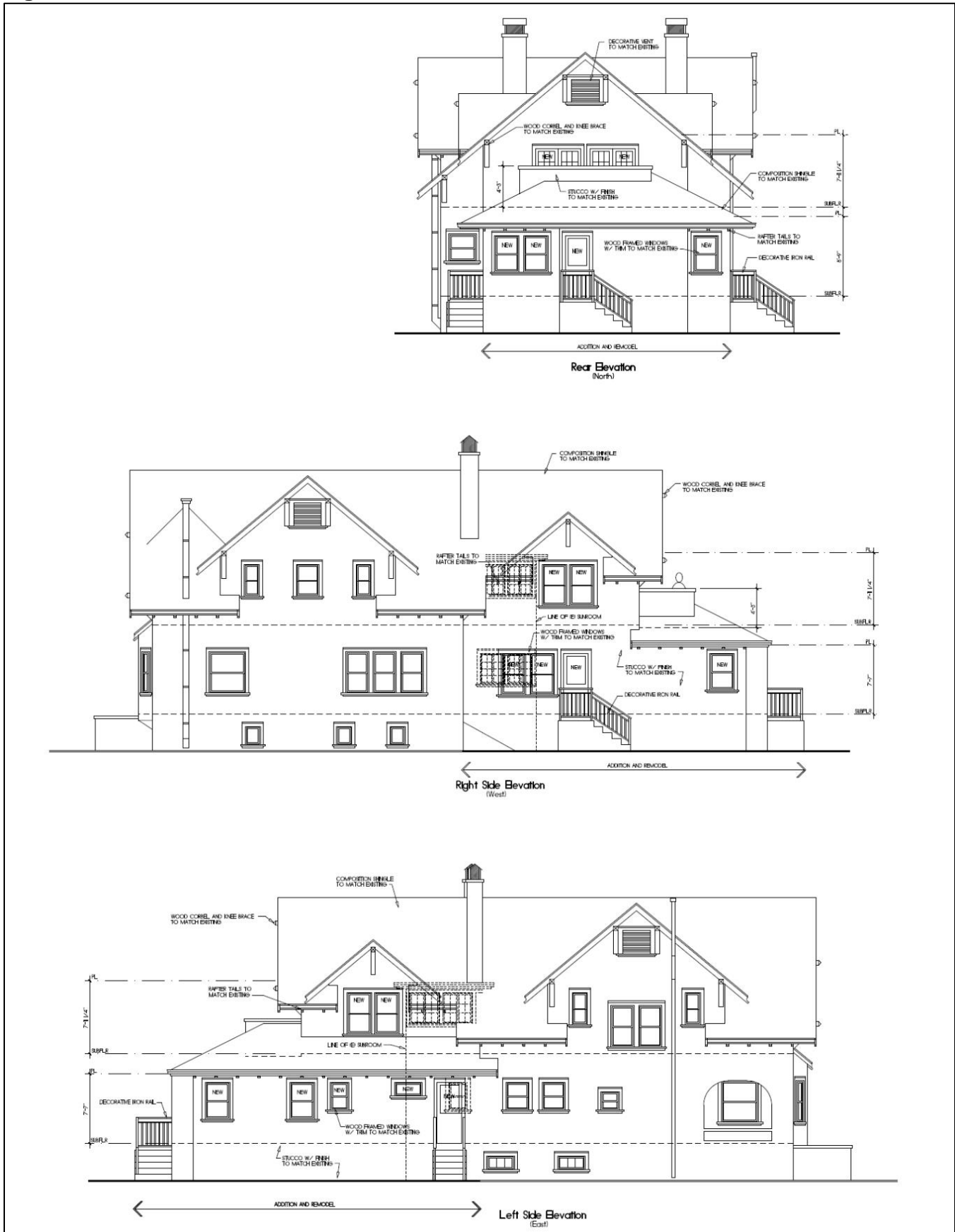
The first floor will be remodeled to expand the existing family room and add a bathroom to the main home as well as add a new ADU to the rear. The new ADU will include a living area with kitchen, a bathroom, and one bedroom, and will be accessible both internally through the main home as well as have an independent rear entry. Consistent with the PMCs ADU regulations, no additional parking for the ADU is required or proposed. The second-story addition would consist of expanding two bedrooms, adding a bathroom, library, and office as well as a new terrace to the rear. Figure 5 shows the proposed floor plans.

Figure 5 – Floor Plans



As proposed, the new addition and ADU have been designed to match the historic Craftsman style architecture of the existing home with wide eave overhangs and exposed rafter tails. The proposed second-story addition will include one wall dormer with gable roof and a pair of windows on each side and two sets of French doors on the rear (shown in Figure 6). Exterior finishes would match those of the existing home including stucco and window trim.

Figure 6 – Elevations



SCOPE OF PLANNING COMMISSION ACTION

Administrative Design Review Process

The Administrative Design Review process is intended to preserve and enhance the city's aesthetic values and to ensure the preservation of the public health, safety, and general welfare. Additions exceeding 10 feet in height are required to obtain ADR approval. ADR applications are typically reviewed at the Zoning Administrator level. However, as noted, the item was heard and approved with conditions by the Zoning Administrator, but was appealed and is therefore before the Planning Commission.

PMC Section 18.20.030 outlines the scope of Design Review, indicating that the reviewing body shall review "site plans, landscape plans, building architecture, and other such plans as may be required to preserve and enhance the city's aesthetic values and to ensure the preservation of the public health, safety, and general welfare." Note that, even though a proposed project may comply with applicable zoning standards (e.g. setbacks, height limits) the design review process allows the reviewing body to approve conditions which may be more restrictive than normal Code standards, to ensure that the above objectives are met. As outlined in Section 18.20.030, the reviewing body's scope of review shall include (but not be limited to) the following design criteria:

- Preservation of the natural beauty of the city and the project site's relationship to it
- Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings
- 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
- Preservation of views enjoyed by residents, workers within the city, and passersby through the community
- Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials

Issues Raised in Appeal, and Appeal Procedure

Concerns raised by the appellant in their January 18, 2018 letter (Exhibit D) include ongoing concerns related to the second-story addition regarding privacy, and the FAR calculations. These issues are discussed in more detail in the analysis section, below.

PMC Section 18.20.060 describes the procedures for appeal of a Design Review approval, with the Zoning Administrator's action appealable to the Planning Commission. The Planning Commission may deny the appeal (approving the project as conditioned by the Zoning Administrator), approve the appeal (therefore denying the project), or deny the appeal and approve the project with modified conditions. The Planning Commission's decision "shall be governed by this title as if the appeal of the Zoning Administrator's action were a new application before the commission" (PMC 18.20.060.C.), meaning that the commission's review is "de novo" and should therefore consider all of the criteria set forth in Chapter 18.20, and is not limited only to issues identified in the appeal.

The applicant provided a response to the appeal letter, included as Exhibit E.

ANALYSIS

General Plan and Zoning Conformance

The subject site has a General Plan land use designation of Medium Density Residential and is zoned One-Family Residential (R-1-6,500) District. The current zoning allows for second story additions up to 30 feet in height. The subject property is also located within the Downtown Specific Plan and is subject to the Downtown Design Guidelines. The proposed addition and ADU are consistent with the R-1-6,500 Zoning District, the Downtown Specific Plan, and the General Plan and the ADU is promoted through the General Plan’s Goals, Programs, and Policies, specifically Housing Element Policy 6, which promotes the creation and maintenance of ADUs on single-family residential lots to expand the city’s supply of affordable housing.

Site Development Standards

The table below compares the proposed project with the applicable site development standards of the R-1-6,500 Zoning District.

Table 1 – Site Development Standards

Development Standard	Requirement	Proposed
Front Yard Setback	Minimum 23 feet	No Change
Side Yard Setbacks	Minimum 10 feet on street side and 5 feet on interior side and a minimum combined total of 12 feet	16 feet on the street side, 25 feet 3 inches on interior side and a combined total of 41 feet
Rear Yard Setback	Minimum 20 feet	36 feet
Height per PMC	Maximum 30 feet	23 feet
Ridge Height	N/A	30-feet 6-inches
Floor Area Ratio (FAR) per PMC and revised FAR Exhibit	Maximum 40%	37.2% based on a total floor area of 3,397 square feet including the non-storage utility room portion of the basement.

As shown above, the proposed addition would meet all of the development standards of the R-1-6,500 zoning district. The 23 feet height is based on the Municipal Code definition and is measured from grade to the mean height between the main roof ridge and the eaves. The height as measured from the lowest grade of the home to the main roof ridge would be approximately 30 feet, 6 inches.

Accessory Dwelling Unit

ADUs are a permitted use within the R-1-6,500 zoning district, similar to other residentially zoned areas of the city, although must meet certain development standards as indicated in the PMC, including that the ADU conform to the development standards of the zoning district as they apply to the main structure. No parking is required for an ADU under certain circumstances, including where the project would be located within one half mile of transit.

As proposed and conditioned, the proposed ADU complies with the requirements of the PMC, and would comply with the applicable site development standards in terms of setbacks, height,

and size. Since the subject property is located within one-half mile of public transit, no parking is required. The Code requires that either the primary dwelling or the secondary unit be owner-occupied, which would prevent the property from functioning as a multi-family rental property. Furthermore, there are adequate public roadways, public utilities, and public services to serve the ADU.

Project Site Design, Architecture and Massing

As proposed, the new addition and ADU would match the historic Craftsman style architecture of the existing home with similar detailing including a matching roof pitch, wide eave overhangs and exposed rafter tails that retain the quality of design and relationship of the home to its surroundings. While the massing of the home would increase, the project matches the architectural style of the existing home while incorporating design features such as the use of a relatively low (eight-foot) ceiling/plate height on the second floor and use of dormers (similar to the existing second story design) to provide useable second story floor area while minimizing building height. The proposed two-story house and architectural style is internally consistent with its own design and compatible with the neighborhood which has a mix of one- and two-story homes in a variety of historic architectural styles.

As detailed above, through the Zoning Administrator process, the applicant has made a number of modifications to the project to address privacy, massing, and scale, including reducing the size of the second story addition and rear terrace in response to concerns expressed by neighbors of the project. In staff's analysis, the project, as designed would be consistent with the General Plan Land Use, and comply with the standards in the Zoning District and Downtown Design Guidelines. As designed, and based on the above analysis staff believes that the intent of the design criteria required to approve the project would be met including appropriate relationship of the proposed building to its site, scale of buildings within its site and adjoining buildings, consistency with neighborhood character, and relationship of building components to one another/the building's colors and materials.

Floor Area Ratio

One of the issues addressed in the appeal is the basis for calculating Floor Area Ratio (FAR). The proposed project revised FAR is also based on the PMC's Gross Floor Area definition that is used for calculating the FAR:

"Gross floor area" means the sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Unless excepted above, floor area includes, but is not limited to, elevator shafts and stairwells measured at each floor (but not mechanical shafts), penthouses, enclosed porches, interior balconies and mezzanines.

The FAR calculation for the project is shown in Table 1, based on the FAR exhibit provided by the applicant (see Revised Site Plan in Exhibit B). This calculation reflects the condition included in the ZA approval, to clearly identify the uses of all areas of the basement, to allow for proper calculation of total project FAR. Although areas within the basement may have been used for uses other than storage in the past, the applicants have provided a revised plan that clearly marks all areas of the basement that in the future will only be used as storage. The revised FAR Exhibit indicates that the project, inclusive of a 249-square-foot non-storage utility

area within the basement, would have a total FAR of 37.2 percent based on a gross floor area of 3,397 square feet. As proposed and conditioned, staff finds the proposed FAR complies with the requirements of the PMC.

The applicants have indicated that there have been no improvements within the garage and that it is available for parking per PMC requirements and therefore would not be counted within FAR calculations. Although the applicant has indicated that the garage is available for parking, staff has included a new condition of approval that requires the garage to be inspected prior to issuance of building permits to verify it is available for park. Staff has reviewed the revised FAR calculations as well as the condition of the garage and believes that the project as proposed will not exceed the PMC's FAR limit of 40 percent.

Neighbor Privacy

One of the key issues raised in the appeal was impacts to privacy for the neighboring residence at 541 St Mary St., and this issue was discussed at length during the Zoning Administrator review. (See Exhibit D, which also includes photos submitted by the appellant, to illustrate privacy-related concerns). As noted above, modifications were made to the project by the applicant in an effort to respond to these concerns, including reducing the size of the second story addition, reducing the size of the second story terrace, and raising the height of the terrace walls. A further condition of approval was added in the ZA approval, requiring installation of screening along the side of the terrace to avoid direct sight-lines into the neighboring yard. It is noted that the appeal letter also refers to concerns that the project was not adequately conditioned in the ZA approval to address the concession of pulling back the second-story addition. In fact, the plans dated "November 29, 2017," and that were approved by the ZA, reflected a reduction in size of the second story, and it was not found necessary at the time to condition the project to further reduce the size of the second story.

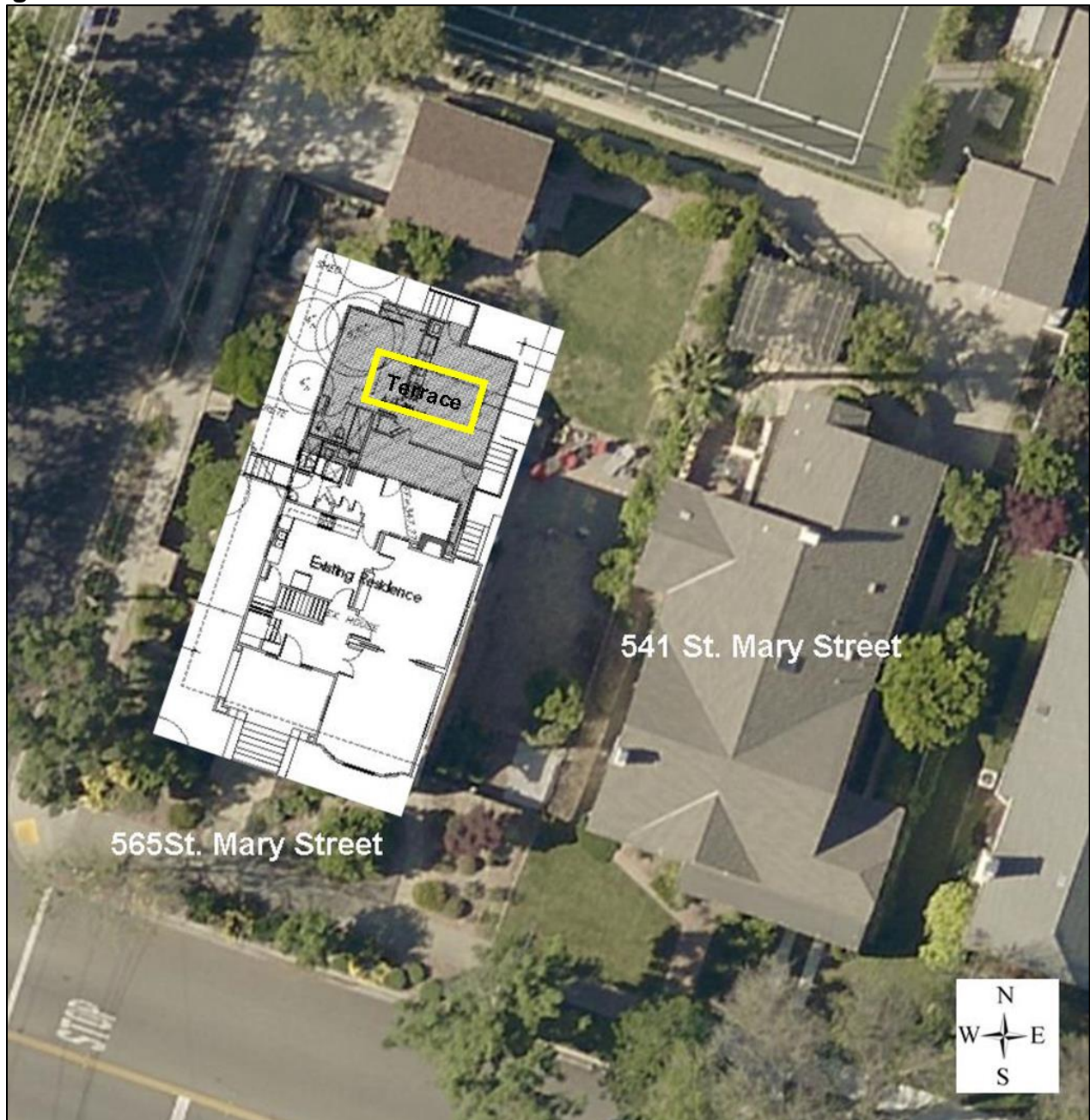
As shown in Table 1 above, the R-1-6,500 Zoning District, in which the subject and appellants' parcels are both located, allows for a minimum five-foot side yard and 20-foot rear yard setback, and allows for a maximum 30-foot height limit, which permits two-story structures. In this type of medium density, small lot district, the expectation for backyard privacy is reasonably somewhat different than might be the case in for lower density districts and zones.

The existing home is a two-story structure, which would be extended towards the rear of the property, in part replacing an existing second-floor sunroom that has windows along three sides, and which provides existing views into the neighboring property. Further, while the zoning standards allow for a minimum five-foot setback, the existing home is located approximately 25 feet from the appellants' property line; the addition will be located approximately 30 feet, 3 inches from the appellants' property line; and the terrace will be setback approximately 31 feet, 3 inches from the appellants' property line, all substantially larger than the required five-foot minimum.

As seen in Figure 7 below, the proposed second-floor terrace is proposed in an area roughly parallel to the appellants' kitchen windows. The applicant has offered to plant trees along the property line to provide additional screening, as well as increase the height of the adjoining property line fencing. However, the appellants have not been supportive of such an approach, based on a concern that large trees or tall fencing would block out light.

In discussion at the December hearing, the ZA recognized the neighbors' concern regarding privacy impacts related to the terrace, acknowledging that it creates more of a privacy impact than exists today, and therefore required additional mitigation by conditioning the terrace be reduced in width by one-foot on the east side and reduced in depth by one-foot. In addition, the ZA required installation of a new six-foot privacy panel on the east side of the terrace, which would avoid any direct lines-of-sight toward the appellant's home. In addition, to mitigate privacy concerns from the second story addition, the ZA also required the proposed new window facing the appellants' home to be opaque or use view-obscuring glass. Given these factors, while staff is sensitive to the appellants' concerns, the privacy impacts would not be substantially greater than with the existing sun-room, and potentially improved, with all of the required mitigations. Staff believes that the ZA's added conditions are a reasonable solution to adequately address privacy impacts associated with the proposed second-floor terrace.

Figure 7 – Terrace Location



PUBLIC NOTICE

Notification to neighbors in the immediate vicinity of the project was provided during the initial ADR public notification, consistent with the Municipal Code. However, because this application has been appealed to the Planning Commission, public hearing notices were mailed to all property owners within 1,000 feet of the subject site as well as the Pleasanton Heritage Association and Downtown Improvement Association prior to the Planning Commission hearing. At the time this report was published, no additional letters in opposition or support of the project were received. The location and notification map is included as Exhibit H.

ENVIRONMENTAL ASSESSMENT

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

ALTERNATIVES

As noted, it is staff's recommendation that the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's approval of the project, subject to Conditions of Approval. However, should the Planning Commission determine that the design criteria cannot be made, the Commission could pursue one of the following alternatives:

1. Direct further modifications to the project design, to be incorporated as further conditions of approval, or that would be brought back to the Planning Commission at a continued public hearing. Potential modifications include changes to the size, massing, or design of the proposed project, such as removal of the second story terrace, or reducing the size of the second-story addition.
2. Uphold the appeal, and deny, without prejudice, the application. If the Planning Commission pursues this alternative, it would be necessary for the applicant to submit a new application, reflecting a modified project design.

SUMMARY/CONCLUSION

As reflected in the Draft Resolution included as Attachment 1 of Exhibit A, staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's approval of the Administrative Design Review application.

As approved and conditioned, the proposed ADU and additions comply with the city's R-1-6,500 Zoning District, the Downtown Specific Plan, Downtown Design Guidelines, and the General Plan, and since the ADU would comply with all applicable standards, is a permitted use on the subject property. The additions have been designed to be compatible with the existing home and neighborhood as well as all applicable site development standards in terms of setbacks, height, size, and floor area. Based on the above analysis, staff believes the proposed addition would meet the Design Review criteria set forth in PMC Chapter 18.20, as well as applicable policies of the Downtown Specific Plan; and the Downtown Design Guidelines.

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