

**P14-0829 (Administrative Design Review)  
Exhibit A, Conditions of Approval**

**Greg Munn, Design Tech Associates for  
George Schmitt  
554 Hamilton Way  
November 12, 2014**

**Project Specific Conditions of Approval**

**Planning**

1. The addition shall conform substantially to the approved elevations, site plans, and other materials, Exhibit B, marked "Received October 13, 2014," 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.
2. The height of the structures shall be surveyed and verified as being in conformance to the approved building height as shown on Exhibit B or as otherwise conditioned. Said verification is the project developer's responsibility, shall be performed by a licensed land surveyor or civil engineer, and shall be completed and provided to the Planning Division before the first framing or structural inspection by the Building and Safety Division.
3. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment, or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 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.
4. All appropriate City permits shall be obtained prior to the construction of the addition.
5. 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.

6. The administrative design review approval shall lapse within one year from the date of approval unless a building permit is issued and construction has commenced and is diligently pursued toward completion, or the City has approved an extension of the administrative design review approval.
7. Plans can only be submitted to the Building Department after the completion of the 15 day appeal period for this approval unless the applicant submits a written statement acknowledging that all plan check fees may be forfeited should the item be appealed and the design modified.
8. To the extent permitted by law, the project applicant shall defend (with counsel reasonable 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 attorneys 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 attorneys 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.

< end >

To: Planning Commission November 4, 2014  
cc; Jennifer Wallis, Associate Planner  
From: Dolores Bengtson, 568 Hamilton Way  
Subject: P14-0829, Greg Munn, Design Tech Associates/George and Mary Schmitt

Planning Commissioners and Staff:

I appreciate the time and effort put forth to consider this application and receive the input provided by interested residents. It is never easy to review a project lacking unanimous support from the surrounding neighborhood.

**New or Clarifying Information**

- ✓ There has been no dialogue between the neighbors and the applicant regarding this application since August 13<sup>th</sup>. I was notified by George Schmitt by email on Oct. 13<sup>th</sup>. that the completed plans had been submitted to the City and was provided an overlay exhibit attachment.
- ✓ I do have a beautiful view of the Ridge from inside my home. My home is L shaped. The N/S alignment of the L has W facing windows. (window photo will be shown at meeting)
- ✓ The applicant does not have a pool. (Question asked at Aug. 13<sup>th</sup>. meeting.)
- ✓ Vegetation does not obstruct my view of the Ridge except those plantings provided to provide privacy between properties and to mask Schmitt's shed adjacent to the fence.
- ✓ Rose Point has 2 two-story homes, both built with little or no neighborhood notification. One home has created considerable fall-out. The three Rose Point homes on Arlington Court are split level, necessarily so due to land elevations. Only Tract 3659 is considered Rose Point.
- ✓ Many homes in Rose Point have been remodeled, enlarged and improved, all but two respecting the one story value. My home was enlarged by 450 square feet.

**New Submittal**

The new submittal is contrary to the General Plan Guidelines.

2005 Pleasanton Plan 2025

Community Character Element: page 2-27: last line: "The land Use Element would preserve scenic hillside and ridge views of the Pleasanton, Main, and the Southeast Hills ridgelands, would preserve the remaining agricultural open space in the ridgelands, preserve the character of the Downtown, and preserve and enhance the character of existing residential neighborhoods."

You are charged with evaluating projects before you based on the guidance of the General Plan via the Pleasanton Municipal Code. I believe the three *Scope of Review Criteria* below make it clear the submittal before you does not pass the “acid test” of being compatible in architectural style, in harmony with adjacent buildings or consistent with neighborhood character.

*Scope of Review Criteria (excerpts)*

2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, *and scale of building 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.*

## **Discussion**

It has been disappointing and surprising the applicant chose not to have dialogue with the neighborhood. Reviewing the minutes of August 13<sup>th</sup>. it seems clear the Planning Commissioners and staff believed such dialogue would take place.

The second story of the submittal has two windows overlooking my property. I have been told the windows would be inoperable and opaque. What process is required to change the windows to operable/clear glass? I have been told, no process is required.

The second story includes a balcony facing the residents on the west. While this does not impact my property, it seems contrary to good planning to consider approving a second story with a balcony serving an active room directly overlooking other properties.

The applicant appears to have made no attempt to address the neighborhood issues but rather designed a more imposing second story, more incompatible in architectural style, with less harmony to adjacent buildings and completely inconsistent with neighborhood character. While there is a slight improvement of my ridge view, the imposing bulk of the second story directly over the most used portion of my yard is distressing and most unacceptable.

## **Conclusion - Recommendation**

**The General Plan strongly supports preserving and enhancing the character of existing neighborhoods. Our neighborhood is comprised of one-story, ranch style homes. I urge you to preserve the character of this existing neighborhood by denying this application based on its inconsistency with neighborhood character and lack of architectural compatibility and/or harmony with the neighborhood.**

November 5, 2014

To: Pleasanton Planning Commission

From: John Toms

Re: P14-0829, 554 Hamilton Way Proposed Remodel

After the initial Planning Commission Ruling on the proposed two story remodel earlier this Summer, I was hopeful that the suggestion to “work with the neighbors” was a positive middle position on the issues. Disappointingly, that process did not occur.

My take away from reviewing the revised plans is that they are a step in the wrong direction with a more definitive two story presentation to Hamilton Way. I do not feel that this plan as currently configured matches the one story look and feel of the Rose Point designs.

In fact it seems even more out of sync than the original designs presented. The mass presented by the new design, it's style, and height are all incompatible with nearby architectural designs and would stand out starkly in relation to the other homes.

Please reject these plans as currently presented and suggest a new pathway to a remodel that better respects the designs and history of the neighborhood.

Best Regards,

John Toms

## Jennifer Wallis

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**From:** Forrest Sass [REDACTED]  
**Sent:** Wednesday, November 05, 2014 10:08 AM  
**To:** Jennifer Wallis  
**Subject:** Objection to P14-0829

RE: P14-0829, Greg Munn, Design Tech Associates/George and Mary Schmitt

Dear Ms. Wallis,

I'm writing to oppose the resubmitted permit for construction at 554 Hamilton Way as described in the flyer I received from Adam Weinstein, Planning Manager.

My specific objection is the second story addition to the house. Rosepointe CCRs established this community as single story residences. It must remain single story. To allow this addition would be to allow the proverbial camel's-nose-in-the-tent. Once allowed, there is no stopping "him". And the second story will be not harmonious with the rest of the neighborhood.

I have seen the effects of second story additions in an Alameda community where my folks lived for 50 years. Originally single story, residents were allowed to build second-story additions over the years. The area now looks overbuilt and ugly, in my opinion.

Sometime prior to year 2000, my ex-wife, two other neighbors and I objected to a second story addition proposed by Dave Laver at 6446 Arlington Dr. Our objection was based on the original Rosepointe CCRs which we all agreed to follow and which preclude ANY second story addition. We prevailed, and the Lavers did not add any second story to their house. I similarly object to George and Mary Schmitt's request for a deviation from the one-story limit in this neighborhood.

PLEASE ASK THE CITY COUNCIL TO DENY THIS PERMIT.

Sincerely,  
Forrest Sass

[REDACTED]

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RECEIVED

NOV 06 2014

CITY OF PLEASANTON  
PLANNING DIVISION

**From:** Arlyne Yauch  
**Date:** Nov. 3, 2014  
**To:** Jennifer Wallis, Associate Planner  
**Re:** Public Hearing Notice: P14-0829, Schmitt Project

I have lived in my home since 1976. I am saddened when a project comes to the City seeking to modify the character of our lovely neighborhood by applying to change a one story ranch style home into a contemporary two story home. We are a one story community of ranch style homes. Please deny the application but encourage the applicant to consider returning with a one story plan in harmony with ranch style architecture.

Most sincerely,



Arlyne Yauch

**Jennifer Wallis**

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**From:** D Bengston [REDACTED]  
**Sent:** Tuesday, May 20, 2014 12:11 PM  
**To:** Jennifer Wallis  
**Cc:** Christine Steiner; John Toms; George Schmitt  
**Subject:** P-14-0829 - George Schmitt Application

To: Jennifer Wallis, Associate Planner, City of Pleasanton

I received a notice that my next door neighbor, George Schmitt, has submitted an application for Administrative Design Review for major additions to his home at 554 Hamilton Way. Please be aware that I have concerns regarding the proposal and would like a Zoning Administrator Hearing.

I saw the plans today for the first time. While the proposed plans certainly will enhance the Schmitts' home and provide considerable additional space for their family, I believe it has severe impacts on my home and outdoor living spaces. At this time I was able to only do a quick review of the plans so, after reviewing them again later at the hearing, I may identify other concerns.

I purchased my home in 1987. One of the primary reasons I purchased the home was it had a wonderful view of Pleasanton Ridge from both the front and back yard. The additions proposed for the Schmitt home will block my view of the Ridge from the patio and back yard and change the character of my back outdoor living spaces by imposing a massive roof line into the view shed.

A second concern I have is the loft and balcony from the loft. It is difficult for me to tell if those on the balcony will be visible or not from my yard. I also question if the sound generated from the loft and its balcony will be heard in my back yard and in my bedroom, especially if the balcony doors are opened. I assume that the room will be used as a loft room for the children thus will have music and TV etc available

The Schmitt's are good neighbors. I hope we can find a solution that works for them and works for me.

I will be gone until May 28th. so perhaps a meeting can be scheduled some time after that date.

Thanks so much for your attention.

Dolores Bengtson  
[REDACTED]

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## Jennifer Wallis

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**From:** [REDACTED]  
**Sent:** Wednesday, May 21, 2014 9:05 AM  
**To:** Jennifer Wallis  
**Subject:** p14-0829 addition at 554 Hamilton

Ms Wallis-

My name is John Toms and I own the property at 575 Hamilton Way, diagonally across the street from 554 Hamilton. Though your notice about this was sent on May the 12th, I did not receive the notice until May the 17. I am concerned that the limited response window provided is inadequate for those of us concerned with the project.

Yesterday I was able to see the plans George and Jen have developed for a two story addition. to their home. The Rose Pointe development has remained a neighborhood of single family homes since the original design of the neighborhood. This was a major draw for me to purchase in the neighborhood in 1999 and has remained a selling point for those few houses that do come on the market in Rose Pointe. I am concerned that the intrinsic value provided by virtually all single family homes will be compromised to the economic detriment of area homeowners and especially to the to the aesthetics of the area. A single two story house in a neighborhood of one story ranch type houses does not maintain the established look and feel of the area. These are good neighbors and no animosity is felt for them.

Hopefully all involved can find a way to support their home remodel without raising roof lines above the remainder of the other homes in the area.

Regards,

John Toms  
[REDACTED]

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## Jennifer Wallis

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**From:** christine steiner [REDACTED]  
**Sent:** Thursday, July 10, 2014 4:42 PM  
**To:** Jennifer Wallis  
**Subject:** P14-2829 544 Hamilton Way

Dear Jennifer,

As a long time owner in the Rosepointe subdivision I want to express my distress at the proposed addition of a second story at 544 Hamilton Way. I have known George Schmidt since he was a small child and a friend of my children so it does upset me that I cannot support his proposed addition.

When we purchased our home we were the 5th homeowners in the development and we were told that only single story homes would be built in the neighborhood. The original subdivision did not include the parcel adjoining Sunol Blvd. A proposal to build condominiums on that parcel was rejected by the neighborhood. Within the original subdivision only two homes were two story. One was built without us knowing on Amber and a second story was added and the neighborhood was not aware of the plan until it was too late to object. Other proposed additions were objected to and denied approval.

As our community ages the demand for single story homes increases and our neighborhood has always attracted young and old as the lots are larger than most in the city and many people appreciate the lower profile the homes offer and the views of the Pleasanton Ridge.

In the case of the Schmidt property it is one of the homes with an extra large lot that could accommodate the desired additional square footage on one level. This was the option the property owner chose when they proposed a second story addition on their home on Stanton Court several years ago.

While I would hate to see the Schmidt family relocate. With Greenbriar and Carriage Gardens nearby offering mostly two story homes I do hope the city will deny their application and help ensure the integrity of our unique neighborhood.

Respectfully,

Christine Steiner  
[REDACTED]

Sent from my iPad

Click <https://www.mailcontrol.com/sr/QugykUSHGyzGX2PQP0mvUhbKKPHn4qwN83MS03P7EnG19bJ1YuKo53bbFirEORivr5jrCpNq6HKYOI6K2KUB+Q==> to report this email as spam.

## Jennifer Wallis

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**From:** Janis O'Rourke [REDACTED]  
**Sent:** Friday, July 11, 2014 8:51 AM  
**To:** Jennifer Wallis  
**Subject:** 554 Hamilton Addition

Dear Ms. Wallis:

We were recently made aware of a second story addition that is in the planning stages for the house at 554 Hamilton Way. It is our understanding that the homeowner is requesting a 781 foot increase to the original footprint, plus an additional 614 square foot second floor.

We would like to express our deep concern and disapproval of this project, most particularly the second floor addition. (We have viewed the 'story poles' that mark what the new elevation would be.)

As you are probably aware, there is only one home in this whole area - on Hanover Court - that added a second story over 25 years ago. Since then there have been no second story additions approved – albeit a number of home owners have tried – due largely to the concerns expressed by the neighbors.

The most striking feature of the RosePointe Neighborhood is that the majority of the homes still have the original look from the initial development of over 35 years ago. Everyone takes great pride in the neighborhood - indeed many of the homeowners are the original owners - and everybody works hard to maintain and refresh their homes and yards on a regular basis. All of this makes the RosePointe neighborhood a highly desirable area.

To have second stories added to any of the homes would create a totally different look to the neighborhood and diminish the privacy we have all come to enjoy.

While I am sure the owners of 554 Hamilton have worked hard to design an attractive second story, approval of one such addition would undoubtedly lead to others also asking for the same consideration – and then the general look and feel of the neighborhood would be forever changed to the negative.

A 781 square foot ground level addition to the rear of the house is one thing, but a second story is something else and should not be approved.

Thank you,

Sincerely

Michael and Janis O'Rourke

To: Planning Commissioners  
cc: Jennifer Wallis, Associate Planner  
From: Dolores Bengtson  
Subject: P-14-0829, Application of Greg Munn for George Schmitt - addition to 554 Hamilton Way

July 31, 2014

Planning Commissioners and Staff:

I am writing to you without benefit of the staff report as I will be away until August 10<sup>th</sup>. After I return home and have the chance to review the staff report I may update this communication.

### **Background**

May 15<sup>th</sup>. I received a notice regarding the Schmitt's application to remodel their home. Mr. Schmitt had mentioned to me a few days prior that they were planning an addition but noted it would just be a few feet higher. When I saw the application notice which clearly stated there would be a 614 square foot second story addition with rear deck I asked Mr. Schmitt if I could review the plans. He graciously agreed to allow me and my neighbors to review the plans.

Upon review of the plans it appeared to me the proposed addition would essentially block my open view west to Pleasanton Ridge. That view would be replaced with a sea of sloped roof. I doubted my grim assessment of the addition and asked staff if it would be possible for story poles to be placed on the home to provide an accurate picture of the remodel. The Schmitt's agreed to arrange for the placement of story poles on their home marking the outline of the roofline of the proposed remodel. The story poles confirmed my earlier grim assessment.

I have lived in my home since 1986. One of the primary reasons I purchased my home was the west facing back yard and my bedroom have a a great open view featuring Pleasanton Ridge. Over time I have landscaped my garden to provide privacy to the one bedroom window of the Schmitt home facing my deck as well as to mask the storage shed on Schmitt's property located about one foot from our common fence. I left the view to Pleasanton Ridge open. Any visitor to my garden can clearly attest to that.

It is unfortunate neither the Schmitt's nor the project's architect have taken enough interest in the impact of the proposed addition on my property to visit my back yard and home. I have invited them to do so. In an email to me Mr. Schmitt states the remodel impacts only "a small percentage" of my view – clearly, he has no idea of the impact.

All the homes in the neighborhood were constructed in the late 60's and early 70's. They are one story ranch style typical of that era. The neighborhood has made repeated efforts to maintain the character of the single story ranch style homes. The Planning Department will be able to verify previous applications for two story homes in the neighborhood that were changed to one story remodels due to neighborhood involvement. The developer of the homes backing up to the north east end of Hamilton Way was required to limit those few homes to one story in keeping with the character of the one story homes on Hamilton Way behind them. The proposed remodel is not only two stories, it is of contemporary design.

### **18.20.030 Scope of Review – Criteria**

I understand staff will be providing a number of exhibits displaying the proposed remodel, homes in the neighborhood and views from my yard. I plan on attending the meeting and will also have exhibits to display. I urge you to carefully examine the exhibits keeping in mind the criteria for scope of review. I hope some of you have driven on Hamilton Way to become familiar with the neighborhood and the architecture and harmony of the existing homes. While it is never easy to evaluate the potential impact of proposed remodels on surrounding neighborhoods and adjacencies, I urge you to do so keeping in mind the following criteria:

The scope of review permits you to evaluate the scale of the building within its site and the adjoining buildings. *I believe an evaluation of the proposed Schmitt remodel confirms it is not in scale with the adjoining buildings.*

The scope of review permits you to evaluate the compatibility of architectural styles, harmony with adjoining buildings and consistency with neighborhood character. *I believe an evaluation of the Schmitt remodel shows it is not compatible nor in harmony with the architectural style of the adjoining buildings, and is inconsistent with neighborhood character.*

The scope of review permits you to evaluate the preservation of views enjoyed by residents. *I believe as you consider the negative impact of the proposed remodel on my property, the complete loss of my open and lovely view, to be replaced by massive sloped shingled roof, you will agree my property and its residents will have suffered considerable loss of view.*

### **Mitigation of Loss of View**

So often in cases such as this, landscaping is looked upon as the answer to buffer the area and provide visual relief. The distance from the Schmitt house to the common fence is very narrow maintaining the seven foot minimum distance in places. Any landscaping done to significantly mask the proposed roof line to any extent would no doubt have to be on my property. I resent the fact that should you approve this application not only will I have loss of view, loss of property value due to the loss of view replaced by a sloping roof wall, I will also have to assume the financial and physical burden of landscaping my back yard in an attempt to mitigate the mass of roof that will be so highly visible from my garden and home. To achieve any buffering of the roof mass will take considerable time for plant material to mature. That buffer will likely not be effective during my occupancy.

### **Conclusion**

I believe the criteria for scope of review provides ample reason for you to deny this application. The Schmitt's have a large lot providing space for an extensive one store remodel. Such a remodel could blend with the character of, and be in harmony with, the existing homes in the neighborhood while not impacting my open view. Such a project would no doubt enjoy the support of the neighborhood.

I urge you to deny this application and support my appeal.

## Jennifer Wallis

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**From:** [REDACTED]  
**Sent:** Sunday, August 03, 2014 4:54 PM  
**To:** Jennifer Wallis  
**Cc:** Barron, Beverly  
**Subject:** Notice of Public Hearing: P14-0829, Greg Munn, Design Tech Associates/George and Mary Schmitt

Ms. Wallis,

If the proposed additions are made to the dwelling at 554 Hamilton Way, Pleasanton, CA, it would fundamentally detract the views of neighboring residences, my own, included. The proposed additions are extraordinary, and should not be undertaken by the owner of said dwelling.

The proposed additions are the following:

- (1)- Construct an approximately 781-square foot single story addition to the rear of the house.
- (2)- Construct an 88-square foot, 6" tall covered front porch.
- (3)- Construct an approximately 614-square foot second story addition with an approximately 177-square foot second floor deck.
- (4)- Change the overall roof pitch of the home, including raising the height of the ridge line and peaks by 1' 9" to 7' 4".

Zoning of this property is specified in: R-1-6,500, "One Family Residential District."

Sincerely,  
John P. Barron, Beverly H. Barron

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## Jennifer Wallis

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**From:** christine steiner [REDACTED]  
**Sent:** Monday, August 11, 2014 8:32 AM  
**To:** Jennifer Wallis  
**Subject:** Re: P14-2829 544 Hamilton Way

Jennifer, I will not be able to attend the planning commission meeting on Wednesday as I am vacationing with my family in the mountains. I did give several neighbors copies of a piece I wrote about the history of the Rosepointe development. A key point of the article was that when the developer, Ray Martin ran into financial difficulties and sold of the remaining lots in the 70's everyone who developed them adhered to the promise he had made to us all and they built one story homes. How the one two story home at the end of Amber Lane got in is a mystery except very few people were aware of it being built as it was at the end of a dead end street. Interestingly the homes adjoining it but not in the Rosepointe subdivision were required to be single story to be compatible with the adjoining neighborhood. How times change.

It concerns me greatly that the Schmitt family has not accepted Dolores Bengston's invitation to view the story poles from her property and see how their addition impacts her home. Given their reluctance to cooperate with the neighbors concerns I hope the commission will not approve the addition as planned.

Thank you for your work on this application. I know from past experience that these are the most difficult issues to resolve. I would greatly appreciate it if you could convey my concerns to the commission as I cannot be there in person. I did give Dolores a copy of the article I gave to some of the residents.

Christine Steiner

Sent from my iPad

## Jennifer Wallis

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**From:** Haps [REDACTED]  
**Sent:** Monday, August 11, 2014 2:43 PM  
**To:** Jennifer Wallis  
**Subject:** FW: 554 Hamilton way, application

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**From:** Haps [REDACTED]  
**Sent:** Monday, August 11, 2014 2:24 PM  
**To:** 'jwallis@cityofpleasanton.gov'  
**Subject:** 554 Hamilton way, application

Jennifer,

My name is James Connors, 6424 Randall Court, and I am writing in support of the application made by the Schmitt family for their addition to their house. I have read through all of the comments to those opposed to the addition and would like to add a few comments of my own. I have lived in this neighborhood for 12 years and have a two story house that looks down upon my backyard, in Rosepointe. Where were these same people that are so against this small addition when this was done to our space? Have you had a field trip with all parties involved to actually see how the addition would impact all of these homes? I have. The comments made by our "neighbors" are mostly fictional and bare no resemblance as to the actual impact on their homes. None. The home next door to the Schmitt home actually sits higher than the Schmitt home and the addition would barely be higher than her home. One comment is from a "neighbor" that is 5 houses away and his house cannot even see the Schmitt home. Field trip.

The neighborhood is no longer Rosepointe or Carriage Gardens. It is a collection of homes that have been built since the early 1970's. There are homes adjacent everywhere in this area with 2 story houses everywhere. The plan the Schmitt's have proposed pales in comparison to some of the 2 story homes in our area, including the 2 story home that looks down into my backyard. These same people who oppose this small addition did not seem to care about these other 2 story homes in our neighborhood until one of their homes was affected. I received "The History Of Rosepointe" handed out door to door by Christine Steiner. Her last paragraph states " if you are concerned about this issue and wish to retain the integrity of our neighborhood please attend the Planning Commission Meeting." Where was Christine when all of these 2 story homes were built years ago?

In closing, I highly recommend a joint field trip by those involved with the city, neighbors, and the architect to see just how much this addition will impact the neighborhood. Certainly a decision cannot be made by taking just the comments of some without an on-site review. I fully recommend that the city gives the Schmitt family this courtesy, which I believe will then allow the city to make the right decision, which is to allow the Schmitt's the right to proceed with their small addition.

Respectfully  
James Connors

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The Schmitt's rebuttal of Delores Bengston and Christine Steiner

I have lived in this neighborhood since 1976 and Rose Pointe has always been growing. I watched the fields where we used to play and ride our bikes be turned into an extension of our neighborhood, now Carriage Garden. These houses are nearly all two stories. My backyard is shared by two neighbors whom both have two story homes. We are NOT adding a second story, which would be close to a 30 foot roof ridge line, which is within the zoning guidelines. Rather we are increasing our top ridge by only 7 feet to modernize our roofline, which will allow for a loft. Even if we didn't add the loft, the roof line would still have to be raised 3-4 feet to allow for our addition. While planning we considered the impact of our addition and took great care to minimize its impact. In fact, we denied the first set of plans because we felt they were out of line with Rose Pointe.

We are not building a mansion, in fact with the addition we still would not be the largest house in the neighborhood. There are several two story homes in the original plan for Rose Pointe. Moreover, for someone to say the addition of the full two story on Hanover Court slipped through the process is a complete lie! I lived here and played with their kids, as did Mrs. Steiner's, everyone knew 100% that the Bentley's were adding a second story. Also for someone to say our addition would have a negative economic impact on their home is not true, nor is it in line with real estate market beliefs. Our addition would only increase the value of homes in this neighborhood.

We have attached a rendering, with help of photo shop and our architect to show the finished addition. I know some people do not want change in this neighborhood but we feel it is time to modernize our home inside and out. We have had several neighbors show excitement about our addition. Thanks in advance for taking the time to read our thoughts.

Sincerely, The Schmitt Family

George, Jennifer, Grace, George Jr, and Gavin

*You have our Support ~ 100%  
Wayne & Cynthia Burkholder*

## Jennifer Wallis

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**From:** Tony Ferreri [REDACTED]  
**Sent:** Wednesday, August 13, 2014 5:03 PM  
**To:** Jennifer Wallis  
**Subject:** Fwd: 554 Hamilton Way

See below...

----- Original message -----

**From:** Tony Ferreri  
**Date:** 08/13/2014 4:57 PM (GMT-08:00)  
**To:** [jwallis@cityofpleasanton.gov](mailto:jwallis@cityofpleasanton.gov)  
**Subject:** 554 Hamilton Way

Jennifer-

Good afternoon. My name is Tony Ferreri. My wife and I reside at 6415 Amber Lane. I am writing this letter in support of The Schmitt Families pending application for a remodel of their personal residence. We live in the 'Rosepointe' neighborhood and are a neighbor of theirs. There are plenty of two story houses within the neighborhood, including ours. They have an oversized lot which can easily accommodate a larger dwelling. It would seem unfair for The Schmitt Family to be scrutinized while these other homeowners have been able to perform similar type projects.

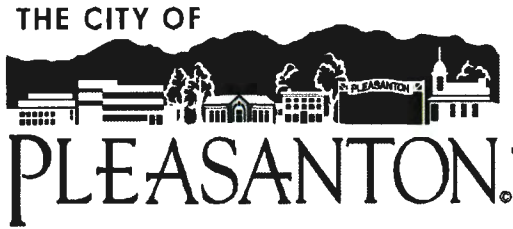
They have a young, growing family and could really use the extra room. Please show your support for this project.

Regards,

Tony Ferreri & Michele Ferreri

Sent via the Samsung Galaxy S™ III, an AT&T 4G LTE smartphone

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**Planning Commission  
Staff Report**

August 13, 2014  
Item 6.a.

**SUBJECT:** P14-0829

**APPLICANT:** Greg Munn

**PROPERTY OWNER:** George Schmitt

**PURPOSE:** Application for Administrative Design Review approval to undertake the following to the existing dwelling located at 554 Hamilton Way: (1) construct a 781-square-foot single-story addition to the rear of the house; (2) construct an 88-square-foot, 13-foot, 6-inch tall covered front porch; (3) construct a 614-square-foot second-story addition with an approximately 177-square-foot second-floor deck; and (4) change the overall roof pitch of the home including raising the height of the ridge line and peaks by 1 foot, 9 inches to 7 feet, 4 inches.

**LOCATION:** 554 Hamilton Way

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

**EXHIBITS:**

- A. Original Letters of Opposition
- B. Proposed Plans
- C. Section 18.20.030 of the Pleasanton Municipal Code
- D. Photos from the rear yard of 568 Hamilton Way
- E. Neighborhood Map
- F. Letters of Opposition received after the Planning Commission Notice
- G. Location and Noticing Maps

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**I. BACKGROUND**

On May 9, 2014, the applicant submitted an Administrative Design Review (ADR) application to construct single- and second-story additions to the existing single-family home located at 554 Hamilton Way. After the ADR public notice was sent, two

neighbors contacted staff and indicated that they were opposed to the proposed addition: Dolores Bengtson at 568 Hamilton Way and John Toms at 575 Hamilton Way. Mrs. Bengtson, directly adjacent to the subject property to the east, had concerns regarding the potential loss of views of the Pleasanton Ridge from both her front yard and backyard. Mr. Toms was concerned that the second-story addition would be out of character with the Rosepointe neighborhood. After staff discussed the issues with the applicant and the neighbors, the applicant offered to install story poles to demonstrate the impact of the proposed addition. Once the story poles were installed, two additional neighbors contacted staff: Christine Steiner at 596 Hamilton Way and Michael and Janis O'Rourke at 6536 Hanover Court. In general, these neighbors also indicated that the second-story addition would be out of character with the Rosepointe neighborhood. After further discussing the issues with the applicant, homeowner, and the neighbors, staff determined that the differences could not be resolved at the Zoning Administrator level and, thus, referred the application directly to the Planning Commission for review. All original letters of opposition can be referenced within Exhibit A.

## **II. SITE DESCRIPTION**

The subject site is an irregularly-shaped lot on the north side of Hamilton Way in the Rosepointe neighborhood. The approximately 14,619-square-foot lot has an approximately 2,303-square-foot single-story residence and a 529-square-foot attached, two-car garage. The aesthetics of the ranch-style home are characterized by exterior features including vertical board-and-batten siding brick veneer along the front of the home, and a composition shingled roof.

Additional single-family residences in the Rosepointe neighborhood are located to the west, east, and south of the subject site. Single-family residences along Diamond Court and Sycamore Road, zoned Planned Unit Development – Medium Density Residential (PUD-MDR), are located immediately north of the lot. There are no two-story homes on Hamilton Way. The closest two-story homes are located towards the entry of the neighborhood on Arlington Drive and Arlington Court.

## **III. PROJECT DESCRIPTION**

The applicant has applied to construct a 781-square-foot single-story addition to the rear of the house, an 88-square-foot, 13-foot, 6-inch tall front porch entry, and a 614-square-foot second-story addition with an approximately 177-square-foot second-floor deck. In addition to the proposed additions, the applicant is proposing to redesign the front elevation and architectural style of the home as well as increase the overall roof pitch of the home, including raising the height of the ridge line and peaks by 1-foot, 9-inches to 7-feet, 4-inches.

The first floor will be remodeled to expand the existing master bedroom and bathroom, expand the existing living room, change the layout of the kitchen and family room, and add a new dining room. The second-story addition would consist of a new loft/multi-purpose room, storage and bathroom with an outdoor deck facing the rear of

the property. The second-story addition does not include any second-story windows on the front or side. Figure 1 shows the proposed front elevation.



**Figure 1 – Proposed Front Elevation**

On the rear elevation, there would be one second-story window and a sliding glass door that provides access to the outdoor deck that is semi-enclosed on three sides by the roof as shown below in Figure 2. As proposed, the existing ranch style home will be renovated to include a new 88-square-foot gabled front entry with stone veneer columns and a decorative cap and base. The existing support posts of the front porch would be replaced with new posts with matching stone veneer bases and decorative knee braces. These materials/features would also be added to the south (front) elevation of the garage.



**Figure 2 – Proposed Rear Elevation**



#### IV. 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. The ADR process applies to projects that include additions to single-family residences over ten feet in height. Administrative Design Review applications are typically reviewed at the Zoning Administrator level. Projects which are judged by the Zoning Administrator to have complex design issues or to be sensitive or controversial in nature, may be referred directly to the Planning Commission. The Planning Commission is empowered to approve, conditionally approve, or deny applications for ADR.

#### Land Use

The subject site has a General Plan 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 proposed addition is subject to ADR approval.

#### Site Development Standards

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

Development Standard	Requirement	Proposed
Front Yard Setback	Minimum 23 feet	25 feet
Side Yard Setbacks	Minimum 5 feet on One Side and a Minimum Combined Total of 12 ft.	5 feet on One Side and Combined Total of 13 feet
Rear Yard Setback	Minimum 20 feet	28 feet
Height	Maximum 30 feet	15 feet, 6 inches
Floor Area Ratio (FAR)	Maximum 40%	25.3% based on a total floor area of 3,698 square feet

As shown above, the proposed addition would meet all of the development standards of the R-1-6,500 zoning district. The 15 feet, 6 inch 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 at the front of the home to the main roof ridge would be approximately 23 feet, 4 inches. The finished grade at the rear of the home is approximately one-foot above the front of the home. The 25.3% FAR is also based on the Municipal Code definition and includes the floor area of the existing house, the proposed addition, and the enclosed accessory structures.

## Scope of Design Review – Criteria

Pleasanton Municipal Code Section 18.20.030 (attached as Exhibit C) indicates that the Planning Commission or Zoning Administrator 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. Staff notes that even though a proposed structure may comply with the development standards of the applicable zoning district, through the design review process the Municipal Code allows the reviewing body to approve conditions which may be more restrictive than normal Code standards to ensure that the public health, safety, or general welfare is preserved. As outlined in Section 18.20.030, the Planning Commission's or Zoning Administrator's scope of review of project plans shall include (but not be limited to) the following design criteria:

- Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and the 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 neighbor character.
- 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 surrounding; the relationship of building components to one another and the building's color and materials.

Staff feels that the addition has been designed to meet all of the R-1-6,500 site development standards and provides appropriate architecture and materials in relationship to the existing neighborhood. Staff also believes that the addition has been designed to minimize privacy impacts on the adjacent neighbors and the addition would not result in a design that is dissimilar to the other homes in the Rosepointe neighborhood that currently have a second floor. However, as discussed below, staff feels that the application would not preserve the views enjoyed by other residents, specifically, the resident in the adjacent home located at 568 Hamilton Way.

The view to the west of Pleasanton Ridge from the adjacent property over the applicant's existing home is filtered along the front and rear of the property by the existing landscaping, but remains unobstructed within the center of the property. The current view with story poles indicating the location of the proposed addition as seen from outside of the neighbor's bedroom window is shown in Figure 3 on the next page.





**Figure 3 – View from 568 Hamilton Way**

Additional photos from various locations within the neighbor's yard are attached for reference within Exhibit D. The amount of obstruction varies depending on the view angle and the proximity to the property line. As shown, the proposed addition would obstruct the majority of the existing view of the Pleasanton Ridge when standing away from the property line. Views from the neighbor's patio and pool edge currently have limited visibility of the ridge due to screening provided by the existing home at 554 amilton Way and existing vegetation. Weighing the competing interest of the applicant's right to construct an addition and protection of the neighbors' existing views can be very difficult. In this case, staff believes that the overall view impact is substantial and that the applicant could redesign the addition to reduce the view impact. The Planning Commission may consider these options should it consider the view impact to be significant.

Staff has met with the property owner and applicant to discuss the proposed massing of the addition and home and the view impacts to the neighbor at 568 Hamilton Way, as well as other neighbor concerns. The owner has indicated that he has lived in the neighborhood since the 1970's and is aware of concerns regarding second-story additions. The property owner feels that the proposed addition is a compromise between the neighborhood sentiment and his need for additional living area and wishes to move forward with the project as proposed.



## **Neighbor Concerns**

Attached are the letters that staff has received from surrounding property owners concerning the proposed addition. In general, there are two main concerns that have been expressed. The first concern relates directly to the adjacent neighbor located at 568 Hamilton Way and the loss of views created by the second-story addition as described previously. The other concern shared by the remaining neighbors in opposition to the project is that a second-story addition would result in a house design that is out of character with the Rosepointe neighborhood.

### Second-Story Additions

Typically, when neighbors express opposition to a proposed addition, staff tries to work with all of the concerned parties in an effort to reach a mutually acceptable consensus on the issues, which typically involves modifying some design elements while retaining the essential project proposed by the applicant. However, after talking with the concerned neighbors in this particular case, staff understands that a redesign of the proposed second-story addition, short of eliminating it, would not address their concerns. The question of whether any second-story addition should be allowed in this neighborhood is an issue that is outside the scope of what is normally addressed through the ADR process and, as such, the application was referred to the Planning Commission for its consideration.

Currently, a total of five of the 53 lots in the Rosepointe neighborhood have residences with second stories. Because this is an older neighborhood created in 1965, it is unclear how many of these homes were originally built with two stories. However, based on a review of the City's records, at least two of these homes had second stories added after their initial construction. There were nine additional lots created in 1970 between Arlington Drive and Sunol Boulevard, west of the original Rosepointe subdivision. These lots are also zoned R-1-6,500; the homes are visually similar to the original Rosepointe homes, and these nine lots appear to be part of the Rosepointe neighborhood. There are four additional two-story homes in this cluster of lots. In addition, most of the existing lots in the Carriage Garden subdivision located immediately to the south of the subject neighborhood have two-story homes. Please refer to Exhibit E for a neighborhood map identifying existing two-story homes.

Although neighbors have informed staff that the private conditions, covenants, and restrictions (CC&R's) in the Rosepointe neighborhood at one time prohibited second-story additions, the R-1-6,500 zoning district does not contain a single-story restriction for either new homes or additions. The original CC&R's prohibition on second-story additions has expired. This issue was previously considered in 1999 and again in 2003 when the City Council reviewed appeals of second-story additions to existing single-story homes in the neighborhood. The appropriateness of a second-story addition in the Rosepointe neighborhood was identified as an issue in both staff reports. At both times, staff stated that the appropriate way to prohibit future second-story additions

would be for the City to initiate a zoning change. While the City Council did not initiate a zoning change for the Rosepointe neighborhood to prohibit new second-story additions, the Council in both cases continued the items indefinitely to give the applicants and the neighbors additional time to try to work out the issues themselves. No consensus was ever reached between the applicant and neighbors in 1999 and no new plans were submitted. The 2003 applicant withdrew the two-story addition application and later obtained approval to construct only a single-story addition.

The property owner, having lived at the subject property during both the 1999 and 2003 appeals, understands the neighborhood concerns regarding second story additions. In an attempt to be sensitive to the neighborhood concerns, the property owner indicated that he tried to design a second-story addition with a single roof line and no windows on the front elevation of the home in an attempt to integrate the second-story addition within the new roof line. In order to integrate the second story addition into the new roof line, the proposal required the overall existing roof pitch and height to be raised as shown in Figure 4 below. The increased roof pitch however, contributed to an increase in massing that has impacted the views of Pleasanton Ridge from the adjacent property at 568 Hamilton Way.



**Figure 4 – Front View, 554 Hamilton Way**

Staff believes that the addition is typical of many of the two-story ADR applications that have been submitted to the City in the past. The second floor is located within the center of the home which creates a stepped back or “wedding cake” type transition from the first to the second floor that is normally desired to reduce massing. However, due to the proposed design, the roof line and raised roof pitch have contributed to the large

massing of the second-story addition and associated impacts to views from 568 Hamilton Way.

### **Planning Commission Options**

The Planning Commission has the option of approving the application, denying it, or approving it with modifications. Staff believes that in the subject case there are no design options, short of removing the second-story addition, which would satisfactorily address the majority of the neighbors' concerns. Because the addition meets all of the Code requirements, including height, and is typical of second-story additions approved in other areas of the City, staff does not believe that it is appropriate to deny the application just because it is a second story addition. However, the Planning Commission could deny the application if it finds that the design fails to meet the applicable design criteria identified in the Municipal Code. Staff believes that the submitted proposal does not meet the applicable design criteria in that it does not preserve the views enjoyed by the adjacent resident. Staff notes that almost every second-story addition has some impacts; in considering these criteria, the Commission should determine if the impacts related to this addition would be more substantial than with other second-story additions approved in this neighborhood and throughout the City.

If the Planning Commission believes that a second-story addition is appropriate, but that design changes should be made to reduce the height or overall mass, it may wish to discuss certain design modifications to the proposed addition or direct that the applicant consider additional design options. These changes may lessen the overall visual presence of the proposed second-story addition. Additionally, the Planning Commission may wish to continue the item indefinitely to give the applicant and the neighbor additional time to try to work out the view obstruction issue.

### **Notification of Surrounding Property Owners**

During the initial ADR public notification, only the neighbors that are in close proximity to the site were informed of the application, as stipulated by the Municipal Code. However, because this application has been referred to the Planning Commission, public hearing notices were mailed to all property owners within 1,000 feet of the subject site prior to the Planning Commission hearing. Staff has received additional comments from Dolores Bengtson at 568 Hamilton Way, as well as two additional neighbors in opposition of the proposed addition. New letters of opposition are attached within Exhibit F for reference. The location and noticing maps are included as Exhibit G and included the entire Rosepointe neighborhood.

## **V. CONCLUSION**

Rosepointe is a neighborhood predominantly consisting of single-story residences; however, the current zoning designation allows for second-story additions and there are five homes in the original Rosepointe subdivision that have second stories. The



proposed addition meets all of the site development standards of the R-1-6,500 zoning district, including height. The architecture and materials of the addition and remodeled home are compatible with the surrounding neighborhood, and a reasonable amount of effort has been made by the applicant to minimize the appearance of the second story from the front elevation. Weighing the competing interests of the applicant's right to construct an addition while preserving existing neighbors' views can be very difficult. However, due to loss of views enjoyed by the neighbor, staff is recommending that the Planning Commission direct the applicant to redesign the project to attempt to reduce the view impacts on the property located at 568 Hamilton Way, or deny the application.

## **VI. 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.

## **VII. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission either: 1) continue the item and direct the applicant to make modifications to the proposed plan to mitigate view impacts on the adjacent neighbor at 568 Hamilton Way; or 2) deny the application.

*Staff Planner: Jennifer Wallis, (925) 931-5607, [jwallis@ci.pleasanton.ca.us](mailto:jwallis@ci.pleasanton.ca.us)*

**P14-0829, Greg Munn, Design Tech Associates/George and Mary Schmitt**  
**Application for Administrative Design Review approval to undertake the following to the existing dwelling located at 554 Hamilton Way: (1) construct an approximately 781-square-foot single-story addition to the rear of the house; (2) construct an 88-square-foot, 13-foot, 6-inch tall covered front porch; (3) construct an approximately 614-square-foot second-story addition with an approximately 177-square-foot second-floor deck; and (4) change the overall roof pitch of the home including raising the height of the ridge line and peaks by 1-foot, 9-inches to 7-feet, 4-inches. Zoning for the property is R-1-6,500 (One-Family Residential) District.**

Jennifer Wallis presented the staff report and described the scope, layout, and key elements of the application.

Commissioner Allen inquired if the property had room for a single-story addition, should that be an option.

Ms. Wallis said yes. She stated that the lot size would meet the Code requirements for a single-story addition; however, it would be the purview of the applicant to figure out if the design would accommodate all the needs the property owners are looking for with the addition.

Chair O'Connor inquired what was in the yard and if it has a swimming pool and landscaping.

Ms. Wallis said yes.

Commissioner Ritter inquired if there is any zoning in the City that prohibits second stories from being built.

Ms. Wallis replied that there are no straight-zoned properties within the City that prohibit second-story additions, but properties in Planned Unit Developments are individually designed and do have individual development standards.

Commissioner Ritter inquired if any application for remodel would typically be submitted to staff, and if it meets the Code and no neighbors object, it would be processed on the staff level.

Ms. Wallis replied that was correct.

Commissioner Ritter further inquired if it would come before the Commission if the neighbors object.

Ms. Wallis said yes.

Chair O'Connor stated that he is aware that the City does not typically review Covenants, Conditions, and Restrictions (CC&Rs) and noted a comment in the staff report that the CC&Rs for the subdivision included a prohibition on second stories at one point, but that the CC&Rs had expired. He asked staff if they understood that to be the case.

Ms. Wallis said yes.

Chair O'Connor inquired if staff knew when the CC&Rs expired.

Ms. Wallis replied that staff does not have the actual CC&Rs and does not know when they expired. She added that staff became aware of the existence of the CC&Rs through a research of past Minutes and previous reports; however, staff did not keep a copy of the document.

Chair O'Connor stated that the reason he is asking is because it seemed like he saw some conflicting information about how many homes were actually remodeled with second stories or how many homes with second-stories there are. He pointed out that in one place it said there were two homes, but the map of the area shows six homes. He asked staff for a clarification on how many two-story homes there are in this subdivision.

Ms. Wallis stated that the map shows how many two-story homes currently exist in the subdivision. She explained that it is difficult to tell from building permit records exactly how many of these homes were originally constructed as two-story homes versus how many were constructed as single-story homes and then came back for second-story additions.

Mr. Weinstein stated that until the 1980's, the Zoning Ordinance did not require a design review process for single-family residential additions, which might account for some of the discrepancies between the City's building permit records and what was built in that neighborhood.

Chair O'Connor stated that he was assuming that because the CC&Rs prohibited second-stories when they were initially written, the six homes must have added their second-stories at a later time.

Ms. Wallis replied that could be the case.

Commissioner Allen stated that she was out on the property yesterday and it appears like the existing second-story homes are not on Hamilton Way but at the very back or at the court, around the perimeter of this development. She asked staff if that was correct.

Ms. Wallis confirmed that there are no second-story homes on Hamilton Way and that Commissioner Allen's assumption would be valid based on the map.

As a follow-up to Commissioner Ritter's question on precedents and how second stories were handled in the past, Commissioner Allen noted that the staff report states that there were two occasions in the past 20 years where owners did come forward with proposals to build a second story and those were deferred. She asked staff to clarify what did happen when these proposals had come forward and what the resolution was.

Ms. Wallis replied that in the first case in 1999, the application went all the way to the Planning Commission as well as to the City Council, and the City Council continued the item and directed the applicant and neighbors to try and resolve the issue. She indicated that the applicant never came back, and no single-story or two-story addition was ever constructed on that home.

Ms. Wallis continued that the second proposal in the 2000's was likewise appealed all the way up to the City Council. She explained that one Councilmember was absent, and because the vote was a 2-2 split, the item was continued to a future meeting. She indicated that prior to the second City Council meeting, the applicant withdrew the application so no final decision was ever reached either. She added that at that point, the applicant came back and voluntarily submitted for a single-story addition.

Chair O'Connor inquired if there are any view easements in this area.

Ms. Wallis replied that she is not aware of any.

#### **THE PUBLIC HEARING WAS OPENED.**

Greg Munn, Principal of Design Tech Associates, representing the applicants, stated that he was hired by the Schmitts to design an addition and remodel to their home. He indicated that he had heard a little bit about the underlying issues regarding two-story additions in the area, but he went down to the City Planning Division and checked the regulations and zoning ordinance regarding height limits, square footage, and lot coverage. He stated that they went to great lengths not to put windows on either side and in the front so the house looks like a one-story building; they put a loft up there under the roof.

Mr. Munn stated that there is probably a solution to this without having to redesign the house. He noted that the property at the back, where he thinks the issue is, has really high bushes that, if trimmed down, would provide as much or even more of the ridge view than what it currently has. He asked the Commission to take that into consideration in its decision and to note that they followed the City's rules and regulations in designing the additions.

Chair O'Connor addressed the audience indicating that each speaker would be given five minutes, and those in the audience who agree with the speaker can raise their hands. He requested that the audience be a little more subdued with no cheering or laughing or smirking.

John Toms stated that he became acquainted with the neighborhood when he visited in 1987 and subsequently purchased his home in 1999. He indicated that one of the reasons he bought in the area is because of the neighborhood's absolute uniqueness with primarily moderately-sized one-story ranch-style homes in large lots, providing this feeling of privacy that prevails throughout the neighborhood. He pointed out that the lots are large enough to allow for a compromise as far as adding upward instead of going out, and can accommodate one-story additions without the front of Hamilton Way seeing a double story. He stated that he spent 30 years in construction and energy in LEED recently, and he has always found that problems like this can always be solved through compromise and accommodation, and he thinks this is what needs to be done here.

James Connors stated that he has lived in the area since 2002 and has a business in town. He indicated that he knows most of these people because he walks his dog every day for about an hour through those neighborhoods. He stated that he is not sure if he is just a little underwhelmed or overwhelmed. He noted that the house he bought is in Rose Point, and he is not sure if there is just Rose Point or Carriage Garden or if it is just one big community where the streets just wrap around. He pointed out that the house he bought has a big two-story house right behind it that looks right down his backyard, and Hanover Court, which is in the Rose Point community, has a big two-story house as well. He noted that these are big structures and asked where the arguing was when these houses went up. He pointed out that what the Schmitts are proposing is not intrusive. He added that he honestly does not understand all the hubbub and that people need to get calmer heads.

Dolores Bengtson stated that she lives right next door to the Schmitts' property. She indicated that she appreciates the opportunity to speak to the Commission on this issue and thanked the Planning staff for their patience in answering her questions and spending time to visit her home and view the proposed remodel. She also thanked George and Jennifer Schmitt for their willingness to put up the story poles.

Ms. Bengtson stated that much of what she has to say is repetitive of her letter to the Commission, she will try to be brief and only cover only the important points. She then handed the Commissioners two sets of photos to review: one set is of three neighborhood homes; and the second set of two is from her backyard, one with story poles and the other with a simulate roof of the remodel.

Ms. Bengtson stated that she has lived in her home since 1986, and one of the primary reasons she purchased her home was the west-facing backyard which provides an open and lovely view of Pleasanton Ridge, exactly framing Augustine Bernal Park. She indicated that over time, she has landscaped her garden to provide privacy to the Schmitts' one-bedroom window facing her yard and to mask the Schmitts' storage shed adjacent to their common fence, but leaving the mid-area open to the ridge view.



Ms. Bengtson stated that she will not dwell on the character of the neighborhood or the effort of the neighbors to maintain their homes as one-story, as the staff report covers that completely and she believes the Commission has received other input regarding that issue. She indicated that the scope of the design review criteria provides a guideline for evaluating projects, and in her opinion, the proposed project fails to meet several of the criteria: it is not in scale with the adjoining buildings; the contemporary architecture design is not compatible or in harmony with the ranch style of the adjoining buildings; and it is not consistent with the neighborhood character. She noted that the three photos she handed the Commission of the neighborhood homes show the architectural style and scale of the existing homes in the neighborhood.

Ms. Bengtson stated that the proposed remodel does not preserve the view she enjoys and, in fact, will result in the nearly complete loss of the view from her backyard, replacing that view with roof mass. She referred to the two photos of her backyard showing the impact of the proposed remodel on her property and noted that the architect's thought that cutting back the shrubs will do the job is not correct. She noted that the remodel will result in a long, narrow strip of land on the east side of the Schmitts' property, at times just seven feet in width, thus limiting their option for landscaping. She further noted that it would then seem that the only way to mask the roof mass would be from her property, requiring complete re-landscaping of her yard, plus years of plant growth to be successful. He indicated that she finds that solution unacceptable.

Ms. Bengtson stated that in an earlier email, Mr. Schmitt noted that his remodel will increase everyone's home value in a positive way. She indicated that she lives in her home, and the enjoyment of her home does not reside in its resale value, but rather in the satisfaction she receives indoors and out. She suggested that in the case of her home, a realtor might question the value of an upscale home next door increasing the value of her home when the roof mass of that upscale home blocks an open view to the ridge. She stated that somehow, she thinks a view of the ridge trumps a next-door upscale home. She indicated that Mr. Schmitt has recently visited her home to view the story poles, and while they may not agree on the extent of the impact of the proposed remodel on her home, they can agree that it is difficult to find a solution that works. She noted that the Schmitts have been good neighbors and that she hopes they can arrive at a mutually satisfactory solution. She pointed out that staff recommends two options for the Commission's consideration and that she supports either option. She then sincerely thanked the Commissioners for their time and attention.

Daniella Karo stated that she has been a resident of Pleasanton since 1968. She indicated that she and her husband worked at the Lawrence Livermore National Laboratory then, and they decided that Pleasanton would be a good place for them. She noted that they were among the first two or three people who came to Rose Point and that they liked the area specifically compared with the valley for the fact that all of these homes were supposed to be one-story homes on relatively large lots, which guaranteed that they would have privacy in building there. She added that they did

have some CC&Rs which may have expired at some point, and she does not understand why they were allowed to expire.

Ms. Karo stated that she personally experienced the same thing that Ms. Bengtson is going through. She indicated that she lives in a cul-de-sac, and in the early 2000's, her next-door neighbors decided to build a second-story addition, which they did not agree with. She stated that she went around the neighborhood asking neighbors how they felt about it, and they gathered a lot of signatures from those who were completely against the second-story addition. She noted that what ultimately happened was that her wonderful next-door neighbor was very sensitive to the way the neighborhood felt about the addition and how their quality of life and the value of their homes were going to be impacted, and decided to withdraw the application for a second story and built a very lovely extension on one-story level surrounding the swimming pool area, which they are very happy about.

Ms. Karo stated that she also suffered the effects of a second-story addition that went up right behind her lot and which went up literally overnight during the summer when most of the neighbors were vacationing. She indicated that they were not given any advanced notice that this was going to happen, and the second story was already up there when she came back from vacation. She noted that this created a great uproar in the neighborhood. She added that the house, as it is built right now, does not fit in the neighborhood, and she is still fighting to keep privacy from the impact of that second story. She urged the Commission to maintain the quality and ambience of Rose Point, which is primarily a single-story neighborhood. She indicated that she knows, with an aging population, that there is a great need for second stories, but that whatever increasing value that goes to the next-door neighbor's addition of a second story will negatively impact the value of the houses neighboring that change.

Charles Meier read from a written statement as follows:

*"I am here to address the proposed second story addition to the Schmitt's house at 554 Hamilton Way.*

*"First, I would like to say thank you to the staff of the Planning Commission for sending out notices to all of the Rose Point residents. This is a request I made to the Planning Commission in 2005 on a proposal for a second story addition to another Rose Point residence.*

*"The residence in this case is different, but the issue is the same – the addition of a second story.*

*"For those not familiar with the Rose Point area, like other unique architectural areas of Pleasanton such as Second Street, there is an architectural character which is dominated by modest single story homes. This characteristic differentiates Rose Point from most other areas in Pleasanton and makes it more valuable to existing homeowners and potential buyers.*

*"In support of their second story request, the Schmitts have pointed to second story homes in nearby Carriage Gardens and behind them on Diamond Court. Those areas are not part of Rose Point. Carriage Gardens and the Diamond Court homes were built much later than Rose Point and purchased by buyers who clearly understood they were moving into an area of second story homes. Such is not the case with Rose Point residents.*

*"Rose Point residents have come to enjoy a neighborhood of predominantly single story homes, affording a level of privacy **which is rapidly disappearing in today's housing market.** I say predominantly single story because there are a few two story homes along the west side of Arlington Drive where, with one exception, their backyards face Sunol Boulevard. Since the construction of Rose Point, only one single story addition has been approved, and that more than 20 years ago despite a number of applications through the years. That approval, in fact became a sore point with backyard neighbors. Initially built without second story windows facing neighboring backyards, windows were later added with trees to mitigate the view of the neighbors backyards. Later the trees were cut down. Lesson: Design restrictions and mitigation measures cannot be assured long term.*

*"The last application for a second story addition, in 2005, was opposed by more than 40 Rose Point residents that understood second story additions deprive them of their existing privacy which was a significant factor in choosing their home. No one with a pool or outdoor area wants a neighbor standing on a stool peering over the fence to see into a place they consider their own private sanctuary. A second story window into someone's backyard is, in essence, someone peering over the fence.*

*"I have looked at the rendering of the proposed modification of the Schmitt's home. I actually think the architect has done a nice job of mitigating the visual impact of the second story. But in the final analysis, the City of Pleasanton has deemed it a second story addition. With the one exception in the last 20 years, all other requests for second story additions have been denied. I fear approval of this second story addition will mean the next second story addition will be approved and then the one after that. Those of us who bought in Rose Point for the privacy it affords in our own backyards, will see that privacy eroded and the enjoyment of our homes diminished.*

*"Please again vote no on this request for a second story addition. Thank you."*

Mr. Munn stated that he can appreciate what the speakers have said. He indicated that they are not looking down into anybody's lot; they have roof on all three sides and it would be pretty difficult to put windows in that. He added that they were very conscientious of the privacy issues, and in talking circles about what happened before, he is not sure all of that is exactly true. He indicated, nevertheless, that the property is still zoned for two stories, and if they can mitigate the view and the issue with privacy, he does not see why the additions cannot be approved. He thanked the Commissioners for their time.

## **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Allen stated that it is challenging for the Commission to evaluate cases such as this where there are two competing neighboring points of view: the applicant's right to build and the neighbor's right for a view, and a view is part of the design criteria that the Commission is being asked to evaluate. She indicated that she visited the neighborhood for the very first time this week to get a sense of the character of the neighborhood and to see the story poles to get a sense of the massing. She stated that she actually biked in the neighborhood and noticed that all of the two-story homes that do exist in this neighborhood are on the periphery of the neighborhood. She noted that, in fact, the two-story home in this area mentioned by one of the speakers does not impact his view because it is at the very far north end of the property in the opposite end of the hills.

Commissioner Allen stated that the character is mainly single story, most especially on Hamilton Way, which is the core of that neighborhood. She noted that with respect to the addition itself, she was glad she visited because the photos in the staff report did not convey the magnitude of the addition. She stated that she initially thought that seven feet higher was not very much, but when she saw the scale and re-reviewed the diagrams, it became clear that the addition pretty much eliminates the view that the neighbor has of the hills, a significant view impact as stated in the staff report.

Commissioner Allen stated that the other thing she realized by both listening to the speakers tonight and her personal assessment is that this is a unique neighborhood and that a lot of people who moved here may have done so because of the views and the large lot sizes. She noted that there are other neighborhoods where views are not important such that it is not an issue if someone is building since there is no view to be impacted, but that is not the case here, and it is important that this be taken into consideration.

Commissioner Allen stated that she thinks the Commission needs to continue this as the previous Planning Commission and Council did in the last two cases, in hopes that the neighbors can work something out. She added that she was pleased to hear that there is enough space for an expansion on a single level, and while that may not be ideal for the applicant, it is an alternative that the applicant can consider. She explained that her recommendation is based on two points under Section 18.20.030 of the Pleasanton Municipal Code, Exhibit C of the staff report: (1) Subsection A.4. speaks of preserving views, and this addition does significantly impact the view of a neighbor, which the Commission needs to preserve in whatever solution there is. (2) Subsection A.3. refers to the relationship of this proposal to the adjoining buildings, and the adjoining buildings along Hamilton Way are all single story, ranch style, as opposed to this home which is much larger in scale with two stories. She added that she does not believe the proposed addition meets the acid test of being consistent with that character. She concluded by saying that there is a precedent here right now with



the two most recent cases which support her recommendations well and for which the findings made were very similar to the reasons she has stated.

Commissioner Ritter stated that the Commission's job is to set zoning and not necessarily to keep communities from fighting. He noted that the zoning is set, and if the Commission thinks the zoning is wrong, then it needs to change that zoning, whether it be to allow two stories in neighborhoods or not at all. He also questioned if it is right for a neighbor to grow a tree that blocks someone's view and then tell that neighbor to cut down the tree.

Commissioner Ritter stated that he is struggling with trying to be the judge and jury of a neighborhood because it sounds like it is a great neighborhood. He indicated that he also drove around there, and his gut feel is that the design looks very good in the neighborhood with the two stories, and he wants to honor the current zoning that allows two stories. He added that rather than denying the project, he would push it back to the applicant and the neighbors to see if they can arrive at some compromise. He noted that the Commission will get a number of these requests coming in, and he would rather change the zoning than have the same issue. He noted that the City is trying to encourage more high-density zoning in Pleasanton in order to get work-force housing. He added that the City ought to also be cognizant of people who want to do additions and add-on's because he would prefer that they did not sell their house and move to Livermore where a bigger footprint is affordable.

Commissioner Piper stated that she believes in preserving property rights, and people who own homes should be allowed to do this kind of addition, particularly if it meets the guidelines and is within reason. She indicated that she believes the proposed addition in this case is within reason and certainly sounds like that it is based on the City's documentation with the exception of the view issue. She added that she also thinks that in a neighborhood of this age of single-story homes, people will slowly start to do additions and move upwards, which she realizes is not necessarily ideal for the rest of the residents but feels it is a natural evolution and cannot necessarily be stopped from happening.

Commissioner Piper stated that based on the design and everything that she is seeing, she thinks the house is very tasteful and would fit in the neighborhood, even with a second story. She noted that the view impact from Ms. Bengtson's property is pretty significant; however, while she did not go into Ms. Bengtson's backyard when she visited the area, she is really struggling with this because it appears that this is not actually a direct view. She stated that one would have to turn left and face west to get to this particular view. She added that she assumes the view is not visible from the house and that one would actually have to be in the yard to see the view; she asked staff if that would be a correct assumption.

Ms. Wallis confirmed that the views that would be impacted are from Ms. Bengtson's backyard.

Commissioner Piper continued that based on the diagrams, it does seem like the views are significantly impacted from Ms. Bengtson's backyard. She indicated, however, that this is the only thing that would really make her deny this addition altogether, and she is not in favor of doing that because she does believe that a second story, particularly with this design, is very reasonable for the neighborhood. She stated that she would like to continue the item and have the homeowners try to work this out.

Chair O'Connor noted that the Commissioners have differences of opinion. He stated that he knows this neighborhood well and knows that it is primarily single story but that it is also zoned for second story homes. He added, however, that part of what the Planning Commission is allowed to look at is how this addition/remodel would fit into the neighborhood and how it would be or not be in harmony with adjoining homes. He added that one other thing the Commission is allowed to look at in the design is whether or not it can be mitigated or if as much of the view as possible can be preserved through architectural design and such. He noted that viewscapes are always difficult, and there are no view easements in this neighborhood.

Chair O'Connor agreed with a lot of what Commissioner Allen stated and added that he does not think the actual architectural style of this home fits the neighborhood. He noted that he has seen a lot of single-story neighborhoods that have gone to second-story additions, but they have kept within the style of the neighborhood. He stated that this addition is very different and when he went out and actually saw the story poles, he found the roof to be a lot higher than he was originally led to believe.

Chair O'Connor stated that he thinks there is a way to compromise and mitigate with the neighbors. He indicated that rather than deny the application outright, he would also like to have this go back and have the applicant work with the neighbors to see if some compromise could be made that would make the addition more acceptable to the rest of the neighborhood.

**Commissioner Allen moved to continue Case P14-0829 to and direct the applicant to make modifications to the proposed plan to mitigate the view impacts on the adjacent neighbor at 568 Hamilton Way.  
Commissioner Piper seconded the motion.**

Mr. Dolan inquired if the Commission would like to put a timeframe on the modification.

Chair O'Connor replied that he thinks that would be appropriate, noting that there should be a target for the neighbors and for the applicant. He indicated that it would involve working with architects a lot and asked if staff thinks 60, 90, or 120 days would be appropriate.

Mr. Dolan replied that he did not think it would take that long, but that depending on whether both parties are willing to work and how hard they work, the minimum it would be would be 30 days.

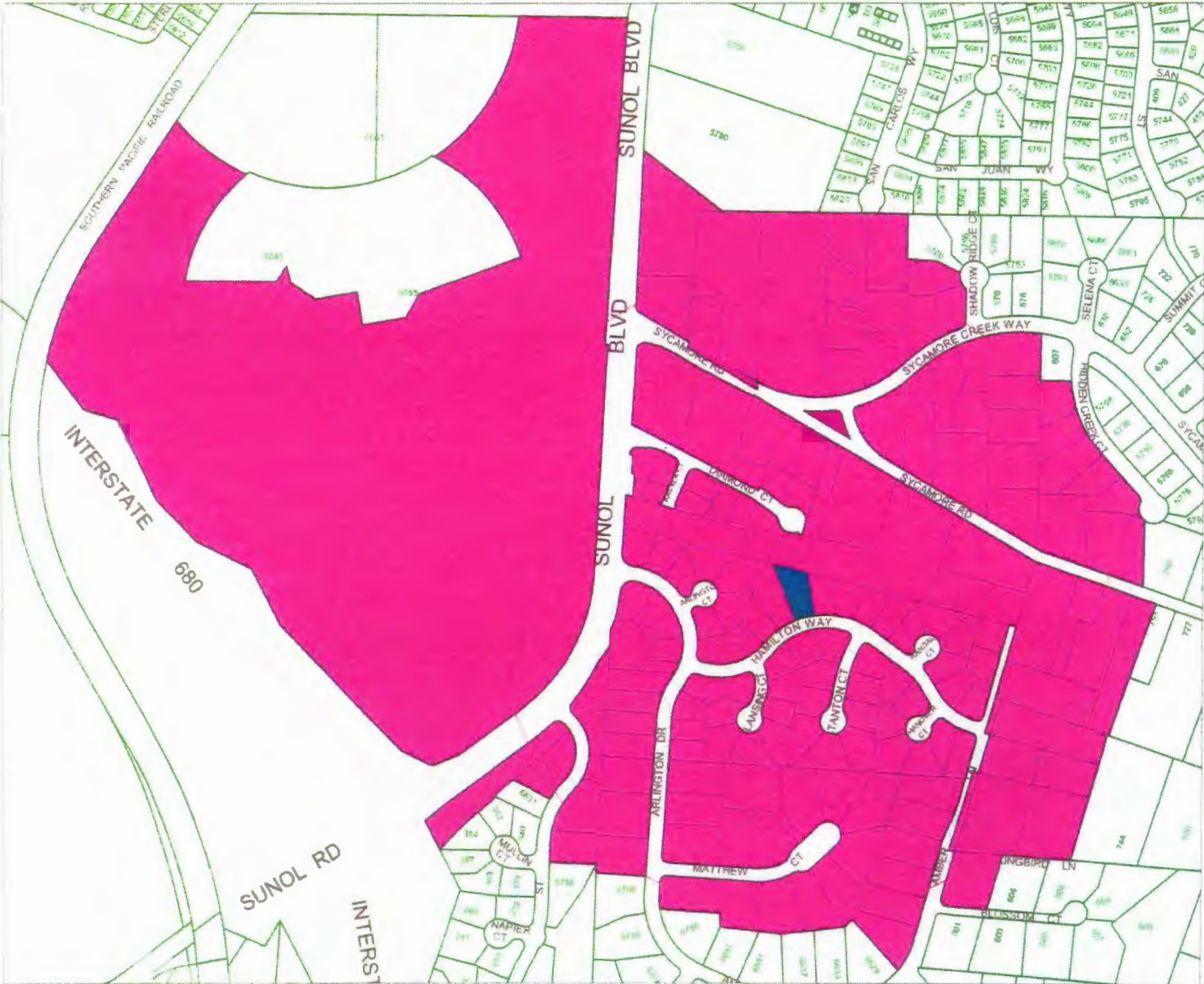
Chair O'Connor added that more than just one neighbor is involved and that he would probably feel better if it be within 60 days. He asked Commissioner Allen if she wished to modify her motion to include an end date.

**Commissioner Allen modified her motion to add that the modifications be completed within the next 60 days.  
Commissioner Piper accepted the modification.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Ritter, Piper and O'Connor  
NOES: None  
ABSTAIN: None  
RECUSED: None  
ABSENT: Commissioner Balch**

**EXHIBIT G**



**P14-0829, Design Tech**

**City of Pleasanton**

**GIS**

**Department**

**554 Hamilton Way**



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