

RESOLUTION NO. PC-18-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON DENYING AN APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S APPROVAL OF AN ADMINISTRATIVE DESIGN REVIEW APPLICATION LOCATED AT 565 ST. MARY ST., AS FILED UNDER CASE NO. P17-0766 AND P17-0783

WHEREAS, on June 9, 2017 Erich Pfuehler and Sara Barth applied for Administrative Design Review approval at 565 St. Mary Street 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 77-square-foot terrace to the rear of the existing residence ("Project"); and

WHEREAS, the property is located within the Downtown Specific Plan Area with Medium Density Residential land use designation and is subject to the Downtown Specific Plan Design Guidelines; and

WHEREAS, zoning for the property is R-1-6,500 (One-Family Residential) District and the proposed Project is subject to Administrative Design Review pursuant to the Pleasanton Municipal Code ("PMC"), Chapter 18.20 ("Design Review Ordinance"); and

WHEREAS, pursuant to the city's Design Review Ordinance, site plans, landscape plans, and building architecture are required to be reviewed to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general welfare; and

WHEREAS, the Zoning Administrator (ZA) considered the project at a hearing on October 13, 2017, and, after public testimony, discussion, and review of the proposed plans the ZA determined that revisions were needed to the project to address massing and privacy concerns, and continued the hearing to a date uncertain; and

WHEREAS, on November 29, 2017 the applicant submitted revised project plans including changes to the size and design of the second story portion of the addition and terrace; and

WHEREAS, on January 4, 2018 at a continued public hearing the Zoning Administrator approved the project as proposed, subject to conditions of approval including additional conditions to further reduce the size of the terrace and include additional screening; and

WHEREAS, within the time specified by the Pleasanton Municipal Code, Donald and Noel Anger submitted an appeal of the decision of the Zoning Administrator with the basis for the appeal including concerns about privacy and the accuracy of the project's Floor Area Ratio (FAR) calculations; and

WHEREAS, on February 28, 2018 the Planning Commission held a duly noticed public hearing on the application and considered all public testimony, agenda reports, related materials, and recommendations of staff and the Zoning Administrator; and at which time Donald and Noel

Anger, as the appellant, and other members of the public were offered an opportunity to present evidence regarding the project and appeal; and

WHEREAS, the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, Existing Facilities.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: Findings for P17-0766 and P17-0783

With respect to the approval of P17-0766 and P17-0783, the Planning Commission finds that the project was reviewed and approved based on the nine criteria as required by Section 18.20.030 of the Pleasanton Municipal Code which include the following:

1. Preservation of the natural beauty of the city and the project site's relationship to it;
2. 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;
3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. 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; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

With respect to the above criteria, the project would preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general welfare since it would be consistent with the allowable height, setbacks and other pertinent development standards of the R-1-6,500 zoning district in which it is located. The project accommodates a reasonable expansion of an existing two-story home that would be within the prescribed Floor Area Ratio limits, and would be integrated into the design of the existing home, would maintain the architectural character and quality of the home as viewed from the street, and would use similar architectural treatments and finishes as the existing home. Design revisions made through the course of the Design Review process have been incorporated to minimize impacts to light and privacy on the neighboring residence. The home would remain in scale and character with other homes in the neighborhood that includes a variety of one- and two-story dwellings.

Section 2: The Planning Commission hereby denies the appeal of Donald and Noel Anger, thereby upholding the Zoning Administrator's determination to approve 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 located at 565 St. Mary Street, subject to the Conditions of Approval shown in Exhibit A, attached hereto and incorporated into this resolution by reference.

Section 3. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on February 28, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Ellen Clark
Secretary, Planning Commission

David Nagler
Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

**ATTACHMENT 1
DRAFT CONDITIONS OF APPROVAL**

**P17-0766 and P17-0783
565 St. Mary St., Pfuehler-Barth
February 28, 2018**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. Plans submitted for building permits 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. Final elevations and design of the terrace shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.
2. Plans submitted for building permits shall include a five-foot wide by six-foot tall privacy panel along the east side of the second-story terrace. Final design of the privacy panel shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.
3. Plans submitted for building permits shall include obscure or frosted glass on the new second story windows on the east elevation. Final design of the windows shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.
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. Any changes to the existing basement or the subject additions to comply with the 40 percent Floor Area Ratio shall be subject to the review and approval by the Director of Community Development.
5. Prior to issuance of building permits, the applicant shall make the garage available for inspection by the Planning Division to verify it is available for off-street parking or loading per the Pleasanton Municipal Code.
6. Unless otherwise approved by the Director of Community Development, window material, window operation, window treatment/detailing (i.e., trim/surround, sill, rails, etc.), and recess of all new windows shall match the existing windows on the house except for new window muntins and glazing pattern which shall be different. Manufacturer's specification sheets, details, and sections of the windows, window treatment/detailing, and window recess shall be shown on the building permit plans and shall be subject to review and approval by the Director of Community Development prior to issuance of a building permit.
7. Manufacturer's specification sheets, details, and sections of all new doors shall be shown on the building permit plans and shall be subject to review and approval by the Director of Community Development prior to issuance of a building permit.

STANDARD CONDITIONS

Planning Division

8. The additions and accessory dwelling unit shall conform substantially to the approved elevations, site plans, and other materials, Exhibit B, marked "Received November 29, 2017," on file at the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
9. The colors and materials of the additions and accessory dwelling unit shall match those of the existing residence, except as modified by these conditions.
10. Final inspection by the Planning Division is required prior to occupancy of the second unit.
11. The project applicant or responsible party shall pay any and all fees to which the project may be subject prior to issuance of permits. The type and amount of fees shall be those in effect at the time the permit is issued.
12. 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. At all times, these conditions of approval shall be on all grading and construction plans kept on the project site.
13. All appropriate city permits shall be obtained prior to the construction of the additions and accessory dwelling unit.
14. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment, or coordination, etc., shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start-times" or later "stop-times" for specific construction activities (e.g., concrete pouring), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction noise and construction traffic noise will not affect nearby residents or businesses. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.
15. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City, its City Council, its officers, boards, commissions, employees, and agents from and against any claim (including claims for attorney fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

CODE REQUIREMENTS

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements)

Planning Division

16. In no case shall the second unit be sold, subdivided, or held under different legal ownership from the primary residence.
17. Either the main dwelling unit or second unit shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit.
18. The second unit shall comply with all applicable requirements of Pleasanton Municipal Code Chapter 18.106 Second Units. A restrictive covenant shall be recorded against the lot with the Alameda County Recorder's Office prior to the issuance of a building permit regarding the city restrictions on the second unit. The restrictive covenant shall be subject to review and approval by the City Attorney prior to recordation.
19. The property owner shall install address signs that are clearly visible from the street during both the daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the Fire Marshal. The applicant shall obtain the new street address for the second dwelling unit from the Engineering Department.

<END>



January 4, 2018

Terry Townsend, Architect
147 Old Bernal Avenue
Pleasanton, CA 94566

Subject: P17-0766/P17-0783, Additions and Accessory Dwelling Unit
Effective Date: January 22, 2018

Dear Mr. Townsend:

At its hearing on January 4, 2018, the Zoning Administrator approved **Cases P17-0766 and P17-0783**, your applications for Administrative Design Review approval to construct the following to the rear of the existing residence located at 565 St. Mary Street: (1) a 143-square-foot single-story addition; (2) a 522-square-foot, attached single-story Accessory Dwelling Unit; and (3) a 426-square-foot second-story addition. Approval was granted subject to the conditions as shown on the attached Exhibit A.

You may apply for a building permit after completion of the Administrative Design Review procedure's appeal period or, if you wish to apply for a building permit before the end of the appeal period, upon submittal of a signed Waiver Form to the Planning Division. The waiver acknowledges that plan check fees may be forfeited in the event that the approval is overturned or the design is significantly changed as a result of an appeal. In no case will a building permit be issued before the end of the appeal period.

At the time of building permit submittal, you must:

- a. submit a completed and signed Building Permit Questionnaire (attached) to the **PLANNING DIVISION**; and
- b. present a copy of this letter to the Building Division along with required plans.

If you have any questions about building permit fees or the building permit process, please contact the Building and Safety Division at (925) 931-5300.

Approval of the Administrative Design Review will become effective on **January 22, 2018** (Pleasanton Municipal Code Chapter 18.144), unless appealed prior to that time. Administrative Design Review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion or an extension has been approved by the City.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning 200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	Building & Safety 200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	Engineering 200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	Traffic 200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	Inspection 157 Main Street (925) 931-5680 Fax: 931-5484
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Terry Townsend, P17-0766 and P17-0783
January 4, 2018
Page Two

If you have any questions, please contact Jennifer Hagen, Associate Planner, at (925) 931-5607.

Sincerely,

A handwritten signature in black ink, appearing to read 'SAA', written over a faint, illegible typed name.

Steve Otto
Zoning Administrator

c: Erich Pfuehler and Sara Barth, 565 St. Mary Street, Pleasanton, CA 94566

A COPY OF THIS LETTER AND A COMPLETED BUILDING PERMIT QUESTIONNAIRE (ATTACHED) MUST BE PRESENTED TO THE BUILDING AND SAFETY DIVISION WHEN APPLYING FOR BUILDING PERMITS. THE QUESTIONNAIRE MUST THEN BE SUBMITTED TO THE PLANNING DIVISION.

EFFECTIVE DATE: January 22, 2018

BUILDING PERMIT QUESTIONNAIRE

This questionnaire is being sent to you to be completed and returned to the **Planning Division** when you file for a building permit for your recently approved project. Its purpose is to ensure that your plans are checked in a timely manner and that the project is built according to the approved plans. We appreciate your cooperation. If you have any questions, please call the Planning Division.

1. Applicant's Name and Address:

Terry Townsend, Architect, 147 Old Bernal Avenue, Pleasanton, CA 94566

2. Project Address/Location:

565 St. Mary Street, Pleasanton, CA 94566

3. Description of project for which a permit is being requested:

To construct the following to the rear of the existing residence located at 565 St. Mary Street: (1) a 143-square-foot single-story addition; (2) a 522-square-foot, attached single-story Accessory Dwelling Unit; and (3) a 426-square-foot second-story addition.

4. The building project for which this permit is being requested has been approved by the:

Planning Division Planning Commission City Council

5. Planning Division Project Number: P17-0766 and P17-0783

6. Do you certify that the plans being submitted for issuance of building permits conform in every respect to the approved plans and to all conditions of approval required by the above bodies?

Yes No

7. If the answer to Question No. 6 is "No", please list every item on the submitted building permit plans which differs from the approved plans or conditions of approval. Use the reverse side or attach additional sheets if necessary. All changes to the approved plans should be clouded with delta numbers (Δ).

I hereby attest that the above is true and correct. I understand that failure to correctly answer these questions may result in a delay of issuance of building permits and that if changes are discovered after the permit is issued, I am responsible for revising the project to conform to the plans approved by the City boards and/or commissions.

Date

Signature and Title

Phone Number

EXHIBIT A
CONDITIONS OF APPROVAL
P17-0766 and P17-0783

565 St. Mary St., Pfuehler-Barth
Effective Date: January 22, 2018

PROJECT SPECIFIC CONDITIONS

Planning Division

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18. The property owner shall install address signs that are clearly visible from the street during both the daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the Fire Marshal. The applicant shall obtain the new street address for the second dwelling unit from the Engineering Division.

{end}

**Appeal of approval of P17-0766/P17-0783 at January 4, 2018,
Zoning Administrator Hearing**

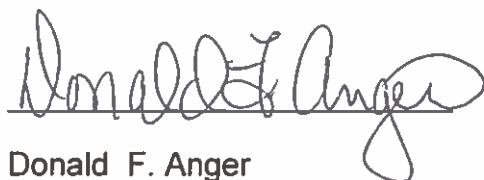
RECEIVED
JAN 18 2018
CITY OF PLEASANTON
PLANNING DIVISION

We, Donald and Noël Anger, live at 541 St. Mary Street and are the immediate neighbors on the North-East side of 565 St. Mary Street. We support the 1st floor addition of a granny flat for Erick Pfeuhler's mother.

EXHIBIT B

However, we appeal approval of the extended 2nd floor with terrace.

- 1) We have lived in our one-story California Bungalow for 52 years and have enjoyed the tree greenery view of Pleasanton Avenue from our windows and have enjoyed gardening and dining in our backyard. The 2nd floor extension and terrace in the Pfeuhler plans are an invasion of our privacy.
- 2) **The concession of pulling back the 2nd floor extension 2 ft 4 inches**, as stated in the December 1, 2017, letter from the architect Terry Townsend to project planner Jennifer Hagen has not been included in the approval conditions. This concession was a result of the redesign called for by Zoning Administrator Adam Weinstein in the October 13, 2017, hearing. Other options in the redesign were not followed. This concession should have been included in the Project Approval conditions.
- 3) The Floor Area Ratio (FAR) as stated on page 1 of the original plan dated 5/1/17 has been calculated incorrectly. Using the definition of FAR in Municipal Codes 18.08.190 and 18.08.195 and the floor measurements of the original plan, I have calculated the FAR to be **49.51%** instead of the 40% required. Please see the attached spreadsheet.
- 4) **The use of the basement at 565 St. Mary Street** for the last 30 years has been as a utility room and family room complete with electricity, TV, wood stove, and carpeting. The basement has not been used as a storage area for the entire time that the Pfeuhlers have lived in the house. Similarly the accessory building has not been used for off-street parking. Both the basement and accessory building should be included in the calculation of FAR.


Donald F. Anger


Noël H. Anger

Calculation of FAR for P17-0766/P170783

Floor Area Ratio (FAR)= (gross floor area)/(square footage of property)

		Gross Floor Area	
House	1st and 2nd floors	2057.00	sq ft
	basement not used for storage only	973.00	sq ft
	new area	1143.00	sq ft
Accessory Building	not used for off-street parking	344.34	sq ft
Total Gross Floor Area		4517.34	sq ft
Square Footage of Property		9125.00	sq ft
FAR		49.51	%
FAR exceeds Site Development Standard of 40%			





From: Erich Pfuehler & Sara Barth
Sent: Sunday, February 18, 2018 10:15 AM
To: Kendall Granucci
Cc: Sara Barth; Erich Pfuehler
Subject: 565 St. Mary Street permit

Dear Commissioners,

Thank you for your service to the City of Pleasanton. We have been homeowners here since 2007 and have always found the City services and leadership to be impressive, responsive and well-run. It is part of what makes Pleasanton a wonderful place to live and a place in which we plan to stay.

We reside at 565 St. Mary Street in one of the historic craftsman houses. We fell in love with the house because of its historic character. It has been a wonderful home for us. When we moved here it was just the two of us, but we now have two young children and an aging parent as well. Unfortunately, the historic nature of the house also creates some challenges. Little has been done to modernize its infrastructure. The home has some major structural issues. The two-story, full window sun porch on the back, which is not original to the house, is sinking and pulling away, leaving an increasingly large gap between it and the main house. The stucco has been poorly maintained and needs to be repaired and painted. And like many historic homes, it has much smaller bedrooms and fewer bathrooms than modern homes. After years of building our savings, we are now ready to move forward with a construction project to address these issues and ensure the home will be usable by us and others for the next hundred years. The heart of the project involves removing the two story sun porch and replacing the upstairs with modest, more private bedrooms for our children. On the ground floor, we plan a private in-law apartment for our 87 year old mother/mother-in-law (who needs our assistance and who desperately wants to live near her only grandchildren). Despite extended dialogue with our neighbors, they have appealed the permit, so our application is scheduled to be before you on February 28th. Since their complaint centers primarily on the question of privacy, we thought it could be useful for you to come visit our home to better familiarize yourself with the privacy they have now vs. what is proposed. As such, we invite you to visit our home, view the story poles and come inside so you can see the view that we have of their property now. We both work full time, but will do our best to accommodate your schedule if such a site visit would be useful to you.

We can be reached via this email or either of our cell phones: [REDACTED] for Erich and [REDACTED] for Sara.

Thank you.

Regards,
Erich Pfuehler and Sara Barth

PRIMARY RECORD

Primary # _____
HRI _____

EXHIBIT F

Trinomial # _____
NRHP Status Code _____

Other Listings
Review Code _____

Reviewer _____

Date _____

Page 1 of 4

*Resource Name or # (Assigned by recorder) 565 St. Mary Street

P1. Other Identifier: _____

*P2. Location: Not for Publication Unrestricted *a. County Alameda

and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Livermore Date 2015 T _____ ; R _____ ; _____ 1/4 of _____ 1/4 of Sec _____ ; _____ B. M.

c. Address 565 St. Mary Street City Pleasanton Zip 94566

d. UTM: (Give more than one for large and/or linear resources) Zone _____ ; _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 094 -0120-008-00

Northeast corner of St. Mary St. and Pleasanton Ave.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

565 St. Mary Street is a 1.5-story oversized, end-gable, bungalow form dwelling with Craftsman details. The property features:

- Engaged entry porch on southwest corner with arched openings, pier support, parapet walls, and concrete steps with pier and parapet enclosures
- Sidehall entrance with original wood front door with vision light and full-length, multi-pane sidelights
- Shallow, segmental bay window east of the porch with shed roof and exposed rafter ends
- Ganged window openings on second story of main elevation
- Large gable wall dormers on east and west roof slopes
- Two-story enclosed porch with flat roof on rear elevation fitted with continuous wood casement windows
- Secondary entrance on first story of rear porch
- Vinyl 1/1 double-hung windows in most openings
- False cross-bracing in gable of main elevation

(continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2. Single Family Property

Other (Isolates, etc.):

*P4. Resources Present: Building Structure Object Site District Element of District

*P5a. Photograph or Drawing (Photograph required for buildings, structures or objects)



P5b. Description of Photo: (View, date, accession #)

Looking NE from intersection of St. Mary St. and Pleasanton Ave.
January 2015

*P6. Date Constructed/Age and Sources:

Historic
 Prehistoric Both
1922, City of Pleasanton

*P7. Owner and Address:

Pfuehler, Erich E & Barth, Sara E
565 St Mary St
Pleasanton, CA 94566

*P8. Recorded by: Name, affiliation, and address)

Elaine Stiles and Katherine Petrin
Architectural Resources Group
Pier 9, The Embarcadero
San Francisco, CA 94111

*P9. Date Recorded: April 2015

*P10. Survey Type: (Describe)

Intensive
 Reconnaissance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Pleasanton Downtown Historic Context Statement, 2013

*Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure & Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photographic Record Other (List) _____

BUILDING, STRUCTURE AND OBJECT RECORD

B1. Historic Name: Claude and Eleanor Smallwood House

B2. Common Name: _____

B3. Original Use: Single family residential B4. Present Use: Single family residential

*B5. Architectural Style Craftsman

*B6. Construction History: (Construction date, alterations, and date of alterations)
See page 3

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features: Detached garage

B9a. Architect: _____ b. Builder: _____

*B10. Significance: Theme: Residential Development Area: Early 20th Century Expansions and Additions

Property

Period of Significance: _____ Type: Craftsman Applicable Criteria: 3/C
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

565 St. Mary Street is located within the original Kottinger subdivision plan for the City of Pleasanton. With the confirmed continuance of the Western (later Central/Southern) Pacific Railroad through Pleasanton in the late 1860s, large property holders in the vicinity of the Pleasanton town site began rapidly subdividing property into house lots and laying out streets. In 1868, John Kottinger laid out a regular grid of streets on his irregularly shaped parcel of land between Division Street on the south, the Arroyo del Valle on the north, and Main Street on the east, creating a series of regular, square property blocks and various partial blocks and lots in anticipation of continuance of the grid south of Division Street at a later date. Development in this portion of the Kottinger Plan area was relatively slow until the arrival of the Western Pacific Railroad on the west side of Pleasanton around 1910. (Thompson 1878, Pleasanton Downtown Historic Context Statement). The west end of St. John St., St. Mary St., and the north end of Pleasanton Avenue appear to have attracted some of Pleasanton's most prominent citizens in the early 20th century, and many of them built substantial period revival homes in the district.

Before the 1920s, Antone I. Peterson owned the property associated with 565 St. Mary Street. Peterson owned all the land on the north side of St. Mary Street from the Western Pacific Railroad to Pleasanton Avenue (Pleasanton 1912). In 1922, Claude and Eleanor Smallwood constructed this house and relocated from their previous home on Second Street. Claude Smallwood was one of the founders of the First National Bank of Pleasanton in 1911 and served as the cashier for the bank until sometime in the 1930s (Pleasanton 1940; US Census 1920, 1930; Hagemann 40). In the early 1940s, Smallwood branched out into real estate investment. Smallwood's son, Stanley, was a deputy district attorney in Alameda County in the 1930s (US Census 1920, 1930, 1940). By the late 1950s, the Roraback Family owned the property (Pleasanton Building Permits).

565 St. Mary Street appears eligible for the California Register of Historical Resources under Criterion 3. The property is a distinctive example of Craftsman style architecture in Pleasanton, featuring wide unenclosed eave overhangs, partial-width engaged porch, half-story dormers, ganged windows, exposed rafter ends and false braces, rear sleeping porch, and stucco cladding. The property has lost some integrity of design, materials, workmanship, and feeling with window replacement and the addition of the bay window on the front elevation. The porch may also have been altered in the later 20th century. However, these changes appear to have occurred within the historic period and are compatible with the overall style and massing of the building. The property is associated with a prominent (continued page3#)

B11. Additional Resource Attributes: (List attributes and codes) _____

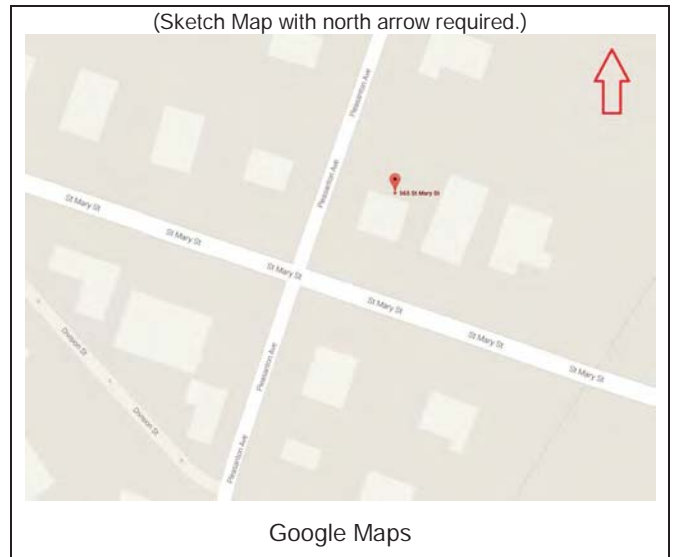
*B12. References: See page 3

B13. Remarks:

*B14. Evaluator: Elaine Stiles and Katherine Petrin
Architectural Resources Group
Pier 9, The Embarcadero
San Francisco, CA 94111

*Date of Evaluation: April 2015

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 4

*Resource Name or # 565 St. Mary Street
(Assigned by recorder)

Recorded By: Architectural Resources Group

Date: April 2015

Continuation

Update

*P3a. Description (continued from page 1)

- Deeply projecting eaves with false braces, shaped verge board tails, and exposed rafter ends
- Heavy stucco cladding
- Two interior stuccoed chimneys on rear roof slope

The property includes a detached garage with gable roof fronting on Pleasanton Avenue. Landscape features include privacy fencing around side and rear yards.

B6. Construction History (continued from page 2)

Sanborn map research indicates that 565 St. Mary Street was constructed as a 1.5-story dwelling with a two-story rear addition (enclosed porches). The 1929 and 1943 Sanborn maps do not indicate the presence of the engaged entry porch or bay window on the front elevation, indicating they may have been added at a later date (Sanborn 1929, 1943). Review of City of Pleasanton building permit records revealed no permits of note.

B10. Significance (continued from page 2)

banker in Pleasanton, but Claude Smallwood does not appear to have made significant contributions to the history of local banking while a resident at 565 St. Mary Street.

B12. References: (continued from page 2)

City of Pleasanton. Assessor's Block Book ca. 1912. Collection of the Amador-Livermore Valley Historical Society, Pleasanton, CA.

City of Pleasanton. Assessor's Block Book ca. 1940. Collection of the Amador-Livermore Valley Historical Society, Pleasanton, CA.

City of Pleasanton, Planning Department. Building Permit Records. Pleasanton, CA.

City of Pleasanton and Architectural Resources Group. City of Pleasanton Downtown Historic Context Statement, 2013.

Hagemann, Herbert L. Jr. *A History of the City of Pleasanton*. Pleasanton, CA: Amador-Livermore Valley Historical Society, 1994.

Sanborn Map Company. Pleasanton, Alameda Co. Cal. 1888, 1893, 1898, 1903, 1907, 1929, 1943. Collection of the Amador-Livermore Valley Historical Society, Pleasanton, CA.

Thompson & West. "Map of Washington Corners ; Map of Haywards Park, Homestead, Union, Alameda Co., CA; Niles or Vallejo Mills, Alameda Co., CA ; Map of Pleasanton, Alameda Co., CA, 1878. Collection of the Bancroft Library, University of California, Berkeley, CA.

US Bureau of the Census. US Census for Pleasanton, Alameda County, California. 1890, 1900, 1910, 1920, 1930, 1940.

Page 4 of 4

*Resource Name or # 565 St. Mary Street
(Assigned by recorder)

Recorded By: Architectural Resources Group

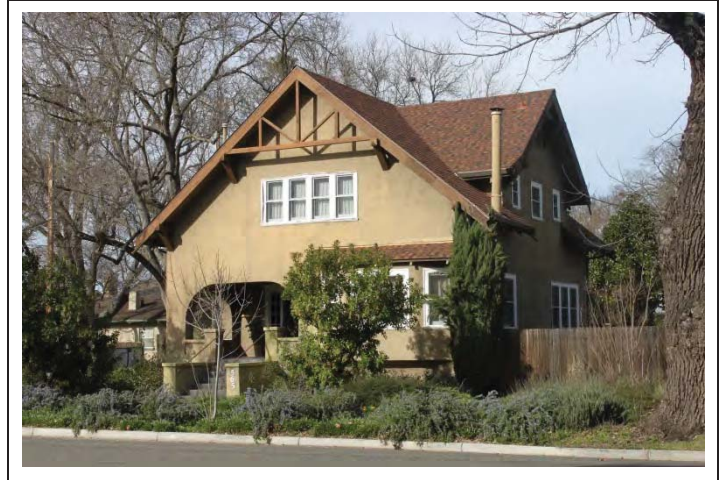
Date: April 2015

Continuation

Update



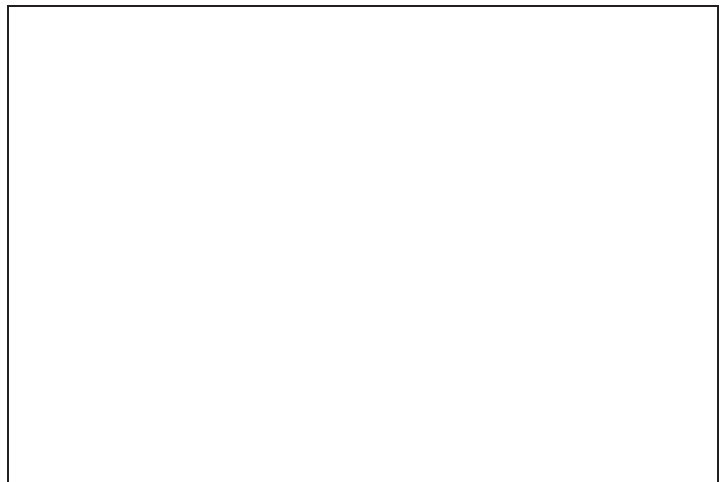
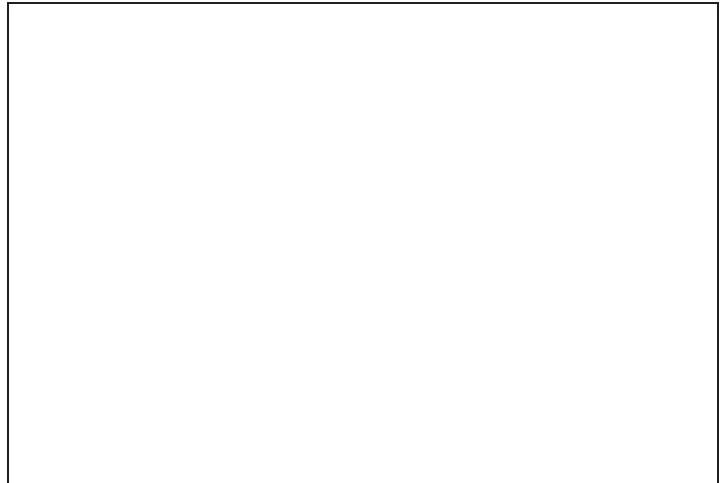
Looking SE from Pleasanton Ave.



Looking NW from St. Mary St.



Looking SW from Pleasanton Ave, showing garage



**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California**

Council Conference Room
200 Old Bernal Ave., Pleasanton
Friday, October 13, 2017

CALL TO ORDER

The meeting was called to order at 3:02 p.m. by Adam Weinstein, Planning Manager.

Present: Sara Barth, Applicant; Erich Pfuehler, Applicant; Terry Townsend, Architect; Noel Anger, neighbor; Don Anger, neighbor; Charles Huff, Architect
Staff: Adam Weinstein, Planning Manager and Zoning Administrator; Megan Canales, Assistant Planner; Cindy Quintero, Office Assistant

P17-0783 and P17-0766, Barth/Pfuehler, ADR/ADU, 565 St. Mary Street

Applications for approval to construct the following: (1) a 143-square-foot single-story addition; (2) a 522-square-foot, attached single-story Accessory Dwelling Unit; and (3) a 460-square-foot second-story addition, all to the rear of the existing home located at 565 St. Mary Street. Zoning for the property is R-1-65 (One-Family Residential) District.

Mr. Weinstein, Planning Manager, welcomed the applicants and public to the Zoning Administration Hearing to discuss P17-0783 and P17-0766. Mr. Weinstein asked the applicants or Mr. Townsend, the applicant's architect, to comment on the project.

THE PUBLIC HEARING WAS OPENED.

Mr. Townsend explained that Mr. Pfuehler's mother will soon be living with the applicants, therefore it is necessary to add an attached second unit to the home on the main level that is easily accessible. The applicants would also like to add a family room to the main level, add a reading area (alcove)/office upstairs, and enlarge the upstairs bedroom area for the children.

Mr. Pfuehler added that the existing sunporch is falling off the house and is structurally defective and needs repairs.

Charles Huff entered the hearing at 3:10 p.m.

Mr. Townsend stated that there are egress issues and bearing walls in the home that the applicants don't want to touch, so that limits what they can do.

Mr. Weinstein asked the applicants if they have considered any other design options.

Mr. Townsend said that they have looked at different options, some larger, and have considered the neighbors when designing.

Mr. Weinstein commented that he appreciates that the applicants and neighbors are communicating with one another concerning the project.

Ms. Barth explained that they bought the house because they love old homes, but it is not a good home for a modern family. They have two very small bedrooms for their two young children. The sunrooms are not useful space in modern life, as they are long and very narrow spaces. There is no heat upstairs, no AC anywhere, and only one bathroom. They need extra space for their family to grow into. Ms. Barth mentioned that the sunroom has settled so significantly that the windows don't close and the floor slopes.

Mr. Weinstein asked how long the applicants have lived in the house. Mr. Pfuehler replied that they have lived in the home since 2007.

Mr. Townsend stated that they have tried to make the addition look like an extension of the house and for that reason they extended the addition into the direction they have because it continues the roof line.

Ms. Barth stated that they have met with the Angers three times and with Mr. Townsend a number of times to talk about different iterations, and have made some suggestions as to what may help, although they are not sufficient to address the Anger's concerns. The applicants are open to options.

Mr. Weinstein commented that some possibilities discussed include vegetative screening, fencing, and landscaping.

Ms. Anger asked Mr. Townsend what is meant by 'privacy fencing.' Mr. Townsend answered that it means six-foot solid fencing. Ms. Anger commented that a six-foot fence would only address ground level privacy.

Ms. Barth mentioned that they currently look into the Anger's house due to a wall of windows, so this extension will extend that, but would actually result in a net loss of windows.

Mr. Weinstein asked the Angers how long they have lived in their house. Ms. Anger answered 52 years.

Mr. Weinstein stated that he understands the primary concerns of the Anger's to be the potential obstruction of light, and possibly privacy.

Ms. Anger stated that they fully support the mother-in-law unit. She also wants to maintain the good, neighborly relationship. However, she is concerned about their home, a classic California bungalow, on which they have worked hard to maintain the character. As for privacy, Ms. Anger said that both parties agreed that the two upper windows would be frosted glass. Ms. Anger mentioned that she believes the story poles are either incomplete or inaccurate. Also, the first plans she received from Mr. Pfuehler do not show a deck/terrace with French doors which she believes would be a huge invasion of privacy because it would be looking into their kitchen and backyard. She also believes it has the potential to be a danger to young children.

Mr. Weinstein asked how the Anger's feel about the overall massing of the project. Ms. Anger said they are not happy with the massing. The light and view from their kitchen windows would be greatly obstructed.

Applicants, neighbors, and staff discussed windows, deck, and storypoles.

Mr. Weinstein asked if vegetation would address their desire not to have a high fence between the two properties. Ms. Anger replied that would be better than looking at a solid structure. She wants to be able to look out the kitchen windows.

Ms. Anger suggested that the applicants decrease the size of the closets and push the addition back.

Mr. Townsend commented that the chimney is masonry and that he must work around that. The chimney must stay where it is.

Ms. Anger stated that windows all along the back are preferable to the terrace.

Ms. Barth wants the terrace since they're losing their back deck as well as some of the yard space that they currently have. She wants the kids to have some light in their room and have a proper way of escape in case of fire.

Ms. Anger said that she and her husband would like to be able to sit and enjoy their terrace, but this proposal would not allow privacy for them.

Ms. Barth commented that it seems inequitable that her family is expected to do everything to maintain the privacy of the Angers, while the majority of the Anger's property surrounds most of their home, infringing on their own privacy.

Mr. Weinstein commented that he is aware that the applicants are well within the zoning envelope.

Ms. Anger stated that they have planted hedges and vines for privacy. She said that she is willing to plant vines on a trellis between the two dining rooms for privacy for the applicants.

Mr. Huff suggested that the applicants increase the width of the rooms in both directions and reduce the size of the closets, possibly changing to a walk-by closet as opposed to a walk-in closet.

Mr. Weinstein asked if applicants were willing to shrink the size of the bedrooms to address the massing issues. Mr. Townsend asked what amount of reduction would make a difference and would that include eliminating the terrace.

Mr. Weinstein stated that if the terrace is eliminated, applicants can put as many windows as desired on the back. Mr. Townsend mentioned the roof-to-wall situation, which would not allow them to do that.

Mr. Townsend commented that one to two feet may be possible, but four to five feet would not work.

Mr. Weinstein asked the Angers that if the terrace were eliminated, the bedrooms moved back two feet, with vegetative screening and frosted glass on the east side, would that satisfy their concerns.

Applicants, neighbors, and staff discussed plans, storypoles, and terrace.

Mr. Pfuehler commented that he has been tracking the shadows and storypoles as the sun goes around Ms. Anger's home and that her windows and wall get full sun regardless. Ms. Anger accepted that the light would not be an issue, but the view from the kitchen would be obstructed. She commented that pushing the bedrooms back two feet would not be enough to address her issues.

Mr. Huff suggested that things simply need to be reorganized.

Mr. Weinstein agreed that the applicants consider pushing the bedrooms back and reconfiguring the closet space.

Applicants, neighbors, and staff continued to discuss roof, windows, and egress.

Ms. Canales asked if the Anger's bigger concern is the windows on the side or the terrace.

Ms. Anger replied that the terrace is her bigger concern. She would be willing to accept bigger, wider windows.

Mr. Weinstein proposed that the applicants push everything back by approximately six feet, retain the terrace, reduce the size of the bedrooms or compensate by moving them into loft/library, and reconfiguring the closets.

Ms. Barth stated that she does not like that proposal. She said that the eaves, which cover the windows half way, along with the frosted glass would not allow enough light into the bedrooms. She does not want to push the bedrooms back or reduce the size of the office or loft space; discussion has been entirely about accommodating Anger's concerns

Mr. Weinstein commented that he wants to make it clear that the applicants are not asking for anything extreme and that there is no right answer. This is a new project in an area that has not had a lot of change and there must be compromise on both sides.

Ms. Barth said she would rather lose the terrace and keep bedrooms as they are.

Mr. Pfuehler asked what the Anger's think will be seen from the terrace that can't already be seen.

Ms. Anger states that she thinks it will be an issue eating outside on her patio while people are on the terrace.

Ms. Barth commented that they are already able to look out at your patio from the current windows.

Mr. Weinstein asked the Angers if they would be satisfied if the terrace were removed and the bedrooms kept as planned.

Ms. Anger replied that no, she would like to see out of the windows because these windows are looked out of more than any other windows in the house.

Ms. Anger asks for clarification about basement and garage being included in the floor area ratio (FAR).

Applicants, neighbors, and staff discussed FAR.

Mr. Weinstein asked that supposing the terrace is removed, what would be the minimum reduction in the building length that would satisfy the Angers.

Ms. Anger replied that she would like it reduced by one-quarter (four feet). She continued saying that if the terrace were eliminated and the bedrooms pushed back she would not request the glazing on the windows. The privacy issue of looking out the windows doesn't bother her as much as feeling blocked in by a huge house. She is willing to put a trellis or similar by the dining room windows to allow more privacy on that part of the yard.

Mr. Weinstein asked the applicants if they would be willing to give up the terrace.

Ms. Barth replied that they don't want to eliminate the terrace.

Mr. Pfuehler stated that he doesn't understand how eliminating the terrace would fix anything. He added that when the Angers use their dining area, they are looking right into applicant's yard.

Applicants, neighbors, and staff discussed moving walls.

Mr. Weinstein decided that this project needed a redesign and some compromise. He suggested that applicants come back with a redesign that possibly eliminates the terrace, expands the side windows and moves the wall back somewhere between two to four feet.

Ms. Barth reiterated that they don't want to eliminate the terrace.

Ms. Anger stated that they would give up the frosted glass.

Mr. Weinstein suggested a redesign with larger windows on the south, north and west sides; no frosted glass; eliminating the terrace; and moving the wall back two to four feet. Applicants can then bring the new design back for another hearing.

Ms. Barth asked if they have any alternatives to that plan.


Mr. Weinstein answered that if they come back with a redesign and the Zoning Administrator approves the plan and the neighbors are not happy with it, the project could be appealed to the Planning Commission. If the applicants choose not to come back with a redesign, the Zoning Administrator could deny the project and it could be appealed to the Planning Commission, who would probably ask for a redesign as well.

THE PUBLIC HEARING WAS CLOSED.

The Zoning Administrator continued the item to a future date unknown.

As there was no further business, the Zoning Administrator adjourned the meeting at 4:22 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Jennifer Hagen". The signature is written in a cursive, flowing style.

Jennifer Hagen
Associate Planner

**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California**

Council Conference Room
200 Old Bernal Ave., Pleasanton
Thursday, January 4, 2018

CALL TO ORDER

The meeting was called to order at 3:32 p.m. by Steve Otto, Zoning Administrator

Present: Sara Barth, Applicant; Erich Pfuehler, Applicant; Terry Townsend, Architect; Noel Anger, neighbor; Don Anger, neighbor; Charles Huff, Architect
Staff: Steve Otto, Zoning Administrator; Ellen Clark, Planning Manager; Jennifer Hagen, Associate Planner; Cindy Quintero, Office Assistant

P17-0783 and P17-0766, Barth/Pfuehler, ADR/ADU, 565 St. Mary Street

Applications for approval to construct the following: (1) a 143-square-foot single-story addition; (2) a 522-square-foot, attached single-story Accessory Dwelling Unit; and (3) a 460-square-foot second-story addition, all to the rear of the existing home located at 565 St. Mary Street. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Steve Otto, Zoning Administrator, welcomed the applicants and public to the continuance of the October 13, 2017, Zoning Administration Hearing to discuss P17-0783 and P17-0766. Mr. Otto asked Ms. Hagen to speak about the changes made by the applicant to the project since the previous hearing and staff's recommendation of the project.

Ms. Hagen explained that the applicants have resubmitted plans which include modifications as follows: (1) bedrooms on second floor have been stepped back two feet, four inches by taking approximately one-foot, four-inches from the closet and one-foot from each bedroom; (2) the second story terrace has been shifted west approximately two feet, four inches and reduced in overall width by six feet and; (3) height of the terrace walls has been raised from 42 inches to 54 inches to mitigate some of the privacy impacts.

Ms. Hagen stated that the minimum setback requirements (5-foot interior, 10-foot street side yard, 20-foot rear) and maximum overall Floor Area Ratio (FAR) (40 percent) for this project are satisfied. Staff has reviewed the application as well as the changes made in accordance with the previous zoning administrator's recommendation and believes the applicant has met the intent of the recommendation, and has addressed some of the massing and privacy concerns. Staff is recommending approval of the proposed project.

THE PUBLIC HEARING WAS OPENED.

Mr. Otto welcomed comments from the applicant's team.

Mr. Townsend stated that the applicants have addressed all comments from the previous hearing. He explained that although the code requires a minimum of five feet, the proposed

addition is 30 feet, 3 inches from the common property line. Mr. Townsend reiterated all the changes made to address the massing and privacy concerns discussed in the previous ZA hearing. He mentioned that the sunroom is currently all glass so this proposal will actually decrease the amount of glass from what is currently there.

Ms. Anger asked about the size of the windows on the right side of the house.

Ms. Hagen answered that they are two feet, eight inches by four feet, six inches.

Ms. Barth commented that the goal of this process has been to provide room for her mother-in-law who will be moving in and to provide larger bedrooms for the children. She believes that their proposal is not impractical. They are trying to address the Anger's concerns but do not understand why they are having such a difficult time getting the project approved.

Ms. Anger said that she supported the effort of the applicants to make this proposal to allow their mother to move in with them, but was stunned when she saw the story poles go up.

Ms. Anger asked about the basement not being included in the FAR (floor area ratio). She said that the applicants use the basement for things other than storage. She was told by Ms. Hagen that the basement must be habitable in order to be included in the FAR determination. She asked the planning division for a clear definition, in writing, as to what would make a living area 'habitable', therefore used in determining the FAR.

Mr. Otto replied that, per Pleasanton Municipal Code, all floors are included in determining FAR except for basements that are used for storage only. If the basement is used for something other than storage, it is included in determining the FAR. Whether the basement is conditioned or unconditioned is not a factor per the Municipal Code, although at times a requirement to leave the space unconditioned has been used when the City wanted to be certain that the space is limited to storage.

Ms. Anger stated that when the applicant's residence was owned by a previous owner, part of the basement was converted into a laundry room and another part into a family room (drywall, carpeting, wet bar, wood furnace, etc.). Ms. Anger suggested that the FAR should include at least part of the basement.

Mr. Otto replied that if the basement is not used for storage only, it must be factored into the FAR.

Ms. Barth stated that although there is heat in the basement, no one lives in the basement.

Ms. Anger mentioned that at one time when they were visiting the applicants, their children were in the basement playing with toys.

Mr. Otto replied that if any part of the basement is not used solely for storage, it must be accounted for in FAR. If any part is used for anything other than storage and that results in a FAR of 40 percent or above, the project could not be approved. If the project moves forward, the addition would have to be reduced in size or the basement would have to be converted to storage only.

Ms. Anger stated that at the previous hearing in October, the applicants were asked to redesign the project to eliminate the terrace, expand the side windows, and move the wall back two to four feet. She explained that expanding the windows and eliminating the frosted glass was the Anger's concession for having the applicant's terrace removed. If the terrace is not to be removed, Ms. Anger asked that the condition to use frosted glass be added.

Mr. Otto replied that he did read in the minutes from the previous meeting that Ms. Anger said that if the applicants eliminated the terrace, the Angers would not ask for the windows to be frosted.

Because the terrace has not been eliminated in the redesign, Ms. Anger feels that the recommendations suggested at the previous hearing were not fully addressed.

Mr. Otto replied that the previous zoning administrator's comments were not mandates, simply design options.

Mr. Pfeuhler commented that he believes that what is getting forgotten is that the proposal will remove an entire second floor of windows that already overlooks the neighbors. The proposed terrace is actually removing some of the sight lines of the neighbor's property which would actually increase privacy.

Mr. Otto commented that because the addition is being pushed back, the terrace is actually being placed more into the backyard area versus the side yard area.

Mr. Otto asked the Angers their input on whether they would support a privacy panel (possibly 6-feet in height) that could be placed on the east side of the terrace that would reduce the visibility into the Anger's yard.

Ms. Anger states that something like that would be an improvement and she would support it.

Mr. Huff commented that the suggested privacy panel placed on the east side of the terrace would add to the massing of the structure and block out more light.

Mr. Townsend commented that even if the terrace were to be eliminated, the massing to the rear of the home would not be substantially reduced due to the slope of the roof over the first story addition.

Ms. Anger asked if the roof slope for the first story addition could be reduced.

Mr. Otto stated that while the slope of the addition could be reduced it would not be preferred because as currently designed it matches the slope and architecture style of the existing home.

THE PUBLIC HEARING WAS CLOSED.

The Zoning Administrator indicated that the addition is placed in the back of the home where the City wants it to be located in an historic home such as this and the applicants have designed the addition to integrate well with the existing home without compromising the

integrity of the historic structure. Mr. Otto acknowledged compromise from both parties, but stated that the main problem remains the proposed terrace.

Mr. Otto agrees there is a privacy issue with the balcony and it is creating more of a privacy impact than the existing house does. He stated additional mitigation is needed beyond what's already been done by the applicants. He indicated that a privacy panel is needed along the eastern side of the balcony. In addition, in order to minimize a little bit more of the balcony and how far it projects out, the balcony needs to be reduced one foot more from the east side and one foot shorter in depth. Mr. Otto indicated that with these changes plus using the previously-discussed frosted glazing on the two-story windows on the side of the addition, he could approve the project. He stated it's a compromise that may not make everybody happy, but it adequately addresses the privacy impacts.

Mr. Otto approved the project with draft conditions from the previous hearing in addition to the following: (1) a six-foot tall privacy panel be installed along the eastern side of the terrace; (2) the terrace be reduced in size by one foot from the eastern side and one foot in depth; (3) use frosted/obscure glass on the new second-story windows on the east elevation facing the neighbor and; (4) basement uses must be shown on the building permit plans and FAR must conform to city code of no more than 40 percent.

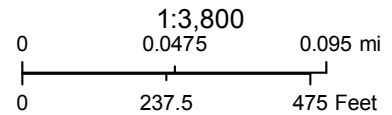
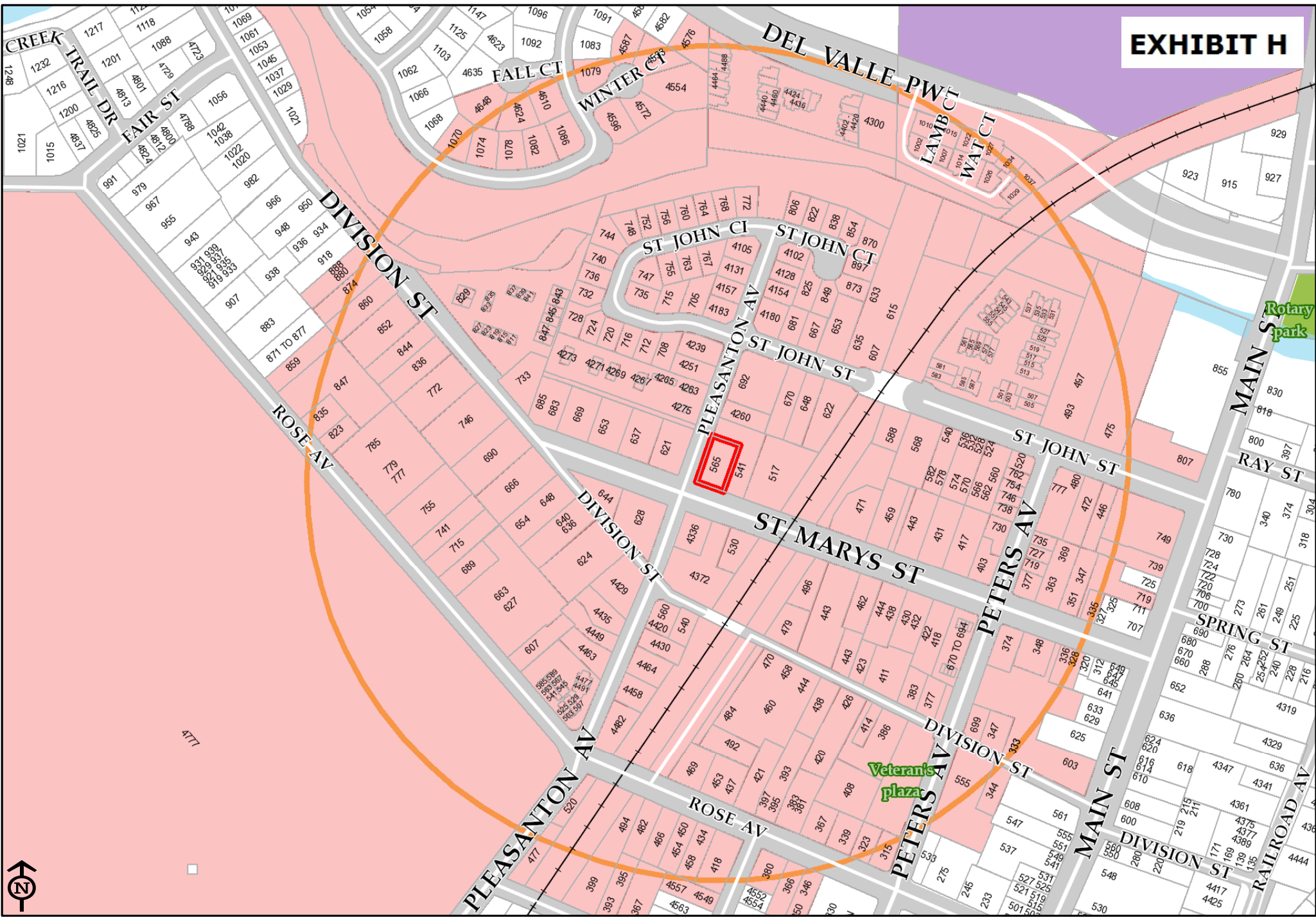
Mr. Otto indicated this action is subject to a 15-day appeal period.

As there was no further business, the Zoning Administrator adjourned the meeting at 4:25 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Jennifer Hagen". The signature is written in a cursive, flowing style.

Jennifer Hagen
Associate Planner



P17-0766 and P17-0783, 565 St. Mary Street, Anger