

## Planning Commission Staff Report

March 19, 2008  
Item 6.a

- SUBJECT:** PAP-116, Appeal of Case PV-167
- APPELLANT:** Paul Esser
- APPLICANT/  
PROPERTY OWNERS** Rich and Lori Lortz
- PURPOSE:** Appeal of the Zoning Administrator's approval of an application for variances from the Municipal Code to: (1) reduce the street side yard setback of a corner lot from the required ten feet to eight inches (measured from eave to soundwall) for an existing accessory structure and to five feet for an existing pool; (2) reduce the side yard setback from the required three feet to one foot, eight inches and reduce the rear yard setback from the required five feet to eight inches (measured from the eave to the property line) for a second accessory structure; and (3) retain the existing eight-foot tall hedges in the front yard where a maximum height of six feet is allowed.
- GENERAL PLAN:** Medium Density – 2 to 8 dwelling units per gross acre
- ZONING:** R-1-6,500 (Single-Family Residential) District
- LOCATION:** 2402 Crestline Road
- ATTACHMENTS:**
1. Location Map
  2. Exhibit A, Written Narrative, Site Plan, and Pictures dated "Received February 19, 2008"
  3. Exhibit B, Draft Conditions of Approval
  4. Exhibit C, Code Enforcement Correspondence
  5. Exhibit D, Paul Esser Correspondence
  6. Exhibit E, December 6, 2007 Zoning Administrator Staff Report
  7. Exhibit F, December 6, 2007 Zoning Administrator Meeting Minutes
  8. Exhibit G, January 10, 2008 Zoning Administrator Meeting Minutes
  9. Exhibit H, Paul Esser's Letter of Appeal
  10. Exhibit I, Public Comments
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## **BACKGROUND**

This application is a result of a Code Enforcement action initiated three years ago regarding the location of the right rear yard accessory structure. Upon an on-site inspection, the Code Enforcement Officer informed the applicants that both of their accessory structures did not adhere to the required setbacks. The Code Enforcement Officer gave the applicants two options: (1) Relocate the accessory structures in order to conform to the regulations set out for their zoning district; or (2) secure a variance permit from the Planning Department for the reduced setbacks. When the applicants did not act on either of the options, the Code Enforcement case resulted in an administrative hearing on January 19, 2005. The hearing officer, David Larsen, offered the applicant the same two options: comply with the zoning regulations or secure an approval for a variance permit to reduce the required setbacks. As a result of the action, the Code Enforcement Officer provided the applicants with a letter stating that if the violation continued past the compliance date (July 13, 2005), administrative penalties may be imposed; which could be up to \$1,000 daily fines. Please see Exhibit C for Code Enforcement and City Attorney correspondence.

On March 23, 2007 the applicants submitted a variance application to reduce the street side yard setback for an existing accessory structure and to reduce the rear and interior side yard setback for a second accessory structure. After reviewing the application, staff informed the applicants that the pool and the front yard hedges also do not adhere to the zoning regulations. Therefore, staff would like to note the following: (1) the pool received Planning approval in May of 1997; however, it was approved without receiving a variance to reduce the street side yard setback, and (2) the existing eight-foot tall hedges located in the front yard setback have retained that height since the homeowners have resided at this location and typically do not grow higher than eight feet. Therefore, the request to reduce the setback for the existing pool and retain the existing height of the hedges has been attached to this variance at staff's request.

### **September 13, 2007 Zoning Administrator Hearing**

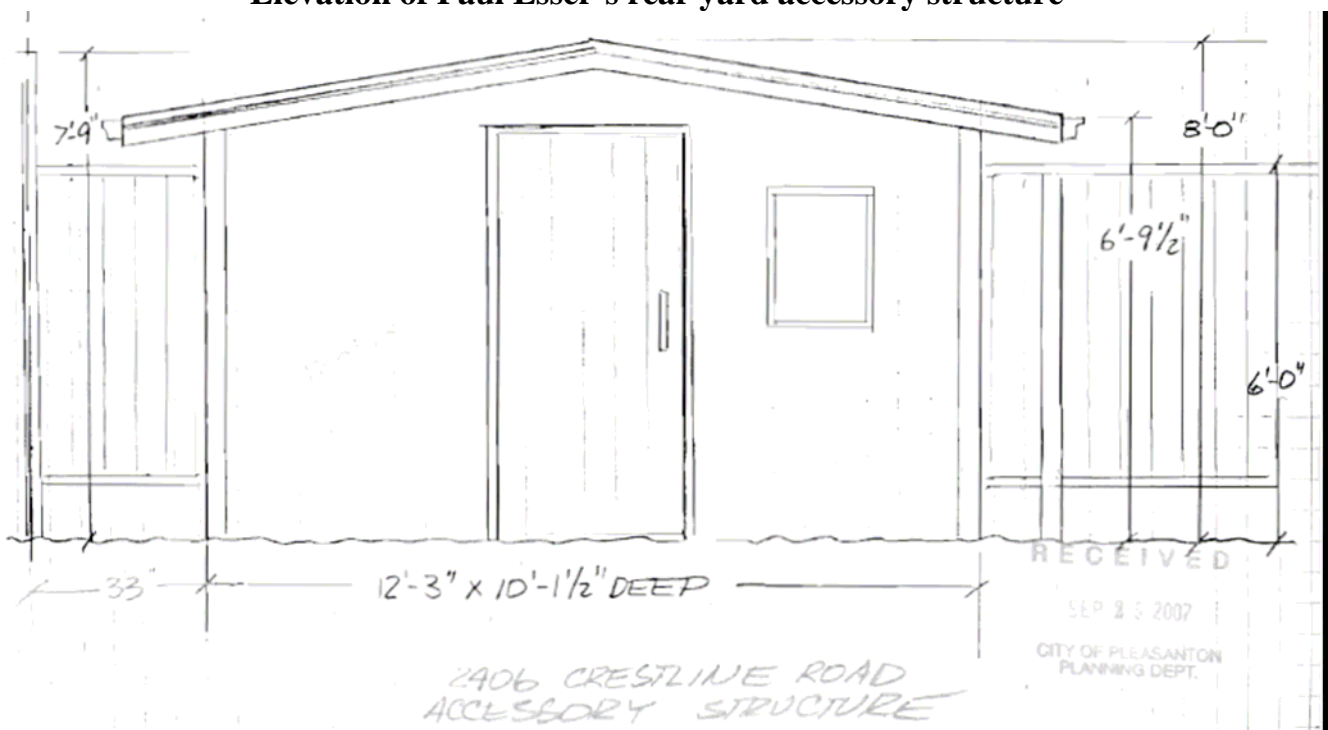
Upon deeming the variance application complete and pursuant to the Variance process, staff scheduled the variance for a public hearing and notified the surrounding properties of the application. In response to the notification, staff was contacted by 11 people (eight in opposition and three in support), all of whom stated that they would not be attending the hearing. Prior to the hearing date, Paul Esser, adjacent neighbor at 2406 Crestline Road, provided staff with correspondence and information regarding his concerns in lieu of attending the public hearing (please see Exhibit D). Mr. Esser also met with the staff the day of the hearing to express his concerns about the proposed variances (outlined in Exhibit D):

- The structures were installed prior to receiving Planning approval;
- The variances were applied for more than two years after installation;
- Building permits were not obtained for the two structures;
- An administrative design review permit was not processed for the structures;

- The applicants have not paid the administrative penalties for the structures; and
- The site and elevation drawings are not drawn to scale.

Mr. Esser felt that the measurements should be verified and the plans should be re-done prior to holding a public hearing. During this time, staff discussed with Mr. Esser what the setback requirements for accessory structures are, at which time he had indicated that he has an accessory structure with similar setbacks as the applicants. He stated that he had purchased his house with the accessory structure already in that location, yet he continued by saying that his neighbors should comply; thus, he would comply with his accessory structure.

**Elevation of Paul Esser's rear yard accessory structure**



\*Scale not indicated

Staff informed Mr. Esser that the City weighs requirements for variances based on deficiencies on lot width, length, and size, and if the findings for the variance cannot be made, then the structure would be required to adhere to the established development standards for accessory structures. Staff informed Mr. Esser that Planning evaluates the conditions of the site if there are no unique circumstances and substandard lot deficiencies that it would have to be relocated.

After talking with Mr. Esser and having none of the other residents attend the hearing, the Zoning Administrator continued the hearing until staff had an opportunity to inspect the site to confirm the information that was submitted by the applicants.

### **September 14, 2007 Site Visit**

Planning and Code Enforcement staff went to the applicant's property to measure the setback and height requirements of the rear and side yard accessory structures. Staff found that both of the accessory structures were below ten feet in height and, therefore, do not require an administrative design review permit from the Planning Department. Upon measuring the side and rear yard setbacks for the two structures, staff found that the measurements were taken from the building walls and not from the eaves; as required for accessory structures. Staff informed the applicant and Mr. Esser of the error in measurements and re-noticed the Zoning Administrator hearing.

### **December 6, 2007 Zoning Administrator hearing**

In attendance at the December 6, 2007 public hearing was the Zoning Administrator, Donna Decker; staff, Natalie Amos; Paul Esser, neighbor; and Lori and Rich Lortz, applicants. Staff presented the application and informed the Zoning Administrator of staff's inspection with Code Enforcement. Staff informed the Zoning Administrator that the two accessory structures measure less than ten feet in height, approximately 9 feet 11½ -inches from finished grade to ridge of roof, and thus did not require an administrative design review permit. After staff's presentation of the proposal, staff informed the Zoning Administrator that one of the findings, specifically the first finding, for reducing the rear yard setback could not be met and, therefore, recommended that the rear yard accessory structure be relocated to meet the five-foot rear yard setback since there were not any special circumstances applicable to the property to justify reducing the rear yard setback for the accessory structure.

After staff's presentation, the Zoning Administrator opened the public hearing. The applicants stated that they were not aware that they needed to obtain a permit from Planning for the two accessory structures as there were several other accessory structures throughout the City that appeared to have the same setbacks (please see appendix D of staff's Exhibit A), and had they known that a permit was required, they would have applied for one. They expressed willingness to work with the City to legalize the structures, pool, and hedges and it has not been their intention to take this long in doing so; however, unforeseen circumstances have not allowed them the time to focus on the accessory structures.

Mr. Esser stated that he did not receive a copy of the staff report and stated the following concerns:

- The site and elevation drawings are not adequate;
- The accessory structures are well over ten feet in height based on the pictures that he took over the fence and soundwall;
- Dimensions are still not accurate on the plans; and
- Placements of the sheds are misleading.

Mr. Esser said that his research has shown that the applicant's lot is one of the largest lots in the neighborhood and he does not consider it substandard in size for a corner lot. He also referenced the general shed material that he had submitted to the Zoning Administrator during their September meeting stating that sheds may require City review and may exceed ten feet in height. Since the neighbor did not receive a copy of the staff report prior to the hearing, the Zoning Administrator continued the hearing until Mr. Esser had an opportunity to review the report. Please see Exhibit E for the December 6 Zoning Administrator staff report and Exhibit F for the meeting minutes.

### **January 10, 2008 Zoning Administrator Hearing**

At the third public hearing on January 10, 2008, the Zoning Administrator summarized the Zoning Administrator hearings and site visit conducted by staff. Mr. Esser, the only neighbor present at the hearings, stated that he had reviewed the staff report and stated the following concerns:

- There are no scaled plans;
- There are pictures, but no elevation drawings;
- The dimensions are erroneous in his opinion;
- The applicants had no consideration to the neighbors when constructing the sheds;
- There may be a hardship because of the size of the property, but different sheds could have accommodated their needs in relationship to the lot limitations;
- The applicants "went around" permits and zoning requirements;
- The soundwall allows them more of a usable yard area than other corner lots in the City without soundwalls; and
- The literature he has read about sheds states that they are at least ten feet in height; thus, these sheds are.

Please see Exhibit G for the meeting minutes which further detail Mr. Esser's concerns. After listening to public testimony, the Zoning Administrator closed the public hearing and supported staff's recommendation to retain the height of the hedges and reduce the street side yard setback from the required ten feet to eight inches for the accessory structure and reduce the street side yard setback from the required 10 feet to five feet for the existing pool. However, the Zoning Administrator was unable to make the findings for the rear yard accessory structure, thus, requiring the following:

- Relocating the shed to meet the required five-foot rear yard and three-foot side yard setback;
- The shed is to be lowered to ground level and the steps to the structure removed;
- The applicants would be required to work with staff regarding the placement and height of the relocated structure prior to moving it;
- Intumescent paint shall be installed by a registered professional (for one-hour firewall purposes); and

- The applicants shall obtain any applicable City permits for the side and rear yard accessory structures.

Although the applicants only had to adhere to the meeting the setback requirements for the rear yard accessory structure, they agreed to the conditions of approval listed above. These modifications are reflected in Exhibit B of this staff report. Since the Zoning Administrator hearing, the property owners have modified their plans to include scaled site plan and elevation drawings, which is reflected in Exhibit A of this staff report.

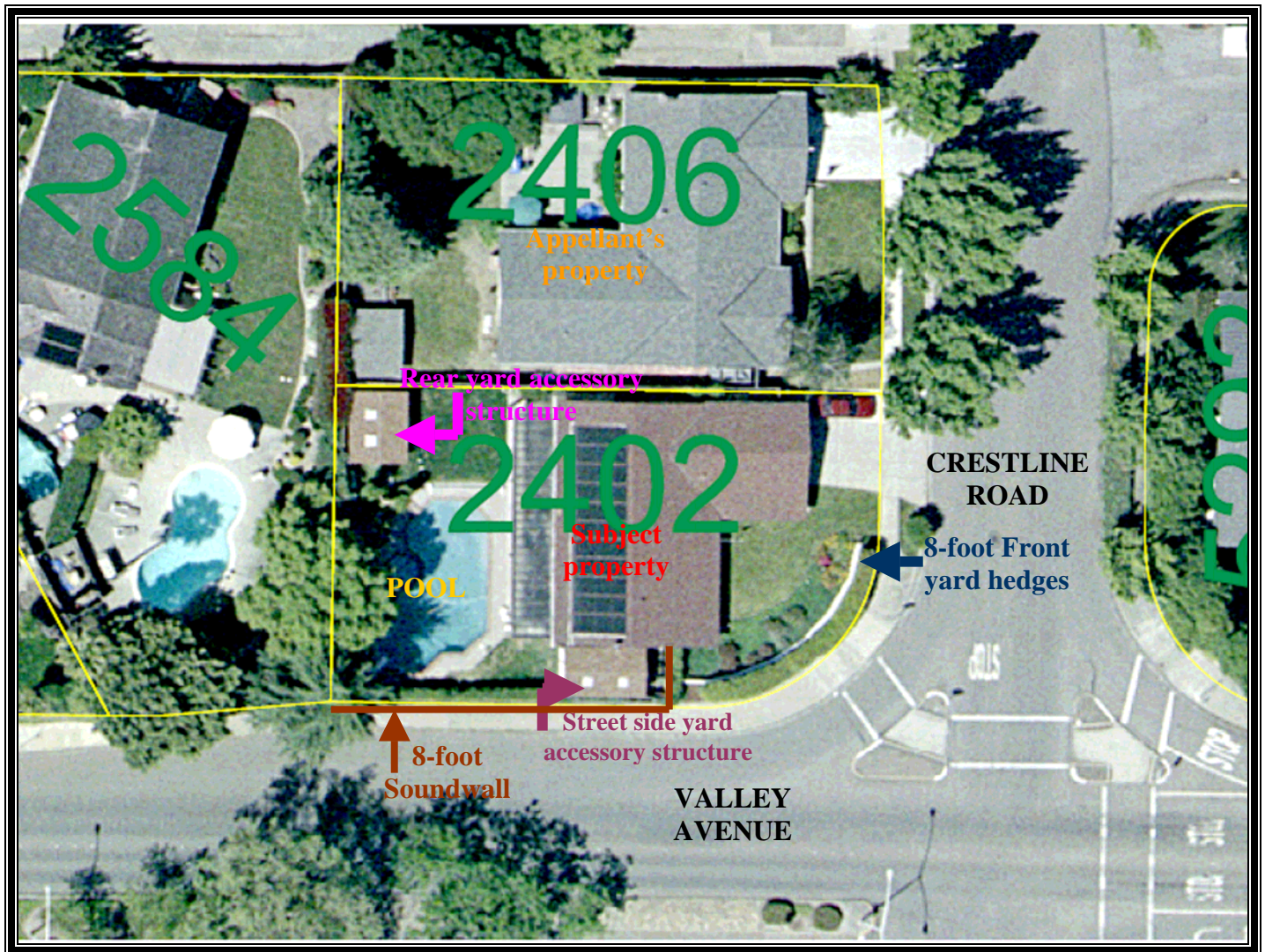
### **Appeal Request**

The accessory structure at the rear of the property was conditioned to be moved to conform to the rear and side yard setbacks and lowered even though the structure is below ten feet in height; Mr. Esser felt that the variance application was deficient and that the findings were flawed and, therefore, submitted an appeal of the variance application. Mr. Esser felt that the drawings had “erroneous dimensions,” scaled site and elevation drawings were not submitted, and although staff measured on two separate occasions, the pictures of the accessory structures that the appellant provided appeared to be over ten feet in height, thus, in his opinion, requiring an administrative design review permit too. Staff would like to note that the applicants have since revised their site and elevation drawings, with scale indicated, with staff and the applicant again confirming that the height of the structures are under ten feet. For Mr. Esser’s letter of appeal, please see Exhibit H. The findings section of this report briefly outlines Mr. Esser’s concerns.

### **SITE DESCRIPTION**

The subject lot is located at the north side of Valley Avenue on the corner of Crestline Road. It measures approximately 8,512 square feet in area with an approximately 1,540-square-foot single-story residence. There is a pool in the rear left side yard with the property being relatively flat and mature landscaping bordering along the rear and front of the property lines. There is an approximately eight-foot tall CMU soundwall, seven-foot solid one-foot lattice with ivy screening, along the street side of the property and eight-foot hedges along the curved portion of the front yard; as shown in the picture below. There is one single-family home to the rear and north (right) of the subject property and Valley Avenue to the south (right); with additional single-family homes located across Valley Avenue.





**Aerial View of Property**

**PROJECT DESCRIPTION**

The applicants requested variances from the Municipal Code to (1) reduce the street side yard setback of the corner lot from the required ten feet to eight inches (eave to sound wall) for an existing accessory structure and 5-feet for an existing pool on the street side; (2) reduce the side yard setback from the required three feet to one foot, eight inches (eave to fence) and reduce the rear yard setback from the required five feet to eight inches (eave to fence) for a second accessory structure; and (3) retain the existing eight-foot tall height for the front yard hedges. The Zoning Administrator was unable to make the first finding for the rear yard accessory structure; therefore, the Zoning Administrator approved the variance with the exception of relocating the rear yard accessory structure to meet the setback requirements for the rear and side yard. With the exception of the setbacks of the street side accessory structure, including the pool, and the height of the hedges, the proposed project adheres to the required development standards of the R-1-6,500 zoning district.

Staff notes that because the street side yard and rear accessory structures do not exceed ten feet in height, an Administrative Design Review permit is not required. However, the Zoning Administrator conditioned the rear yard accessory structure to be lowered in height, as reflected in the attached Exhibit B.

## **FINDINGS AND ANALYSIS**

The Zoning Administrator may grant a variance to a regulation prescribed by this chapter with respect to fences, walls, hedges, screening, or landscaping; site area, width, frontage or depth; front, rear or side yards; basic floor area; height of structures; distances between structures; courts; usable open space; or other regulations of this chapter, but a variance shall not be granted for a parcel of property for a use or activity not expressly authorized by the zone regulations governing the parcel of property. Variances from these regulations may be granted only when the Zoning Administrator finds that the following circumstances apply:

- 1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;*

Staff analysis: In order for this finding to be made, there must be a special circumstance applicable to the property. Staff believes that the property is unique since it is a substandard width corner lot, 72 feet in width when 80 feet is required, with an eight-foot soundwall, seven-foot solid with one-foot lattice with ivy, on the street side property line. This is considered unique because the minimum width of a corner lot per the Pleasanton Municipal Code is 80 feet, and there is a soundwall and hedges that offer screening for the street side of the property. Corner lots that are not substandard in width with a soundwall on the property line typically have a ten-foot setback from the property line to the fence/wall that borders the street side of a property. In this instance, the soundwall that was constructed by the City is located on the street side property line. If the soundwall was constructed with a ten-foot street side yard setback, it would be located less than four feet from the side of the house wall and less than three feet from the roof eave.

### Street Side Yard Accessory Structure and Pool:

Having an accessory structure and pool closer to this soundwall would not have any visual or privacy impacts on the neighbors as the front side accessory structure and pool are closest to it. The accessory structure is well screened by the soundwall and ivy growing on the lattice and the eight-foot hedges in the front yard, as shown in the applicant's Appendix A of staff's Exhibit A. Therefore, it is unlikely pedestrians or the neighbors across the street from Valley Avenue would be impacted by the reduced setbacks of the accessory structure or the pool since it is located and screened by the soundwall.



### Rear Yard Accessory Structure

The accessory structure located in the right rear yard is currently located eight inches from the rear and one foot, eight inches from the side (measured from eave to property lines) where five feet from the rear and three feet from the side is required. There is a Chinese Elm located to the left of the accessory structure that limits the placement of the structure. Mature vegetation and trees along the rear and an approximately eight-foot tall fence along the side screen the structure. The applicants have stated that the current location of the accessory structure has enough rear and side access for maintenance of the fence, should it need it, and vegetation along the rear. However, they have agreed to the Zoning Administrator's requirement to relocate and modify the accessory structure as previously stated.

### Front Yard Hedges

The subject property is located at the corner of Valley Avenue and Crestline Road. There is a four-way stop at this intersection with a right-turn yield lane directly in front of the house, separated by a sidewalk. The eight-foot tall hedges are parallel to the yield-turn lane, which is a right-turn yield only. Therefore, with the sidewalk and the four-way stop, the hedges do not create a line of sight issue for motorists or pedestrians. The stop sign located adjacent to the yield-turn lane is located in front of the hedges, and, therefore, the eight-foot tall hedges would not create a line of sight issue or obstruct the view around the corner of the property for those using the stop sign. The increased height in hedges also offers a noise buffer to cars passing by at that intersection and screening for the street side yard accessory structure. Staff notes that the Traffic Division has stated that the height of the hedges does not obstruct views or create a line of sight issue at this intersection and, therefore, would not be a safety issue.

The minimum lot width for corner lots in the R-1-6,500 zoning district is 80 feet; however, the subject property measures at 72 feet. Since the site is substandard in width, it reduces the standard side yard setbacks of that lot. Reducing the side yard setbacks for the two accessory structures and the pool would allow the owners to recapture some of the width area and would also bring the lot closer to the development standards for that zoning district.

The minimum depth for lots in the R-1-6,500 zoning district is 100 feet; the subject site measures at approximately 122 feet. Staff found that there were not any special circumstances applicable to the property to justify reducing the rear yard setback for the accessory structure located in the side rear yard since it exceeds the lot width, to which the Zoning Administrator agreed and conditioned that the structure be moved to meet the five-foot rear yard setback and three-foot side yard setback since the structure needs to be moved to meet the rear yard setback anyway.

With the exception of the rear yard setback, staff believes that there are special circumstances applicable to the property, such as the soundwall and substandard lot width, which, with the strict application of the provisions of this chapter, would deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

The Zoning Administrator could not make this finding for the rear yard accessory structure and placed a condition of approval that it be relocated to meet the R-1-6,500 zoning setbacks and lowered for less of a visual impact to Mr. Esser, to which the applicants agreed. Being that the corner lot is eight feet less in width, thus substandard, screened by an eight-foot tall soundwall, and eight-foot tall hedges, the Zoning Administrator felt that there were special circumstances with this property, such as size, location, and surroundings, that deprived the property of privileges enjoyed by other properties under similar zoning classifications.

Mr. Esser stated the following concerns with this finding:

- The property is not unique just because it is a corner lot with an eight-foot high soundwall; and
- Although the Municipal Code requires an 80-foot width for corner lots and this measures at 72 feet, other corner lots have the side fence set back ten feet from the property, and the applicants have thus gained ten feet of usable space.

Staff feels that Mr. Esser's concerns have been addressed in the above analysis.

*2. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitation on other properties classified in the same zoning district;*

Staff analysis: In order for this finding to be made, there must be a relationship between the unique site and the variances in question. As stated above, staff believes that the property is unique in that it is a substandard corner lot that abuts an eight-foot high soundwall and has mature landscaping in the rear and front yard. There are several instances that would make a lot substandard, for example, if a lot cannot meet the minimum lot size, length, depth, or width. In this instance, the lot exceeds the minimum lot size and depth; however, it does not meet the minimum lot width for a corner lot. Staff notes that it is not a matter of having all of the requirements being less than required in order for a lot to be substandard, one aspect of the lot can make it a substandard lot.

Being a substandard corner lot with a soundwall and mature landscaping creates a unique situation where requests for reduced setbacks are typically supported given that the soundwall would not impact neighbors and the existing vegetation provides screening and is not abutting another single-family home. The granting of such a variance request to reduce setbacks is consistent with previous approvals of other unique sites and variances, such as 4270 Churchill Drive, 4698 Second Street, 4094 Blacow Street, 4513 Sandalwood Drive, 648 Division Street, and 6902 Corte Barcelona. These variance requests for reducing side and/or rear yard setbacks were for structures (e.g., additions, fences, etc.) similar to what the property owners are

requesting; reducing the rear and street side yard setback for a structure. However, the Zoning Administrator determined that reducing the rear and side yard setback for the rear yard accessory structure would be granting a special privilege that is inconsistent with the limitations on other properties in similar zoning districts. Therefore, with the exception of the rear yard setback, granting this variance will not be granting a special privilege to the homeowner that is inconsistent with other variances approvals granted for properties in similar zoning district.

Mr. Esser stated the following concerns with this finding:

- The site is not unique or substandard because the total lot size is 8,500 square-feet; and
- Reducing setbacks for accessory structures is not consistent with past variances within the City.

Staff feels that Mr. Esser's concerns have been addressed in the above analysis.

3. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 1520 § 5, 1991; prior code § 2-11.29(1))*

Staff analysis: The street side yard setback is designed to provide adequate sight distance for pedestrians and motorists. In this case, the accessory structure would not alter the existing buffer area between the curb and the soundwall. Furthermore, the yield lane is for right turns only, which would not obstruct the view around the corner with eight-foot tall hedges. The applicants stated that the height of the hedges have been eight-feet since they have lived there, and, therefore, the sight distance would remain as it currently is. In addition, the existing soundwall would screen the accessory structure located along Valley Avenue. It is unlikely that the accessory structure or the pool would significantly impact pedestrians or motorists.

The rear and side yard setbacks are designed to provide an adequate buffer between shared property lines. In this case, the accessory structure located in the rear yard is screened by mature vegetation along the rear and a fence along the side. The right adjacent neighbor, Mr. Esser, also has an accessory structure with similar setbacks adjacent to the applicant's accessory structure that is currently set back one foot, eight inches from the side yard; therefore, it is currently abutting something similar in nature which may not be considered overbearing, in staff's opinion, to Mr. Esser. However, the Zoning Administrator has determined that the rear yard structure needs to conform to the rear and side yard setbacks of that zoning district and, thus, shall be moved.

Given that the pool and street side yard accessory structure are located behind a soundwall, staff feels that it will preserve the light, open space, visual and aesthetic character of the neighborhood since they are screened, they are not adjacent to another residential home, and, in staff's opinion, is not creating any health or safety concerns.

Staff does not feel that this project would be materially injurious to properties or improvements in the vicinity, and thus, this finding can be made.

Mr. Esser stated the following concerns with this finding:

- The preservation of light, open space, visual and aesthetic concerns was not addressed in the report. Mr. Esser feels that the accessory structures are unusually tall and extremely close to the property lines; and
- They are a visual eyesore and detract from the character of the neighborhood.

Staff feels that Mr. Esser's concerns have been addressed in the above analysis.

## **PUBLIC NOTICE**

Notice of the Planning Commission hearing on this item was sent to the property owners and tenants located within a 1,000-foot radius of the subject property. Staff has only received comments in regard to the Zoning Administrator hearing notice in December and January. The following comments are from those noticing periods. The public correspondence can be found in Exhibit I.

### **Opposition**

Edward and Eleanor Collins contacted staff via e-mail and phone. The e-mail primarily states their concerns with the current parking on Crestline Road; however, they did state to staff that the applicants should be required to adhere to accessory structure regulations and requested that they be moved to the appropriate location.

Jim Ferez contacted staff via e-mail expressing his objections to the variance requests for the accessory structure near Valley Avenue and the hedges. Mr. Ferez feels that the shed along Valley Avenue would not meet the setback as proposed. He stated that he was required to tear down a shed that he was reconstructing to meet the required ten-foot setback on a corner lot because of a neighbor compliant and while he acknowledges the money that was put into the sheds by the applicants, he feels they should be required to adhere to the setback requirements. In regard to the hedges, Mr. Ferez stated that they do offer screening; however, he feels that the height poses a safety issue for traffic approaching the intersection of Crestline Road and Valley Avenue. He feels that the request for these two items should be denied and be required to adhere to the ordinances that apply to the rest of the community.

Bob Smith contacted staff via mail and phone to express his objections to the variance requests. Mr. Smith feels that projects that circumvent the appropriate process and permits should not be rewarded by granting approvals. He feels that there is no difference between the applicant's site and the other older homes in Pleasanton and that this specific site should not warrant a variance. Mr. Smith stated that an approval by the Planning Department would be setting a precedent for other residents to build illegal structures with disregard to the planning process.

Carl Bates of 2679 Starling Court contacted staff via phone to express his concerns regarding the proposed request. Mr. Bates stated that he did not object to the setbacks of the accessory structure along Valley Avenue or the pool. He feels that they are screened by the soundwall and do not appear to be an issue. Mr. Bates continued to say that he did not object to the height of the hedges because they are continuous of the soundwall and offer protection and screening. However, Mr. Bates feels that the reduction in setbacks for the rear side yard accessory structure is not acceptable. He feels that it is intrusive upon the rear and side yard neighbors and that the applicant should be bound by the setback requirements for that particular accessory structure.

Ellen and Chris Armstrong contacted staff via e-mail and wanted to know why a variance was being requested for pools and structures that have already been built. They continued to say that they are not familiar with the subject property, however, feel that for the sake of the neighborhood it is usually best to respect the setback codes.

Linda and Clint Logan sent staff a correspondence stating that the variance for the pool should be supported since it was approved in City error; however, felt that that other variance requests should be denied. The Logan's feel that the hedges are ugly and dangerous and reducing the street side setback from 10-feet to 8-inches is an extreme request because the street side yard structure is highly visible. They continued by saying that it would be an intrusion into the back yard setback because the property owners have built an addition to their home without regard to the building codes or permitting procedures. They feel that granting the variance denies the backyard neighbor legal and appropriate use of their property.

Two of the residents remained anonymous, however had similar concerns. Both felt that the applicants should have received the appropriate City permits prior to installation of the two accessory structures. They feel that the applicants should adhere to the regulations set for this neighborhood and request that the accessory structures be moved to the appropriate setback requirements.

### **Support**

Mary Crosby contacted staff via phone to say that she did not have any concerns with what was being proposed.

Vicki Lenz contacted staff via e-mail and phone to comment on the Zoning Administrator notice she received. Mrs. Lenz stated that she visited the property to get a better idea of what the request was for. She stated that the accessory structure located by the soundwall can really only be seen from across the street and if you are trying to look for it. She felt that the vegetation growing along the trellis offered screening and when in full growth would eventually eliminate the view of the structure. She does not believe the shed is "something horrible to look at, and or an eye sore". She feels that the Lortz family appear to have a very well kept corner home and is pleasant to look at. Mrs. Lenz continued to say that she drove around Pleasanton looking for other structures that would be considered "problems" or "eye sores." She stated that she found

structures similar to the Lortz' with the same setbacks and felt that none of them took away from the neighborhood and that they were common things that families have in their backyards.

Jamie Lundale contacted staff via phone and stated that if the structures were existing, then she does not have a problem with them being at their current location; however, if this was a request for new accessory structures with those setbacks, then she would not be in support of it.

## **ENVIRONMENTAL ASSESSMENT**

Existing facilities consisting of the operation, permitting, licensing, or minor alteration of structures involving no expansion of use beyond that existing are categorically exempt (Section 15301, Class 1 (L)(4)) from the requirements of the California Environmental Quality Act (CEQA).

## **CONCLUSION**

Staff believes that the street side yard accessory structure and pool are well screened from the public view and the 8-foot tall hedges does not create a line of site issue for the pedestrians or motorists. The applicants have agreed to go beyond relocating the rear yard accessory structure by lowering it in height and using 1-hour firewall paint for added safety in order to address Mr. Esser's concerns. The applicants have also agreed to get any additional or necessary City permits for the accessory structures (i.e, building or electrical permits), therefore, staff believes, as conditioned, that the project is supportable.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission deny Case PAP-116, thereby upholding the Zoning Administrator's approval of Case PV-167, subject to Exhibit B, Conditions of Approval.

Staff Planner: Natalie Amos 925.931.5613 or [namos@ci.pleasanton.ca.us](mailto:namos@ci.pleasanton.ca.us)