



Planning Commission Staff Report

March 12, 2008
Item 6.a.

- SUBJECT:** PAP-117 (Appeal of PADR-1762/PUD-99-09-2M)
- APPELLANTS:** Xin Chen and Frank Nguyen
- APPLICANTS:** Aman and Tee Bawa
- PROPERTY OWNERS:** Aman and Tee Bawa
- PURPOSE:** Appeal of the Zoning Administrator's approval of an application for administrative design review to construct an approximately 700-square-foot, detached second unit with an approximately 250-square-foot covered porch at the property located at 2632 Ingrid Court; and application for a major modification to an approved PUD development plan, Case PUD-99-02, to allow additional grading and retaining walls along the rear and side yard slope banks of the property located at 2632 Ingrid Court and to relocate two developer-installed trees along the rear yard slope bank of the property.
- ZONING:** PUD-LDR (Planned Unit Development – Low Density Residential) District.
- LOCATION:** 2632 Ingrid Court
- ATTACHMENTS:**
1. Exhibit “A,” Site Plan, Floor Plan, and Building Elevations
 2. Exhibits “C” and “D” Draft Conditions of Approval
 3. Zoning Administrator’s Approval Letter dated January 24, 2008, with Exhibit “B,” Conditions of Approval
 4. Letters of Appeal from Xin Chen and Frank Nguyen, dated “Received” February 6, and February 14, 2008
 5. Minutes of the January 22, 2008, Zoning Administrator Hearing
 6. Presentation Outline Submitted by Aman and Tee Bawa at the January 22, 2008, Zoning Administrator Hearing
 7. Location Map

8. Composite of Approved Plot Plans Adjacent to 2632 Ingrid Ct.
 9. Emails from Frank Nguyen, Xin Chen and Xiwen Fan, and Steve and Jenni Fineberg
 10. Vineyard Hill of Pleasanton Architectural Committee's Approval Letters dated August 1, and September 27, 2007
 11. Photographs of Property with Story Poles
 12. Photographs of Property with the Outline of Proposed Second Unit
 13. Pleasanton Municipal Code Chapter 18.106, Second Units
 14. State Second Unit Law
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I. BACKGROUND

On August 22, 2007, the applicants submitted an application to construct an approximately 700-square-foot, 13-foot tall, detached second unit in the rear yard. The applicants also requested approval of a Planned Unit Development (PUD) minor modification to allow grading and the installation of retaining walls along the rear and side yard slope banks of their property and to allow the relocation of two developer-installed trees along the rear yard slope bank. Second units exceeding 10 feet in height are processed as administrative design review applications, requiring notification to the neighbors, who may request a hearing to address any design-related concerns with the project. Since the PUD modification application was needed in order to accommodate the proposed location of the second unit, staff processed the PUD minor modification and administrative design review applications concurrently. After the City circulated the required notice to inform the adjacent neighbors of the applicants' administrative design review application to build the proposed second unit and the PUD minor modification application for the grading and tree relocation, the neighbors at 2618 Ingrid Court (Xin Chen and Xiwen Fan), 815 Clara Lane (Frank Nguyen and Carmen Cheung), and 829 Clara Lane (Steve and Jenni Fineberg) requested a hearing due to concerns over the potential impacts that the second unit would have on their properties.

Prior to submitting the applications to the City, the applicants had submitted the plans to and received approval by the Architectural Committee of the Vineyard Hill Homeowners Association (please see attached approval letter dated August 1, 2007, Attachment #10). Mr. Bawa noted to staff that he had made concessions to the neighbors as a result of the concerns that the neighbors had raised during the Architectural Committee's review of the project. Specifically, Mr. Bawa indicated that the second unit was reduced from 1,100 square feet to 700 square feet and the height was reduced from 15 feet to 13 feet.

After the applicants were informed by staff that three neighbors opposed the application for the second unit, the applicants met with the neighbors and representatives of the Architectural

Committee in an effort to resolve the neighbors' concerns. As a result of those meetings, the applicants agreed to revise the second unit as follows:

- Reduce the size of the covered porch from 426 sq. ft. to 250 sq. ft.
- Reduce the height of the structure from 13 feet to 12 feet 3 inches tall at the top of the ridge.
- Lower the patio level upon which the second unit will sit by one foot.

The Architectural Committee approved the above modifications to the structure (please see attached approval letter dated September 27, 2007, Attachment #10).

With the above changes, the Finebergs support the proposed project. However, the changes did not satisfy the two other neighbors and they had informed staff that they were still opposed to the second unit. Specifically, Mr. Nguyen and Ms. Cheung indicated that the structure would block their scenic views and would change the original community spirit and landscape in regard to density and safety. Mr. Chen and Ms. Fan indicated that the structure would block views from some of their windows, the structure is located too close to their property, and the structure would make their backyard activity uncomfortable and psychologically impact their daily life, particularly because their rear yard is several feet lower than applicants' yard.

Since both neighbors had cited view impacts as concerns, staff had the applicants install story poles depicting the height of the structure in order to allow the neighbors and staff to accurately gauge the view impacts of the structure. Staff went to the neighbors' homes and took photographs of the story poles, which are included with this report (see Attachment #11).

On November 2, 2007, staff met with Mr. Chen, Mr. Nguyen, Mr. Bawa, and representatives of the Vineyard Hill Homeowners Association to review the photographs of the story poles, discuss the neighbors' concerns, and try to identify possible mitigations to address the neighbors' concerns. At the request of staff, Mr. Bawa had taken staff's photographs and had his designer "fill in" the walls and roof of the structure so that the structure would be more visible in the photographs (see Attachment #12). Mr. Bawa brought these photographs to the meeting for viewing by staff and the neighbors. At the meeting, Mr. Bawa had indicated that he was willing to install landscaping to screen the structure from the neighbors' views. Mr. Chen and Mr. Nguyen indicated that they were not prepared to discuss their position on the project or mitigations and indicated that they would need to confer with their wives.

After the meeting, Mr. Chen and Mr. Nguyen contacted staff and indicated that they were still opposed to the second unit and did not want the structure to be built. Therefore, staff scheduled the Zoning Administrator hearing.

Zoning Administrator Hearing

The administrative design review and PUD modification applications were reviewed by the Zoning Administrator at a public hearing held on January 22, 2008. Detailed information on this meeting is provided by the attached minutes (see Attachment #5). Aman and Tee Bawa, Frank Nguyen (815 Clara Lane), Xin Chen (2618 Ingrid Court), Steve Fineberg (829 Clara Lane), Joshua Brysk (attorney for Frank Nguyen), and Tami Santiago (Vineyard Hills Homeowners Association representative) attended the hearing.

The Zoning Administrator explained the Second Unit State law to clear up any misunderstanding regarding State law versus local government. She stated that cities can regulate the design, setbacks, parking, and other similar standards, but that State law does not allow a city to prohibit second units. [Please see Attachment #14 for a copy of the State Second Unit Law.]

At the hearing, Mr. Bawa stated that he tried to place the second unit in the best possible place for the least amount of impact to the neighbors. He noted that the process started in 2006 and that his family had made significant compromises throughout the process to address the neighbors' concerns. Mr. Nguyen and his attorney (Mr. Joshua Brysk) opposed the second unit land use and expressed concerns with the location of the second unit and view impacts. Mr. Brysk also noted that the development's private Covenants, Conditions, and Restrictions (CC&R's) require occupants to park in the garage and that the outside parking for the second unit is in conflict with the CC&R's. Mr. Chen stated the second unit is too close to his property and would make his backyard activity uncomfortable. He also indicated that the yard cannot be screened because of the open fence condition. Mr. Chen stated that the second unit does not match the community layout and would not make the community look good even if it matched the design of the home. Mr. Fineberg indicated that he was originally opposed to the project due to view impacts, but that his concerns were addressed by the applicants and the Architectural Committee. Ms. Santiago indicated that the Architectural Committee received input from neighbors and worked with the applicants to address the neighbors' concerns. She stated the compromise consisted of the second unit roof height at 13 feet or lower and the building size at 700 square feet. She indicated that the Bawas offered to lower the height to 12 feet 3 inches, which she felt was more than generous to appease the neighbors. The neighbors did not indicate opposition with the proposed PUD modification.

The Zoning Administrator questioned the neighbors if the design of the second unit was acceptable. The neighbors did not have any concerns with the design of the second unit.

After hearing all public testimony, the Zoning Administrator approved the applications subject to the staff recommended conditions of approval. The Zoning Administrator indicated that the second unit complies with the City's Second Unit Ordinance and that State law does not allow

cities to prohibit second units. The Zoning Administrator also mentioned that the City ordinance does not require covered parking for second units and that the City of Pleasanton does not have jurisdiction or govern over private CC&R's. The Zoning Administrator noted that there was no opposition to the proposed PUD modification.

On February 6, 2008, appeals were filed by Xin Chen and Frank Nguyen for both the administrative design review and PUD modification approvals. The appeals are currently before the Planning Commission for consideration.

II. SITE DESCRIPTION

The applicant's property is located at the end of cul-de-sac in the Vineyard Hill subdivision, which was developed in 2005. The "pie-shaped" lot measures approximately 25,328 square feet in area. An approximately 3,650-square-foot detached single-family home is located on the subject property. Detached single-family homes surround the applicants' lot.

III. PROPOSED PROJECT

Administrative Design Review Application

The applicants propose to construct an approximately 700-square-foot, detached second unit near the southeast corner of the lot. The structure would contain a bedroom, bathroom, main/living room area, and kitchen. The structure would be set back a minimum of 10 feet from the northeastern side property line, 14½ feet from the southern (rear) property line, 148 feet from the northwestern side property line, and approximately 125 feet from the northern (front) property line. Although the current plans indicate that the structure would be 13-feet tall, the applicants have agreed to limit the height of the structure to a maximum of 12 ft. 3 in. tall (measured from the concrete patio level to the ridge) by lowering the roof pitch from 4:12 to 3.5:12. The applicants have also agreed to lower the patio level on which the second unit would sit by one foot and have agreed to reduce the size of the covered porch to not exceed 250 square feet. The proposed 700-square-foot second unit plus the existing 3,650-square-foot home would result in a 17.2% floor area ratio (FAR) on the approximately 25,328-square-foot lot. An uncovered parking space for the second unit would be constructed on the west side of the driveway.

The proposed structure would match the exterior colors and materials of the existing dwelling: taupe-colored stucco walls, cultured-stone and wood patio support posts, single-hung windows with stucco trim, and a concrete tile roof.

PUD Modification

The applicants have requested approval of a Planned Unit Development (PUD) modification to allow grading and the installation of retaining walls along the rear and northwestern side yard slope banks of this property and to allow the relocation of two developer-installed trees along the rear yard slope bank.

The applicants propose to expand the existing flat pad area behind the house into portions of the rear and northwestern side slope banks. The applicants would cut up to 12 feet (horizontally) into the slope banks and install Allan block retaining walls measuring two- to four-feet tall. The existing slope banks above the retaining walls would not be modified.

The City had required the developer of Vineyard Hill to install trees along some of the slope banks in order to help “soften” the transition from the flat pads to the slope banks and help them look more natural. The applicants’ lot had seven, 15-gallon size Arbutus ‘Marina’ trees installed by the developer. The applicants proposed grading and second unit structure would require the relocation of two of these trees.

IV. NEIGHBORS’ CONCERNS

As noted above, two neighbors have expressed concerns regarding the proposed second unit and have appealed the Zoning Administrator’s approval of the second unit. Frank Nguyen (815 Clara Lane) lives behind and above the applicants’ property on a “flag-shaped” lot. The pad elevation of Mr. Nguyen’s house and yard area is approximately eleven feet higher than the pad elevation of the applicants’ house and yard area. In his letter of appeal, Mr. Nguyen indicates that he opposes the proposed second unit because it will block his views, is not in good faith of the neighborhood/community, is not in good spirit of the community, and is not in compliance with the CC&R’s in terms of parking and landscape codes.

Xin Chen (2618 Ingrid Court) lives on the northeast side of the applicants’ property. The pad elevation of Mr. Chen’s house and yard area is approximately nine feet lower than the pad elevation of the applicants’ house and yard area. In his letter of appeal, Mr. Chen indicates that the structure would make his backyard activity uncomfortable; the structure will most likely reduce his property value; the second unit is contrary to the overall layout in the community (open fenced, low density); the structure would destroy the balance of the original plan for the community; and the second unit would produce unwanted traffic and parking impacts. Mr. Chen also indicates that the major concerns were not resolved at the Zoning Administrator hearing. Mr. Chen had indicated the following concerns during the Zoning Administrator review process: the structure would block views from some of his windows; the structure is located too close to his property; and the structure would make his family backyard activity

uncomfortable and psychologically impact his family’s daily life, particularly because his rear yard is several feet lower than applicants’ yard.

Although Mr. Chen and Mr. Nguyen both appealed the Zoning Administrator’s approval of the PUD modification, they have not indicated any concerns regarding the PUD modification application.

V. ANALYSIS

Land Use and Development Standards

The subject property is located in the 21-lot Vineyard Hill subdivision which is zoned PUD-LDR (Planned Unit Development – Low Density Residential) District. The uses and site development standards in this PUD development follow the City’s R-1-20,000 Single-Family Zoning District, except as modified by certain PUD conditions.

Similar to other residentially zoned properties in the city, second units are permitted uses in this subdivision, subject to meeting certain standards as indicated in the City’s Second Unit Ordinance (see below and Attachment #13).

Detached second units must meet the following requirements:

- A. Detached second units shall not exceed fifteen feet in height and shall be limited to one-story structures.
- B. Detached second units shall be subject to the following minimum setback requirements:

Zoning District	Side Yard Setback	Rear Yard Setback
One-family residential lots in the R-1-40,000 district and in planned unit developments which follow the site development standards of the R-1-40,000 district	20 feet	20 feet
All other lots	5 feet ¹	10 feet

1. Side yard setback shall be a minimum of 10 feet on the street side of a corner lot.

- C. The gross floor area of a detached second unit shall not exceed one thousand two hundred (1,200) square feet.

- D. Only one other residential unit shall be permitted on a lot with a second unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.
- E. The second unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the second unit be subdivided.
- F. One additional off street parking space on the lot shall be made continuously available to the occupants of the second unit.
- G. The maximum floor area ratio requirement of a lot shall not be exceeded due to the addition/conversion of space to accommodate an attached or detached second unit.
- H. The second unit shall have access to at least eighty square feet of open space on the lot.
- I. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two (2) separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the second unit from the planning department.
- J. Adequate roadways, public utilities and services shall be available to serve the second unit.
- K. The owner of the lot on which a second unit is located shall participate in the city's monitoring program to determine rent levels of the second units being rented.
- L. The second unit shall not be located on property that is listed in the California Register of Historical Places.
- M. The second unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.
- N. A restrictive covenant shall be recorded against the lot containing the second unit with the Alameda County recorder's office prior to the issuance of a building permit from the building department stating that:

The property contains an approved second unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the

size of the second unit, parking requirements, and participation in the City's monitoring program to determine rent levels of the second units being rented. Current restrictions and regulations may be obtained from the City of Pleasanton Planning Department. These restrictions and regulations shall be binding upon any successor in ownership of the property.

- O. Except as modified by the Second Unit chapter, all other regulations embodied in the zoning of the property for Class I accessory structures shall apply to the development of detached second units on one-family residential lots.

As proposed and conditioned, the proposed second unit complies with the above Municipal Code standards. The proposed second unit also complies with the applicable site development standards in terms of setbacks, height, and size. The proposed 17.2% floor area ratio with the second unit would not exceed the 20% maximum floor area ratio requirement for this development. The applicants would create the required parking space for the second unit. Since the size of the unit is limited, and there is only one bedroom proposed, the traffic generated by the main residence plus anyone who might live in the second unit would not be significantly greater than the amount of traffic generated by a typical single-family residence of this size. The Code requires that either the primary dwelling or the secondary unit be owner-occupied, which would prevent the property being perceived as a multi-family rental property. Furthermore, there are adequate public roadways, public utilities, and public services to serve the second unit.

Design Review

The detached second unit is considered a Class I Accessory Structure as defined by the Municipal Code. Chapter 18.20 (Design Review) of the Municipal Code indicates that in order to preserve and enhance the City's aesthetic values and to ensure the preservation of the public health, safety, and general welfare, accessory structures greater than ten feet in height are subject to administrative design review. Staff notes that even though a proposed accessory 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 that may be more restrictive than the normal Code standards to ensure that the public health, safety, or general welfare is preserved. As outlined in the Design Review Chapter, the Zoning Administrator's or Planning Commission's scope of review of project plans shall include such design criteria as:

- Preservation of the natural beauty of the city and the project site's relationship to it.

- Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of the buildings within its site and adjoining buildings.
- Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character.
- Preservation of views enjoyed by residents, workers within the City, and passerby through the community.
- Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another and the building's colors and materials.

Staff considers these design criteria in its review of all design review applications. In this case, staff has attempted to impose reasonable conditions to mitigate specific impacts expressed by the neighbors relative to these criteria.

Design

The proposed second unit would match the architectural style, colors, and materials of the existing dwelling. Staff believes that the design of the proposed second unit would be complementary to the design of the main dwelling unit and with the other homes in the neighborhood, and is acceptable.

View Impacts

With respect to view impacts, the proposed second unit is one-story and is lower than the 15-foot maximum height limit allowed by Code. To address view concerns that were raised by neighbors, the applicants agreed to lower the height of the second by nine inches (from 13 feet to 12 feet 3 inches) and to lower the patio level on which the second unit would sit by one foot. As noted earlier, story poles were also installed to allow the neighbors and staff to accurately determine the view impacts of the proposed second unit.

The views from Mr. Nguyen's and Ms. Cheung's property towards the second unit are currently divided by the existing open-style fence between the applicants' and Mr. Nguyen's and Ms. Cheung's properties. Views above this fence include the surrounding gravel quarries, distant structures in the City of Livermore, the distant hills, and the sky. Due to the grade difference between the two properties, the proposed second unit would be located almost entirely below the existing fence and would not obstruct these views. The views below the top of the fence include

the upper portion of some of the other homes in the development, nearby and distant landscaping, and portions of the lake and steep slope banks at Shadow Cliffs Regional Recreation Area. While the fence is an open-style design, the fence's horizontal wood slats, wood posts, and hogwire partially obstruct views from Mr. Nguyen's and Ms. Cheung's house and yard areas. In addition, existing trees on the applicants' property and existing trees and shrubs along Mr. Nguyen's and Ms. Cheung's driveway currently screen some views and will screen more views as they mature. The applicants also plan to install additional landscaping along their rear slope bank, which will further screen views from Mr. Nguyen's and Ms. Cheung's property.

The views from Mr. Chen's and Ms. Fan's property towards the second unit include some of the surrounding homes and yard areas and the sky. The proposed second unit would primarily obstruct views of the home located at 829 Clara Lane.

After reviewing the story poles from the adjacent neighbors' properties, staff believes that the proposed second unit would have only minimal view impacts from the neighbors' homes and yard areas, and staff does not recommend any further modifications to the second unit to address view impacts other than the applicants' previous agreement to lower the height of the second unit by nine inches and to lower the patio level upon which the second unit would sit by one foot.

Staff notes that there are no recorded viewshed easements for the benefit of any of the neighboring residents.

Privacy Concerns/Proximity to Northeastern Side Property Line

Mr. Chen and Ms. Fan have indicated that the structure is located too close to their property and that the structure would make their backyard activity uncomfortable and psychologically impact their daily life, particularly because their rear yard is several feet lower than applicants' yard.

The proposed second unit would be set back 10 feet from the northeastern side property line and complies with the five-foot minimum side yard setback requirement. Staff believes that the proposed 10-foot setback to the one-story structure is acceptable and that the proposed structure would not be overbearing to the adjacent property at 2618 Ingrid Court and would not significantly impact the light, air, open space, and views between properties.

The proposed second unit would have five windows located along its northeast side elevation: three windows in the main/living room area and two windows in the bedroom. Since there is open fencing between the two properties and since no landscaping has been installed in either the applicants' or neighbor's side yards, staff believes that the proposed windows could create privacy impacts to the 2618 Ingrid Court property. Staff believes that several options could be

used to mitigate the potential privacy impacts created by the second unit windows. These include:

- Eliminating and/or relocating some of the windows.
- Reducing the size of the windows.
- Utilizing view-obscuring glazing.
- Install landscaping along the side of the second unit.
- “Flip” the floor plan of the second unit, which would place a single window and side door facing the 2618 Ingrid Court property.

Staff discussed these options with the applicants and the applicants indicated that they are willing to install landscape screening along the side of the second unit. The applicants indicated that they are trying to maximize the natural light and sense of openness in the second unit, particularly after reducing its size down to 700 square feet, and do not want to remove or reduce the size of any of the windows or use view-obscuring glazing. The applicants have also indicated that they do not want to “flip” the floor plan because it would disrupt the flow of the second unit, which has been designed around the whole indoor/outdoor feeling going from the barbeque area in and out of the second unit. Also, the applicants indicated that the bathroom access is meant to be available for use by people coming in and out of the pool or lounging in the barbeque area.

Staff believes that there would be adequate room between the second unit and northern side property line to plant a dense landscape screen to obscure views out of the second unit windows into the 2618 Ingrid Court home and yard areas. Therefore, staff does not believe that the side windows would need to be removed, reduced in size, relocated, or contain view-obscuring glazing. The landscaping would also help screen views of the second unit structure from the home and yard areas of 2618 Ingrid Court, which staff feels should help lessen Mr. Chen’s and Ms. Fan’s concern that the structure is too close to their property. Since both neighbors had expressed concern with the loss of views from their properties, staff recommends that the landscaping be a combination of medium- and tall-growing evergreen shrubs that would grow to a maximum of 6-8 ft. tall and 10-12 ft. tall, respectively. Staff also recommends that the applicants be required to record a restrictive covenant against the property to require that the landscape screening remain so long as the second unit remains on the property.

Grading Modification

The applicants have proposed limited re-grading on the property to expand the flat pad yard area. Staff feels that the proposed grading would not adversely affect the originally approved grading of the development and would not adversely impact adjacent neighbors. Therefore, staff feels that the proposed grading revisions are acceptable. A condition of approval requires the applicants submit a final grading and drainage plan depicting all final grades and on-site drainage systems. Drainage from the proposed improvements will be required to connect to an approved point of discharge, subject to the review and approval by the City Engineer and/or the Chief Building Official.

Relocation of Developer-Installed Trees

Staff believes it would be acceptable to relocate two of the developer-installed trees elsewhere on the rear slope bank. Since the relocated trees were not indicated on the plans, a condition of approval requires that a plan showing the tree locations be submitted for the review and approval by the Planning Director.

VI. PUBLIC NOTICE

Notice of the hearing for the appeal was mailed to those property owners and tenants within 1,000 feet of the subject site. Except for the neighbors' comments indicated in this report and listed in the attached emails and letters of appeal, staff has not received any additional comments from any of the other adjacent property owners or tenants.

VII. ENVIRONMENTAL REVIEW

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA), Class 3, Section 15303(a), "New Construction or Conversion of Small Structures," and Class 4, Section 15304, "Minor Alterations to Land." Therefore, no environmental document accompanies this report.

VIII. CONCLUSION

As proposed and conditioned, the proposed second unit complies with the City's Second Unit Ordinance and is a permitted use on the subject property. The proposed second unit also complies with the applicable site development standards in terms of setbacks, height, size, and floor area. Furthermore, staff has considered the design criteria required by the Municipal Code to be included in the Zoning Administrator's and Planning Commission's scope of review, such as preservation of views, scale, and relationship of the building to its site and to surrounding

areas and buildings. Staff has attempted to impose reasonable conditions to mitigate neighborhood impacts relative to these criteria.

The administrative design review process is intended to invite neighborhood participation and input with the goal of finding an acceptable resolution to all parties; unfortunately, the process does not always result in complete accord. In this case, staff believes that the recommended conditions of approval strike a balance between the applicants' desire to construct the second unit and the neighbors' desires to preserve their privacy and views.

Regarding the PUD modification, staff believes that the proposed grading, retaining walls, and tree relocation would not adversely impact the adjacent neighbors and is acceptable. In addition, staff is not aware of any neighborhood opposition to the PUD modification.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and approve Case PADR-1762, subject to the conditions listed in Exhibit C. In addition, staff recommends that the Commission adopt a resolution recommending approval of Case PUD-99-9-2M to the City Council, subject to the conditions shown in Exhibit "D."

For comments or questions concerning this project, please call: Steve Otto, Associate Planner (phone: 931-5608 or email: sotto@ci.pleasanton.ca.us)