

Planning Commission Staff Report

October 17, 2011
Item 4.a.

SUBJECT: P11-715 (Appeal of P11-715)

APPELLANT: Nahdo Selig

**APPLICANT/
PROPERTY OWNER:** Craig Sjoberg

PURPOSE: Appeal of the Zoning Administrator's approval of an Administrative Design Review application to construct an approximately 13-foot, 8-inch tall, 240 square foot accessory structure in the rear yard.

LOCATION: 663 Orofino Court

GENERAL PLAN: Medium Density Residential – 2 to 8 dwelling units per gross acre

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

EXHIBITS:

- A. Draft Conditions of Approval
- B. Site Plan, Floor Plan, and Elevation Drawings dated "Received August 26, 2011"
- C. Appeal letter from Nahdo Selig, dated "Received September 22, 2011"
- D. Location and Noticing Maps

BACKGROUND

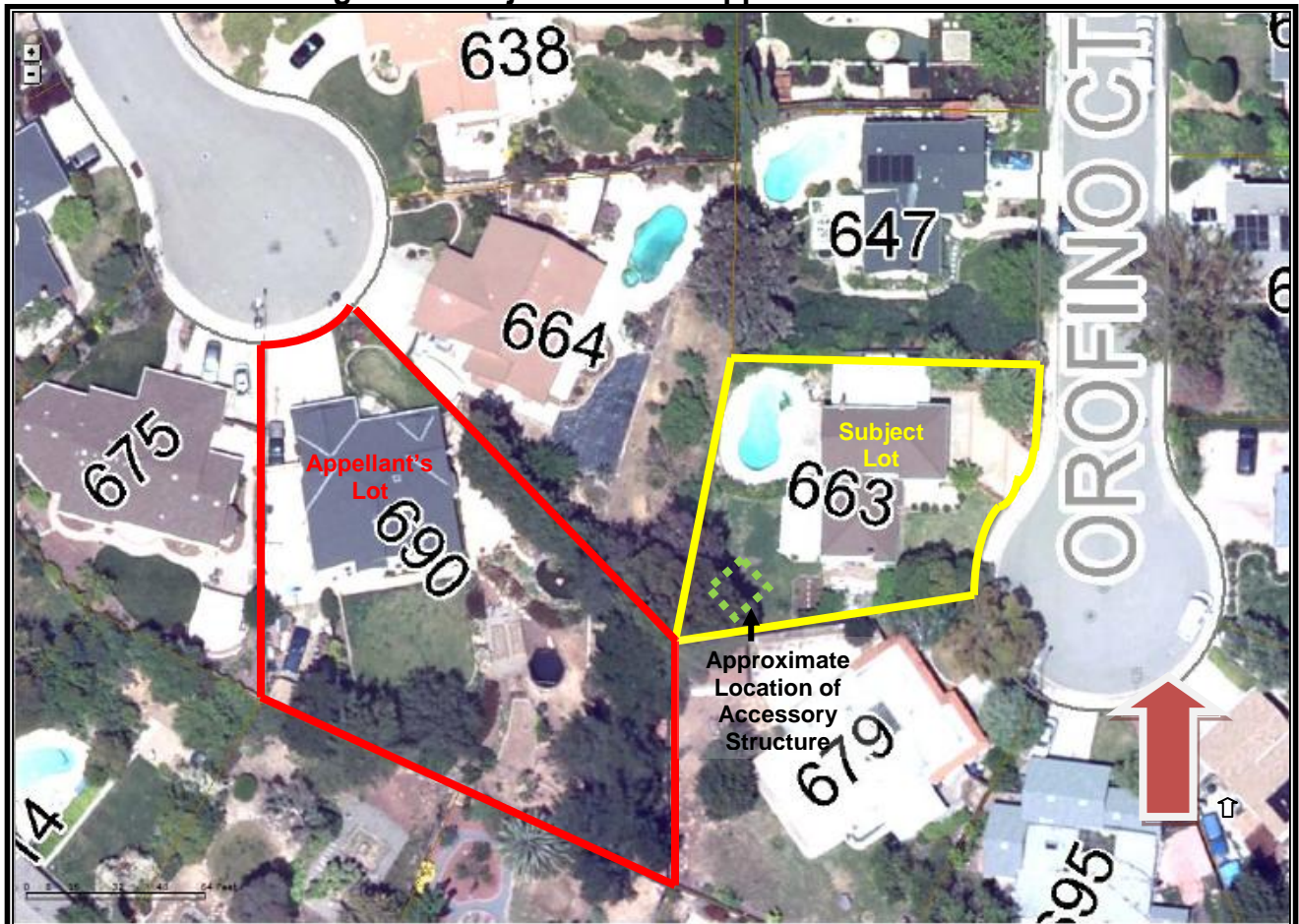
The applicant, Craig Sjoberg, resides in the Vintage Hills neighborhood and was granted approval by the Zoning Administrator for a 240-square foot accessory structure, which meets the development standards of the R-1-6,500 zoning district. Approval was granted following a 7- day noticing period wherein notice of the proposal was provided to eight property owners who share a common property line with the Sjoberg residence. No comments were received during this noticing period. Ms. Selig, who had been out of town during the noticing period, submitted an appeal to the Zoning Administrator's approval on September 22, 2011. The appeal letter (see Exhibit C) states (in part) that the structure "overlooks our yard and court and will be highly visible as an invasive and

unsightly structure from most views in our cul-de-sac of 5 homes. I feel the height is excessive.”

SITE DESCRIPTION

The subject site is a residential lot in the Vintage Hills neighborhood, generally located south of Vineyard Avenue and east of Touriga Drive. The subject parcel is located near the south end of Orofino Court, which rises steeply from its intersection with Chardonnay Drive to the north. The rear yard of the property consists of two relatively flat areas with the northern portion approximately a foot or so lower than the southern portion. A pool is located on the north part of the property; the cabana is proposed on the southern portion near an existing eucalyptus tree. The appellant’s property abuts the subject site at the southwest corner of the subject site and extends steeply downhill. Several tall evergreen trees extend along the appellant’s side property line nearest the subject site and obscure the view of the subject site from much of the appellant’s property.

Figure 1: Subject Site and Appellant’s Lot



PROJECT DESCRIPTION

The applicant proposes a 240 square-foot gabled cabana structure with windows, skylights and double folding doors to house a hot tub. The folding doors would face the existing residential structure. The roof slope proposed is 8 in 12 with a ridge height of 13 feet 8 inches. The structure is to be located on an existing 15 foot by 16 foot concrete pad. The plans submitted by the applicant show approximately 10 foot setbacks from the side and rear property lines. However, a site visit showed the existing concrete pad to be located approximately 5 feet from the side and rear property lines at the closest point. (Condition of Approval 3 requires the applicant to correct the site plans prior to submitting for a building permit.) Siding on the structure would be 8-inch Hardiplank siding and roofing material would consist of composition shingles. As approved by the Zoning Administrator, the color and materials of the structure would match the main residence which is painted light blue.

Figure 2: Site Plan

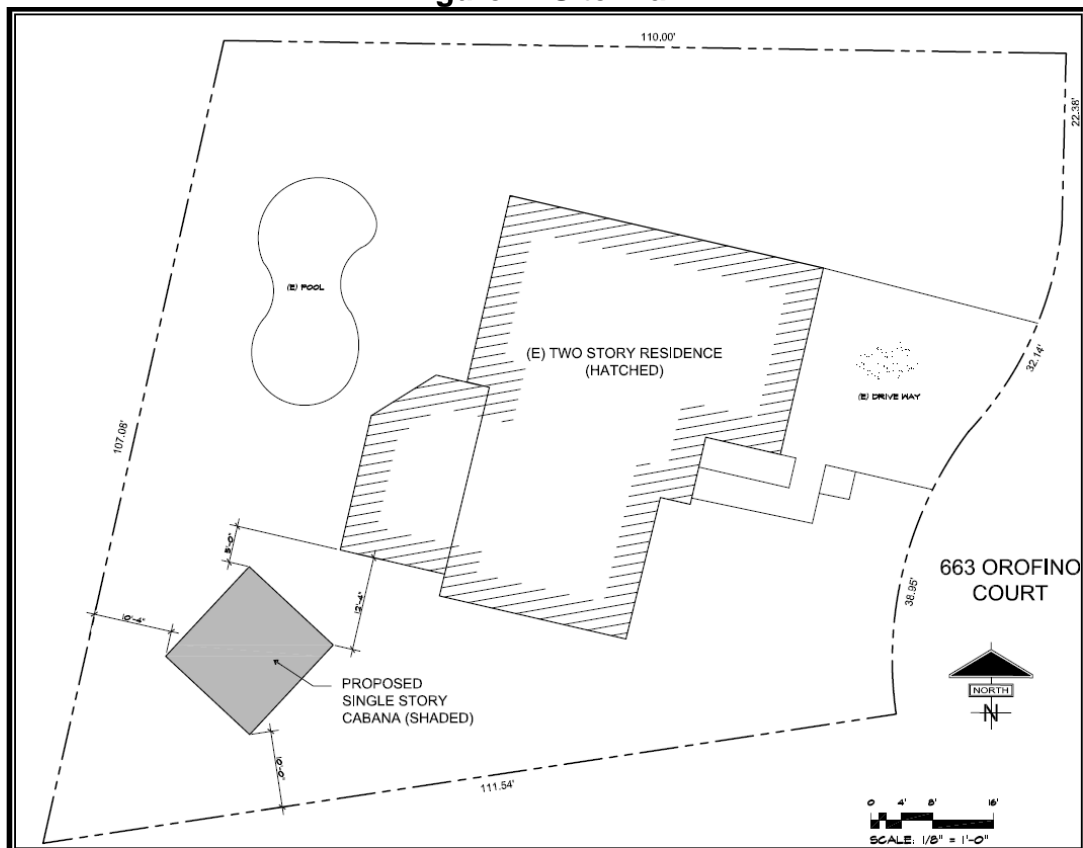
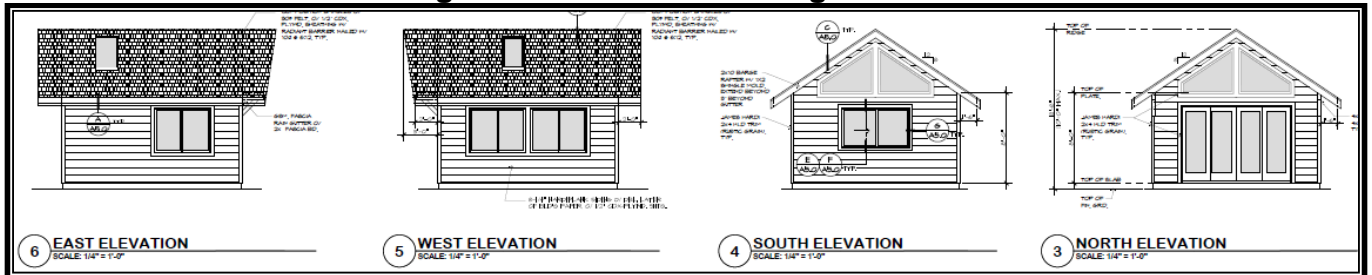


Figure 3: Elevation Drawings



APPELLANT’S LETTER

The appellant, Ms. Nahdo Selig submitted a letter of appeal on September 22, 2011 (Exhibit C). The letter states her objection to the proposed cabana structure, which she believes will be an invasive and unsightly structure highly visible to the property owners on Marsala Court. She also addresses a carport structure on the northern side of the subject property (away from her property) which she contends is “possibly unpermitted” and should be calculated into the floor area ratio for the site. Staff was unable to immediately locate a building permit for this structure. However, it should be noted that the carport structure would not in any case be calculated as part of the site FAR as it does not appear to be a completely enclosed space.

The appellant also believes that several other neighbors object to the proposed accessory structure (including the neighbor immediately behind the subject property at 664 Marsala Court). At the time she submitted her appeal letter, Ms. Selig was informed she should provide the names, addresses and signatures of other persons concerned about the proposed structure. To date, she has not submitted additional information.

ANALYSIS

The proposed structure is consistent with the development regulations of the R-1-6,500 Residential District as follows:

Regulation	R-1-6,500 District Standard	Proposed
Accessory Structure Height	15 feet	13-feet 8-inches
Rear yard setback	5 feet	5 feet 6-inches
Side yard setback	3 feet	5 feet
Floor Area Ratio (for site)	40 percent	22 percent

The applicant installed story poles representing the roof ridge at the proposed cabana location. The story poles are partially visible from a portion of the appellant’s rear yard, but are not visible from the house or the patio to the side of the house due to the location of evergreen trees along the side property line. The story poles are somewhat visible from the end of the cul-de-sac at Marsala Court, and would be visible from the property directly behind the subject site at 664 Marsala Court.

The proposed structure would not adversely impact the nearby eucalyptus tree as the cabana would be placed on an existing concrete pad which appears to have been in this location for some time.

The photos below illustrate the visibility of the story poles from the appellant's rear yard.



Story Pole from Appellant's Rear Yard



View of area where Accessory Structure will be located from patio next to Appellant's house

PUBLIC NOTICE

Notice of this hearing for the appeal of the Administrative Design Review application was sent to surrounding property owners and tenants within 1,000-feet of the site. At the time this report was published, staff had not received additional public comments. Staff has provided the location and noticing maps as Exhibit D for the Commission's reference.

ENVIRONMENTAL ASSESSMENT

Small accessory structures are categorically exempt (*New Construction or Conversion of Small Structures, Sec. 15303*) from the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

The appellant contends that the proposed accessory structure is highly visible and unsightly. The structure will be visible from parts of the appellant's yard, however similar structures are located in neighboring yards and in the appellant's yard. The structure would be visible to someone in the street at the end of the Marsala Court cul-de-sac and would be more visually prominent at the property immediately behind the subject property (664 Marsala Court). This property owner did not sign the appeal letter. The materials and design of the structure are compatible with the existing home and with other improvements in the neighborhood.

If the Planning Commission is concerned about the visibility of the structure, it could consider adding conditions the project to: a) reduce the roof slope from 8 in 12 to 6 in 12, which would reduce the ridge height to approximately 12 feet, and would therefore reduce the offsite visibility of the structure, and/or b) require the accessory structure be painted a more neutral color such as beige or tan, rather than the blue of the existing residential structure which would be more visible. In regards to the second condition, the applicant would prefer to paint only the southern elevation (facing the appellant's property) a neutral color and would prefer to keep the same color as the house on the other elevations.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of P11-715, subject to the conditions of approval listed in Exhibit A; alternatively, the Planning Commission may deny the appeal and uphold the Zoning Administrator's approval with additional conditions as suggested above.

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