



Planning Commission Staff Report

July 12, 2017
Item 6.a.

SUBJECT: P17-0372

**APPLICANTS/
PROPERTY OWNERS/
APPELLANTS:** David and Sue Robles

PURPOSE: Appeal of the Zoning Administrator's approval of an Administrative Design Review application to convert an existing unconditioned loft into an approximately 740-square-foot second-story addition and to increase the roof height of the existing residence from 20 feet to 25 feet.

LOCATION: 3552 Yellowstone Court

GENERAL PLAN: Medium Density Residential

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

EXHIBITS:

- A. [Zoning Administrator approval letter and conditions of approval dated "May 25, 2017"](#)
- B. [Approved project plans, dated "Received May 5, 2017"](#)
- C. [Appeal letter from David and Sue Robles dated "Received June 9, 2017"](#)
- D. [Zoning Administrator hearing minutes dated May 25, 2017](#)
- E. [Photos from Glen and Shoni Johnson dated "Received May 25, 2017"](#)
- F. [Letter from Ed Broome dated "Received May 26, 2017"](#)
- G. [Arborist Report prepared by Dryad, LLC dated "Received May 5, 2017"](#)
- H. [Police calls for service log](#)
- I. [Letter from Minh Lee dated "Received July 2, 2017"](#)
- J. [Location and Notification Map](#)

RECOMMENDATION

Deny the appeal and uphold the Zoning Administrator's approval of Case P17-0372, including all conditions of approval, with a modification to Condition of Approval No. 6 requiring, at all times, that a minimum of two parking spaces (measuring 20 feet by 20 feet in area) be maintained clear and available for parking within the garage. This modification is necessary for compliance with the requirements of the Pleasanton Municipal Code (PMC) as described in more detail later in this report.

EXECUTIVE SUMMARY

David and Sue Robles, the applicants/appellants, request that the Planning Commission remove Condition of Approval No. 3 from the Zoning Administrator's conditional approval of the project on May 25, 2017 (Exhibit A). This condition required the applicants/appellants to remove a proposed window on the second-story of the north-facing (right side) elevation to address privacy concerns expressed by the adjacent neighbors at 3564 Yellowstone Court. The applicants/appellants claim this condition would require the second-story floor plan (Exhibit B) to be substantially reconfigured and prevent them from moving forward with a project that meets their needs, and would reduce the resale value of their house. Additionally, the applicants/appellants state this condition should be removed because the adjacent neighbors at 3564 Yellowstone Court also have a second-story window on their south-facing elevation that provides a view into the Robles' yard.

The May 25, 2017 Zoning Administrator hearing was attended by the applicants/appellants; their contractor, Joe Cravotta; and approximately 12 other members of the public. The public comment focused on concerns related to privacy, public health and safety, and the impacts of adding four additional bedrooms to an existing four-bedroom residence. Based on public testimony and a desire to maintain the general health, safety and welfare of the neighborhood, the Zoning Administrator conditionally approved the project, finding it to be compatible with the existing home and neighborhood, as well as compliant with the requirements of the PMC (including all applicable site development standards, including setbacks, Floor Area Ratio (FAR), and height). The Zoning Administrator added several new conditions of approval to staff's recommended conditions of approval in order to address the neighbors' concerns and improve the condition of the subject property's outdoor space. All of the conditions of approval can be found in Exhibit A. The Commission may:

1. Deny the appeal and uphold the Zoning Administrator's approval and conditions;
2. Uphold the appeal (therefore granting the requested modification to retain the second story window on the north (right side) elevation);
3. Deny the appeal and approve the project with modified conditions which differ from the appellants' requested modification; or
4. Deny the application.

BACKGROUND/HISTORY

On May 5, 2017, the applicants/appellants submitted an Administrative Design Review (ADR) application to: (1) convert an existing unconditioned loft (attic space) into an approximately 740-square-foot second-story addition (including four new bedrooms); and (2) increase the roof height of the existing residence from 20 feet to 25 feet. Two Heritage trees are also proposed for removal as an ancillary request to the ADR application. After the ADR public notice was sent, Glen and Shoni Johnson (adjacent property owners/neighbors at 3564 Yellowstone Court) and Bob Wittig (owners of 3543 Yellowstone Court) contacted staff and indicated that they had concerns regarding the project and the potential impacts to their homes and neighborhood. Their concerns focused on privacy, public health and safety, and the impacts of adding four additional bedrooms to an existing four-bedroom residence. More specifically:

- The Johnsons indicated that the new second-floor windows on both the north- and west-facing elevations would enable views into their backyard/swimming pool area, especially once the existing Heritage tree in the rear yard is removed (see Exhibit E for photos);

- The Johnsons and Mr. Wittig indicated that the subject property is in poor maintenance and a constant state of disrepair;
- The Johnsons and Mr. Wittig indicated that the subject property has a long history of police activity and calls for service (Exhibit H) and that increasing the size of the home would exacerbate those issues, as well as increase crime in the neighborhood given non-residents were always coming and going to and from the subject property; and
- The Johnsons and Mr. Wittig indicated that residents on Yellowstone Court felt unsafe and have been victims of property vandalism, including yard urination, and that increasing the size of the home would worsen those issues by expanding the capacity of the residence.

Prior to the Zoning Administrator hearing, staff asked the Johnsons whether a vegetative screen in combination with frosted glass on the proposed north and west-facing second-story windows directly or indirectly facing their property would satisfy their privacy concerns. Given their other concerns stated above, the Johnsons requested, at a minimum, that the proposed second-story window on the north-facing (right side) elevation be removed completely from the project scope. The Johnsons were reluctant to accept a vegetative screen because: (1) they did not feel the trees would be properly maintained based on the current property condition; and (2) more vegetation close to the property line would introduce root intrusion and contribute debris to their swimming pool. Subsequently, the Johnsons and Mr. Wittig requested a Zoning Administrator hearing to discuss their concerns and potential solutions further with staff and the applicants/appellants.

On May 25, 2017, a Zoning Administrator hearing was held on the project. The hearing was attended by approximately 15 members of the public including the Johnsons, Mr. Wittig, the applicants/appellants, Joe Cravotta, and other nearby residents (please refer to Exhibit D for hearing minutes). At the hearing, the Zoning Administrator asked the applicants/appellants to provide more detail on their motivation for constructing additional bedrooms, their history at the property including the more recent history surrounding the police activity and calls for service, and their willingness to modify the project and/or provide mitigation for the project impacts based on neighborhood concerns. The applicants/appellants and their contractor Joe Cravotta indicated that they had multiple grandchildren living with them in the residence and that those children were approaching ages that necessitated them being in separate rooms. The applicants/appellants also indicated that their adult children, and associates of their adult children, had stayed at the residence for extended periods of time in the recent past. The applicants/appellants further explained that the police activity and calls for service were related to warrants for one of their adult children, but also because of neighbors calling in code violations or perceived code violations. Lastly, the applicants/appellants were open to providing mitigation for the project impacts such as a vegetative screen and frosted glass in all of the proposed second-story windows; however, they were reluctant to modify the project in a way that would compromise the interior layout. The applicants/appellants also indicated that they were considering eliminating a bedroom on the ground floor, but that this change would not require modifications to the exterior of the home.

At the hearing, the Zoning Administrator also asked the Johnsons, Mr. Wittig, and the other members of the public in attendance to express any comments or concerns they had related to the project. The Zoning Administrator also asked the Johnsons if a vegetative screen and frosted glass on the north and west-facing second-story windows directly or indirectly facing their property would adequately address their privacy concerns. The Johnsons again rejected

these options and reiterated their concerns as described above. Mr. Wittig concurred with the Johnsons' position. Four other members of the public, including Linda Farmer, Ming Lee, Ed Broome, and Bernie Wilson spoke. With the exception of Mr. Wilson, who ultimately stated his support for the project, all other members of the public expressed concerns similar to those of the Johnsons and Mr. Wittig. Mr. Broome also expressed concerns related to the completeness of the application; that the project was out of scale with the neighborhood in terms of bedroom count; that the project was incongruous with the intent of the PMC to protect the health, safety and general welfare of the residents; the character of the occupants within the residence; and indicated that the project would continue a pattern of negativity in neighborhood. These questions were addressed by the Zoning Administrator and applicants/appellants at the hearing.

After discussion with all parties, public testimony, and review of the proposed plans in the context of the project site and surrounding neighborhood, the Zoning Administrator approved the project subject to the staff-recommended conditions of approval plus several new conditions of approval as follows to address the neighbors' concerns, improve the condition of the subject property's open space, and reduce impacts on the local parking supply (see Exhibit A for a full list of conditions of approval for the project):

3. Prior to issuance of a building permit the applicant shall revise the elevations and floor plans to remove the window shown on the north elevation. Minor changes to the proposed west-facing second-story windows may be permitted in order to meet Building Code Requirements, subject to the approval of the Director of Community Development.
4. Prior to issuance of a building permit the applicant shall submit a landscape and irrigation plan to the Planning Division for review and approval before installation. Said landscape plan shall provide a front yard landscape plan that includes: (1) a minimum of a 1:1 tree replacement plan for the two trees to be removed; (2) a minimum of one new tree within the front yard; (3) detailed specifications of species, location, size, quantities, and spacing; and (4) a design that is aesthetically compatible with the neighboring properties. Plant species shall be of drought tolerant nature with an irrigation system that maximizes water conservation (e.g., drip system). The landscape plan be implemented prior to occupancy of the project.
5. Pursuant to Pleasanton Municipal Code Section 18.20, all landscaping required to be installed with this project shall be maintained to the satisfaction of the Director of Community Development.
6. Pursuant to Pleasanton Municipal Code Section 18.88.030, at all times, a minimum of one parking space (measuring 10 feet by 20 feet in area) shall be maintained clear and available for parking within the garage.
7. For the duration of construction, the property owner and applicant shall maintain the property and area surrounding the subject property in a clean and orderly manner at all times, including, but not limited to the daily clean-up and if necessary, removal from the subject property, of all construction related trash, litter, and other debris, et cetera as determined by the Director of Community Development.

After meeting with Building Division staff to evaluate potential options to comply with Condition of Approval No. 3, the applicants/appellants determined that they could not comply with this

condition and still achieve their desired floor plan as compliance could result in the loss of at least one bedroom on the second story since the Building Code requires adequate egress, usually in the form of a window, within a bedroom in case of emergency. Accordingly, the applicants/appellants filed an appeal of the Zoning Administrator’s approval on June 9, 2017, stating objections to Condition of Approval No. 3. Specifically, the applicants/appellants claim this condition would require the second-story floor plan to be substantially reconfigured and prevent them from moving forward with a project that meets their needs. Additionally, the applicants/appellants state this condition should be removed because the adjacent neighbors at 3564 Yellowstone Court (the Johnsons) also have a second-story window on their south-facing elevation that provides views into the applicants’/appellants’ yard.

Accordingly, the appeal is now before the Planning Commission for determination. Please refer to Exhibit C for a copy of the appeal.

SITE AND AREA DESCRIPTION

The subject property is located in the Valley Trails neighborhood, north of South Valley Trails Drive between Kings Canyon Court and Wind Cave Court. The approximately 6,098-square-foot lot has an approximately 1,611-square-foot¹ single-story residence and an attached two-car garage. The architecture of the home is characterized by wood siding and stucco walls, wood trim, and a composition shingle roof. Access to the home is provided by a driveway off Yellowstone Court. The subject property is surrounded on all sides by residential uses. Figure 1 below shows an aerial photograph of the subject property within the context of the Valley Trails neighborhood.

Figure 1: Aerial Photograph



¹ Pursuant to Building Permit records on file with the City. Please note this number differs from the plans submitted for the project in Exhibit B, which indicate the existing residence is approximately 1,582 square feet in area. Please note this discrepancy would not affect the project’s compliance with the requirements of the PMC as outlined later in this report. Staff relies upon applicants to provide accurate information; however, in many cases, applicants rely on field measurements from fence lines, interior versus exterior wall measurements, and other measurements that can change over time due to a variety of factors and could slightly affect the information provided by applicants without their knowledge. This is especially common for older properties.

PROPOSED PROJECT

The applicants propose to convert an existing unconditioned loft (attic space) into an approximately 740-square-foot second-story addition and to increase the roof height of the existing residence from 20 feet to 25 feet. Two Heritage trees are also proposed for removal as an ancillary request to the ADR application. The project details include: a new 4-foot-wide by 3-foot-tall window that would be installed on the second-story of the north-facing (right side) elevation; two new 4-foot-wide by 3-foot-tall and 3-foot-wide by 2-foot-tall windows that would be installed on the second-story of the south-facing (left side) elevation; an existing 5-foot-wide by 2-foot-tall window that would be replaced by a new 3-foot-wide by 2-foot-tall window on the second-story of the east-facing (front) elevation; and an existing 5-foot-wide by 3-foot-tall window that would be replaced by two new 4-foot-wide by 3-foot-tall windows on the second-story of the west-facing (rear) elevation.. The new square footage within the proposed second-story includes a bathroom and four bedrooms (after construction of the project there would be a total of eight bedrooms within the entire residence). There would be no change to the current setbacks. The height of the existing residence would increase from 20 to 25 feet (measured from the property grade to the ridge of the roof). The new square footage (740 square feet) would result in a 38.6% FAR on the approximately 6,098-square-foot-lot.² The project would generally match the exterior colors and materials of the existing dwelling by incorporating earth-tone colored stucco, wood trim, and a composition shingle roof.

The proposed Heritage tree³ removal is being requested because of foundation and driveway damage the trees are causing to the residence/property improvements pursuant to the findings of the arborist report submitted with this project (Exhibit G). The Heritage trees include a fruitless Mulberry located in the rear yard that measures approximately 58 feet in height with a trunk diameter of 30 inches and a Sweetgum located in the front yard adjacent to the driveway that measures approximately 60 feet in height with a trunk diameter of 16 inches. As noted in the Zoning Administrator conditions of approval above (Condition No. 4), the applicants/appellants are required to provide a front yard landscape plan that includes a minimum of a 1:1 tree replacement plan for the two Heritage trees to be removed.

STAFF REVIEW/ANALYSIS

The ADR 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. The subject proposal was heard and approved with conditions by the Zoning Administrator and has now been appealed to the Planning Commission. The Planning Commission is empowered to deny the appeal (approving the project as conditioned), uphold the appeal (therefore granting the appellants' requested modification to the conditions of approval), deny the appeal and approve the project with modified conditions which differ from the appellants' requested modification, or deny the project.

² The Floor Area Ratio is calculated using the sum of the gross horizontal area of the buildings on a site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; and steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides.

³ A Heritage Tree is defined as any tree, regardless of species, with a trunk circumference of 55 inches or more when measured at a point 4 ½ feet above ground level; or any tree, regardless of species, that is 35 feet or more in height.

Site Development Standards

The subject property is zoned R-1-6,500 (One-Family Residential) District. Additions to existing single-family residences are permitted in this district provided the development standards prescribed by the Pleasanton Municipal Code (PMC) are met. A summary of the prescribed development standards for an addition in this district and a comparison of the subject proposal to those standards are provided below:

| | Required | Existing⁴ | Proposed |
|-----------------|---|--|--|
| Setbacks | | | |
| <i>Front</i> | 20 feet minimum | 20 feet | No change |
| <i>Rear</i> | 20 feet minimum | 22 feet | No change |
| <i>Side</i> | 5 feet one side/12 feet combined both sides minimum | 5 feet one side/13 combined both sides | No change |
| FAR | 40% maximum | 26.4% | 38.6% |
| Height | 30 feet maximum ⁵ | 15 feet (code height); 20 feet (grade to peak) | 20 feet (code height); 25 feet (grade to peak) |

As proposed, the project complies with the development standards prescribed by the PMC.

Scope of Design Review – Criteria

Chapter 18.20 (Design Review) of the PMC indicates that in order to preserve and enhance the City’s aesthetic values and to ensure the preservation of the public health, safety, and general welfare, additions to single-family residences greater than 10 feet in height are subject to the ADR process. Staff notes that even though an addition may comply with the development standards of the applicable zoning district, through the design review process, the PMC allows the reviewing body to approve conditions that may be more restrictive than the normal PMC standards to ensure that the public health, safety, or general welfare is preserved. As outlined in the Design Review Chapter, the Zoning Administrator’s or Planning Commission’s scope of review of project plans shall include the following 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 the 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.

⁴ Pursuant to the approved plot plan on file with the City dated July 14, 1970. Please note these dimensions differ from the plans submitted for the project in Exhibit B; however, the discrepancies would not affect the project’s compliance with the requirements of the PMC as outlined above. Staff relies upon applicants to provide accurate information; however, in many cases, applicants rely on field measurements from fence lines, interior versus exterior wall measurements, and other measurements that can change over time due to a variety of factors and could slightly affect the information provided by applicants without their knowledge. This is especially common for older properties.

⁵The height of a structure is measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.

- Preservation of views enjoyed by residents, workers within the City, and passerby 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 and the building's colors and materials.

The Zoning Administrator considers these design criteria in the review of all design review applications. The proposed addition would match the architectural style, colors, and materials of the existing residence. Additionally, conditions of approval were added by the Zoning Administrator to ensure that the City's aesthetic values and the public health, safety, and general welfare would be preserved. The conditions included removal of a proposed second-story window on the north-facing elevation to obstruct views from the proposed second-story into the neighbors' backyard/swimming pool area; new landscaping to improve the aesthetic appearance of the subject property and compatibility with the surrounding properties; maintenance of one parking space within the garage to reduce the number of vehicles that are parked in front of the subject property or on Yellowstone Court; and routine construction debris clean-up to ensure the project would not negatively affect the aesthetics of the neighborhood during construction. With the exception of the recommended modification below (to Condition of Approval No. 6), the Zoning Administrator and staff believe that, as conditioned, the project is consistent with the requirements and development standards prescribed by the PMC. As noted above, staff is recommending a modification to Condition of Approval No. 6 to ensure compliance with the parking standards prescribed by the PMC. The PMC requires a minimum of two parking spaces for residential uses. Only one space is required to be covered or enclosed by a carport or garage; however, the second space may not be located within the front setback area. Based on staff's review of the subject property, besides the garage, there is no other acceptable location for the second required parking space that wouldn't encroach into the front setback area. Therefore, staff is recommending that the Planning Commission modify Condition of Approval No. 6 to require, at all times, a minimum of two parking spaces (measuring 20 feet by 20 feet in area) be maintained clear and available for parking within the garage.

With regard to design, the Zoning Administrator and staff believe that the project is appropriate in size and massing to be complementary to the design of the existing residence and other residences in the neighborhood. Additionally, while the PMC does not limit the number of bedrooms within a single-family residence, the Zoning Administrator and staff believe the project has been conditioned to adequately address neighborhood concerns and any impacts on the immediately adjacent neighbors within the scope of design review prescribed by the PMC.

Applicant/Appellant Concerns

As noted above, at the Zoning Administrator Hearing, the Johnsons, who reside at the adjacent residence to the north (3564 Yellowstone Court), expressed concerns that the proposed new second-floor windows on both the north and west-facing elevations would enable views into their backyard/swimming pool area. In response, the Zoning Administrator added Condition of Approval No. 3, which requires the applicants/appellants to remove a proposed window on the second-story of the north-facing elevation. The applicants/appellants claim this condition would require the second-story floor plan to be substantially reconfigured and prevent them from moving forward with a project that meets their needs. Additionally, the applicants/appellants state this condition should be removed because the Johnsons also have a second-story window on their south-facing elevation that provides a view into their yard.

As stated above, the Zoning Administrator specifically asked the Johnsons if a vegetative screen and frosted glass on the proposed second-story windows that directly or indirectly faced their property would adequately address the privacy concerns. They indicated that such a design modification would be insufficient because the windows could still be opened and allow views into their backyard/swimming pool area, especially the proposed second-story window on the north-facing elevation and to some extent the proposed second-story windows on the west-facing elevation. Additionally, the Johnsons stated there was no guarantee that a vegetative screen would be adequately maintained to obstruct views from the proposed second-story windows and that more vegetation close to the property line would introduce root intrusion and debris to their swimming pool. Accordingly, the Zoning Administrator added Condition of Approval No. 3 to the project approval, citing the privacy concerns of the Johnsons and also stating a belief that a design solution could be identified that would allow for the desired number of bedrooms and the removal of the proposed window on the second-story of the north-facing elevation. Staff notes that the Zoning Administrator also required a 1:1 tree replacement to offset the removal of the two trees, but did not specify that these replacement trees have to serve as privacy screening for the project.

To further clarify Condition of Approval No. 3, the Zoning Administrator framed the language of the condition such that maximum flexibility would be provided to the applicants/appellants for obtaining a design solution that worked internally for their needs but also would facilitate compliance with the Building Code requirements for bedroom emergency egress, lighting, and ventilation. Given the Building Code requirements, it is anticipated that the windows on the second-story of the west facing elevation would need to be modified. For the Commission's information, the applicable Building Code requirements for bedroom emergency egress, lighting, and ventilation are as follows:

- The minimum net clear opening area for emergency escape and rescue windows is 5.7 square feet per bedroom.
- Eight percent of the total bedroom floor area requires window glazing to allow for natural light penetration.
- Four percent of the total bedroom floor area requires openable windows to allow for ventilation.

PUBLIC NOTICE AND COMMENTS

Notices of the Administrative Design Review application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site for the Zoning Administrator hearing. Staff has provided the location and noticing map as Exhibit J for reference. Staff met with four residents prior to the Zoning Administrator hearing including the Johnsons, Bob Wittig, and Ed Broome. Their comments have been described above and/or attached as Exhibit F. Staff also received approximately a dozen phone calls from concerned residents sharing similar concerns.

Notices of the appeal were sent to surrounding property owners and tenants within a 1,000-foot radius of the site for the Planning Commission Hearing. Staff has provided the location and noticing map as Exhibit J for reference. At the time this report was published, staff had received one letter with comments about the project (Exhibit I). These comments are similar in nature to those already described in detail in this report.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

As approved and conditioned, the proposed project complies with the PMC and mitigation has been required to address neighborhood concerns and project impacts. The project has been designed to be compatible with the existing home and neighborhood and would meet all applicable site development standards, including setbacks, FAR, and height. However, if the Commission finds that the project should be modified, then the Commission may approve the project with modified conditions to reflect its direction. The Commission may also deny the application.

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