



## Planning Commission Staff Report

June 14, 2006

Item 6.a

- SUBJECT:** PAP-93, Appeal of Case PADR-1472
- APPELLANTS:** Dennis and Barbara Georgatos
- APPLICANT/  
PROPERTY OWNERS:** Peter Shutts / Stan and Stacey Knight
- PURPOSE:** Appeal of the Zoning Administrator's approval of an Administrative Design Review application to construct 1) an approximately 180 square-foot covered patio, 2) an approximately 229 square-foot first floor addition on the rear, and 3) an approximately 1,251 square-foot second story addition over part of the center and side portion of the existing home.
- GENERAL PLAN:** Medium Density Residential (2 to 8 dwelling units per gross acre)
- ZONING:** R-1-6,500 (Single-Family Residential) District
- LOCATION:** 779 Mirador Court
- ATTACHMENTS:**
1. Location Map
  2. Exhibit A, Site Plan, Line of Sight, Shadow Study, Floor Plan's, Elevation Drawings, Roof Plan, and Building Section's dated "Received June 5, 2006"
  3. Exhibit A.1, Applicants Elevations Request
  4. Exhibit B, Draft Conditions of Approval
  5. Exhibit C, Meeting Notes dated "February 15, 2006"
  6. Exhibit D, Zoning Administrator Staff Report dated "March 9, 2006"
  7. Exhibit E, Zoning Administrator Meeting Minutes dated "March 9, 2006"
  8. Exhibit F, Individual Meeting Notes
  9. Exhibit G, Written Statement from the Knights'
  10. Exhibit H, Zoning Administrator Action Report dated "April 13, 2006"
  11. Exhibit I, Zoning Administrator Meeting Minutes dated "April 13, 2006"
  12. Exhibit J, E-mail from Tim Bennett dated "March 30, 2006"
  13. Exhibit K, Neighborhood Aerial of Second Story Homes
  14. Exhibit L, Park Place Appraisal of 790 East Angela
  - Exhibit M, Public Comments

16. Exhibit N, Comments and Location Map
  17. Exhibit O, Photographs of the Subject Property and Neighboring Properties
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## **BACKGROUND**

Peter Shutts, architect, submitted an application for Administrative Design Review approval on February 2, 2006 to allow the construction of a covered patio and first and second floor additions to the side and rear of the existing single story residence located at 779 Mirador Court. Pursuant to the Administrative Design Review process, staff notified the surrounding properties and in response to the notification, three neighbors, Dennis and Barbara Georgatos, 790 East Angela, Ron Imperiale, 798 East Angela, and Tim Bennett, 784 East Angela, expressed opposition to the additions, and requested a public hearing.

### **February 15, 2006 Meeting**

At staff's request, on February 15, 2006, the concerned neighbors, property owners of the subject site, and their architect, Peter Shutts, met in hope of reaching an agreement between the parties prior to a Zoning Administrator Hearing. During the meeting, the neighbors restated the following concerns about the second-story:

- Loss of privacy;
- Shadowing;
- Loss of view;
- Eye sore;
- Decline in property values; and
- Out of character with neighborhood.

Staff asked if the neighbors would support the second story addition if landscape screening, opaque glass, and/or higher windowsills were required; however, none of the neighbors indicated that those, in their opinion, would mitigate the impacts of the addition.

An agreement could not be reached between the two parties and a Zoning Administrator Hearing was scheduled. Staff would like to note that meeting notes for the February 15 meeting can be found in Exhibit C.

### **March 9, 2006 Zoning Administrator Hearing**

At the public hearing on March 9, 2006, staff presented and recommended that the Zoning Administrator approve the proposed project subject to the conditions of approval listed in Exhibit B of the staff report dated "March 9, 2006". After listening to the comments and concerns of the neighbors and applicants, the Zoning Administrator, Ms. Decker, decided to continue the project so that she could; 1) meet with all parties individually to discuss their concerns; and 2) conduct a site visit to the neighborhood (please see Exhibit D for the March 9, 2006 Zoning Administrator staff report and Exhibit E for the meeting minutes).

### **Individual Meetings and April 10, 2006 Site Visit**

Ms. Decker and staff meet with the involved parties, on an individual basis, (please see Exhibit F for individual meeting notes), to listen to and discuss their concerns in a more informal manner. Staff would like to note that the Knights' submitted a written statement in lieu of a meeting with Ms. Decker, see Exhibit G, due to scheduling conflicts. During these meetings, the neighbors restated their concerns of the proposed second story addition and stated that there were no viable mitigation measures would not suffice for the approval of the proposed second-story addition other than restricting an addition to single-story or that perhaps the Knights should move else where. On April 10, 2006, Ms. Decker conducted site visits to 790 East Angela, 798 East Angela, 779 Mirador Court, and the surrounding neighborhood. During these visits, Ms. Decker assessed potential impacts from the proposed addition and discussed with the Georgatos' and the applicants possible mitigation measures; 1) relocating the master bedroom windows to the east and west elevations; 2) adding trees to soften the appearance of the addition and mitigate privacy concerns; and 3) moving the stairway further to the east, which in turn would decrease the square footage and eliminate a small portion of the second story addition.

As of April 12, 2006, the applicants were the only ones supportive of the mitigation measures that had been discussed in the field, with the exception of moving the stairway. The applicants felt that the neighbors were dictating what an acceptable square-footage for a house should be and if they eliminated a portion of the addition the neighbors would still not be happy. The applicants stated that they were willing to look into reducing the square footage by reducing the size of the rooms on the second floor, however the rooms are small in size already. The applicants expressed that they are not asking for anything that has not already been approved by the City in their zoning district.

### **April 13, 2006 Zoning Administrator Hearing**

At the second public hearing on April 13, 2006, the Zoning Administrator discussed the outcome of the individual meetings and site visits (please see Exhibit H for the Zoning Administrator action report and Exhibit I for the meeting minutes). Those present at the hearing, Mr. Imperiale and the Georgatos', felt that the mitigation measures that had been discussed in the field and during meetings did not address their concerns and adding trees and moving and/or creating high windowsills would not suffice and no compromise could be reached. Staff would like to note that Tim Bennett could not attend the hearing and submitted an e-mail stating his concerns (please see Exhibit J). The Zoning Administrator found that the opposing neighbors would only be satisfied if the second story addition was eliminated. The Zoning Administrator supported staff's recommendation and approved Case PADR-1472, subject to the conditions shown in Exhibit B of the staff report dated "April 13, 2006" for the following reasons;

1. The addition would adhere to all height, FAR, and setback regulations of the Pleasanton Municipal Code;
2. The height of the addition is not maximized. The maximum allowable height is 30-feet, as measured from the midpoint of the roof. Typically a single story structure is 25-feet to the ridge, yet the proposed project is 24-feet at the highest point. Therefore, it is less than a single-story structure and similar to that of recently approved one-story homes, thus minimizing the visual impacts;
3. The existing house is on a pad approximately 12-feet lower than the homes to the rear, thus minimizing the view of the addition;

4. There are 3 types of existing deciduous and 3 types of existing non-deciduous mature trees in the rear yard, thus minimizing the visual impact of the addition;
5. The roof lines of the addition vary, with an average height of 21-feet, thus breaking up the mass of the addition;
6. The applicants agreed to install transom bedroom windows facing the rear, thus minimizing privacy impacts;
7. The applicants' addition is setback 25-feet from the rear property line, which is 5-feet more than required per the Pleasanton Municipal Code;
8. There are no view easements benefiting the adjacent neighbors;
9. The applicants agreed to plant additional trees to further reduce visual impacts, if so desired; and
10. The applicants are not requesting any variances to any of the Pleasanton Municipal Codes.

Prior to and since the Zoning Administrator hearings, staff has worked with both the applicants, appellants, and neighbors to discern if there are mitigations both parties may be willing to accept to allow the project to move forward without additional public hearings; however, this mediation process has been unsuccessful. Therefore, the application is now before the Planning Commission for review and consideration.

## **SITE AND NEIGHBORHOOD DESCRIPTION**

### **Site Description**

The subject property is a residential interior lot that measures approximately 7,815 square-feet in area. The majority of the lot is flat with a relatively steep 19-foot slope at the rear of the property. The subject property is developed with a 1,542 square-foot single-story residence with an attached two-car garage. The pad elevation is approximately 12-feet below the pad elevations of the homes located directly to the rear of this site. The concerned neighbors' and appellants' homes are to the rear and are single-story residences. The home located to the west, 771 Mirador Court, is a two-story residence and the home located to the east, 787 Mirador Court, is a single-story residence. Staff would like to note, as a point of reference, that the appellants' home is located directly behind the subject property at 790 East Angela.

### **Neighborhood Description**

The existing neighborhood is comprised of both single and two-story homes that vary in architectural style and massing. The existing house next door to the applicants' house, 771 Mirador Court, is two-stories and there are two other two-story houses located on the court, 786 and 795 Mirador Court. The Neighborhood Aerial of Second Story Homes (please see Exhibit K) illustrates the number of single and two-story homes throughout the neighborhood. The neighborhood shown on the Neighborhood Aerial of Second Story Homes has a "bowl" topography effect. Mirador Drive has a gradual downward slope from Bernal Avenue to Bonita Avenue then an upward slope towards Kottinger Drive. East Angela Street has a slight downward slope from Bernal Avenue then upward towards Lomitas Drive. The residences located on Abbie Street, Bonde Court, East Angela, and Mirador Court are terraced on a downward slope, Abbie Street being the highest and Neal Place being one of the lowest.

## **Two-Story Homes on Mirador Court**

As previously mentioned, the subject neighborhood is comprised of single and two-story additions, please see Exhibit C. Staff notes that there are three two-story homes on Mirador Court, 771, 786, and 795; please see Exhibit O. This is an older neighborhood (1959) and there are few public records regarding original construction. Since staff is unsure whether these houses were constructed, originally or with additions, as two-story's, there are no mitigations required for this addition. Like the subject property, the three two-story homes on Mirador Court have lower elevation-building pads than the houses' located to the rear of the properties.

### **PROJECT DESCRIPTION**

The Administrative Design Review process is required for additions to single-family residences. Upon receiving the application, the proposed project is checked for conformity with the required development standards for the zoning district, compatibility of the proposal with the existing structure, and any potential effects on neighboring properties. Notices are sent to all adjacent property owners and other parties who may be visually or physically affected by the project. If no one requests a Zoning Administrator hearing within seven days of the noticing, the project is approved or conditionally approved. In this case, a request for a Zoning Administrator hearing was made.

The Georgatos' (the appellants) appealed the Zoning Administrator's approval of the application to allow the Knights' (the applicants) to construct the following: 1) an approximately 180 square-foot covered patio; 2) an approximately 229 square-foot first floor addition on the rear; and 3) an approximately 1,251 square-foot second story addition over the garage and new living room area and extend across approximately one half of the existing home. The addition would be located in the northeastern and southern portion of the lot. The first floor addition would include relocating and expanding a new covered patio and living room. The second floor addition would include a new master bedroom and bath, 2 bedrooms, and a bathroom.

The applicants also plan to expand the driveway pad and construct a new parking pad. A condition of approval was added and approved by the Zoning Administrator that the applicants shall plant vegetation on both sides of the driveway pad along the west elevation, in order to soften the appearance and maintain an attractive street façade. The applicants also plan to enhance the front and side elevations of their existing house by changing the materials and colors of these elevations. In the R-1-6,500 Zoning District, façade material and color changes, such as those proposed, and the new expanded driveway is not subject to Administrative Design Review approval.

### **ANALYSIS**

Since the original submittal, the architect has made some plan revisions: 1) the actual lot size is 7,815 square-feet and not 8,378 square-feet; 2) the existing square-footage of the home is 1,542 and not 1,396 square-feet; 3) the first floor addition is actually 292 square-feet and not 441 square-feet, therefore changing the proposed FAR from 36.8% to 39.4%; 4) the driveway parking pad area is approximately 50 square-feet smaller; 5) the second story addition is in fact setback 20-feet and therefore meets the front yard setback for the R-1-6,500 zoning district; 6) site plan that includes a partial building footprint of 787 Mirador Court; 7) cross section illustrating the height of the power poles, change of elevation of the subject property, and a line of site drawing from 790 East Angela; 8) shadow analysis of 787

Mirador Court; 9) second floor plan illustrating two casement windows on the east elevation, 10) elevations illustrating the transom windows on the rear (south) and two casement windows on the side (east) elevations; and 11) additional building sections of the subject property. The items listed above are reflected on the site plans, dated “Received June 5, 2006”, presented before the Planning Commission (Exhibit A).

The subject property is zoned R-1-6,500 (Single-Family Residential District). As shown in the table below, the proposed project would adhere to the site development standards of this district.

**Applicable Standards for Additions in the R-1-6,500 Zoning District**

<b>Standards for R-1-6,500</b>	<b>Required</b>	<b>Proposed</b>	<b>Pleasanton Municipal Code Compliance</b>
F.A.R.	40% max.	39.4%	✓
Front Yard Setback	15ft min. for side entry garage 20ft min. for main house	15ft side entry garage 20ft to main house	✓
One / Both Side Yard Setbacks	5ft / 12ft min.	8ft / 16ft	✓
Rear Yard Setback	5ft min. covered patio 20ft min. main house	16ft covered patio 25ft main house	✓
Height	30ft max. (as measured from grade to the midpoint of the roof)	24ft (at highest point)	✓
Side Yard Separation	17ft min. or 20ft min. if changing the side yard setbacks	No change to side yard setbacks	✓
Driveway	24ft maximum curb cut width	24ft curb cut width	✓

**Shadow Analysis**

As illustrated in the shadow study, found in Exhibit A, the second-story addition would have a minimal affect on 787 Mirador Court. During the winter and summer months a small portion of the northwest portion of the neighboring property would have a shadow cast on it. The shadowing on the property would not deprive the property owners of future solar panels, should they be desired, or create more of a shadow than currently exists from the mature trees along the east elevation of the subject property. Since the houses located directly behind the subject property have higher building pad elevations, approximately 12-feet, the proposed second-story would have little, if any, affect on those properties. Staff would like to note that if 7-foot solid fences were constructed along the rear of the subject property and adjacent neighboring property, those would have more of an affect on the properties than the second-story due to the elevation change in topography of approximately 12-feet, existing bank and fence heights (please see the line of sight drawing in Exhibit A).

Of the four opposing neighbors who have voiced concerns about loss of sunlight and shadowing effects, it is staff's opinion, based on the shadow study, that the only one affected by the second-story would be the next-door neighbor (Martha Wensel, 787 Mirador Court); which is still minimal and not more than what is currently received by the landscaping. Since Mr. Imperiale's property, 798 East Angela, is located southeast of the subject property, and elevated higher, it does not appear that there will be a loss of sunlight that is currently received. Mr. Bennett and the Georgatos' property would experience very minimal amount of shadowing on the unused downslope northern part of their properties during the early morning hours, however because of the elevation change it is staff's opinion that it will not have an effect on recreational or habitable space areas.

## **NEIGHBORHOOD COMMENTS**

### **In Support of the Project**

1. William Sears, 770 Mirador Court, has lived on the Court for 39 years and is in support of the project. He has reviewed the plans and feels that they have met all the necessary requirements of the City, and have reduced the requirements to help satisfy other neighbors. He feels that the most important issue is that the residence belongs to the Knights and feels that the Knights are within their rights to enlarge their home. Mr. Sears believes that having a fourth two-story home on Mirador Court would not adversely affect anyone's property values, but rather increase it for the entire neighborhood.
2. Jim & Cassandra Barby, 795 Mirador Court, are in support of the project. They have reviewed the plans and feel that the addition will fit in perfectly with the surrounding homes. They stated that the neighborhood is a mixture of both single and two-story homes and the addition will add value and will be aesthetically pleasing.
3. Erin Murphy & Shawn Gentile, 778 Mirador Court, are in support of the project. They feel that the project is a matter of right provided that the Knights' have complied with all zoning and permitting requirements imposed by the City. They believe that because the Knights' are not asking for a variance or other special considerations, the project should have been approved automatically. Ms. Murphy feels that as a resident, and voter, of Pleasanton, the time to address zoning requirements is when they are established. She stated that the community as a whole has decided what is and is not acceptable as a community. She feels that a few unhappy neighbors should not have the power to undermine what the community as a whole has determined. Ms. Murphy and Mr. Gentile understand that a small minority of the neighbors may be distressed by changes that may occur to their view and light source and feel it is ridiculous that opposing neighbors have the power to delay the project on the basis that those opposed do not want it. Ms. Murphy said that when the opposing neighbors raised concerns, the Knights' agreed to downsize square-footage to accommodate concerns. She stated that their neighborhood has existing two-story homes, with 25% of Mirador Court being two-story homes and East Angela with a similar, if not higher, percentage. Ms. Murphy feels that Knights' project will fit within the overall look and feel of the neighborhood. She believes that as property owners, there is an obligation to understand what changes may occur in a neighborhood and one cannot buy a home in an area with multiple two-story homes and then complain when another one is added. Ms. Murphy feels that the project would make the home nicer and add value to the Knights' home as well as surrounding homes.

4. Lou & Diane Zevanove, 771 Mirador Court, are in support of the project. They built and have resided at their two-story home for the last 44 years. They understand the impact of the new, but similar, addition to the area. They have reviewed the plans and asked questions at the Planning Department. They find the addition to be conforming and state that the view blocking will be only slightly greater than their home. They believe the addition will provide progression for neighborhood values and improve aesthetics. They would like to note that after they built their home, they were surprised that the lots to the rear, East Angela, were graded higher than expected. Although their privacy was compromised because of this, the view over their roof was improved for the homes on East Angela.
5. Joseph & Eleanor Keller, 786 Mirador Court, are in support of the project. They have discussed the Knights' objectives and reviewed the drawings with them. They feel it would be an excellent addition to the neighborhood and feel that the façade is attractive. They state that the enlarged space makes it more inviting and the larger space will be attractive for the Knights as well as future owners. The Kellers' are owners of one of the three other two-story homes on Mirador Court. They do not believe that adding a fourth is detrimental and feel it is refreshing to see that the project brings a variety of architectural designs to the neighborhood. The Kellers' stated that Mirador Court has seen many families and it is refreshing to see younger children continue to live on the Court. Seeing younger children and finding a two-story home was a large attraction for them when they sold their single-story house at 581 Bonita in 1975 to buy their current residence. After talking with staff, they realize that the Knights are not seeking any variances and they have accommodated objections from others.
6. Barry & Robin DeMartini, 763 Mirador Court, are in support of the project. They do not have any problem with the Knights' proposal of a second-story. They have been informed of the Knights' plans and of the modifications to please the neighbors. They feel the plans are fair and more than accommodating.

### **Opposed to the Project**

The four neighboring property owners listed below, three of which reside to the rear and one to the side (east) of the subject property, have expressed opposition to the project stating that the second-story addition would:

- Obstruct and diminish their view
  - Be an eye-sore
  - Devalue the future property values of their homes
  - Reduce their privacy
  - Be incompatible with the neighborhood design
  - Restrict daily sunlight
  - Change the "complexion" of surrounding homes
  - Set a precedent and create consequences in the neighborhood
  - If the Knights need a larger home then perhaps they should move
1. Martha Wensel, 787 Mirador Court, is no longer in support of the project. Ms. Wensel is the adjacent neighbor to the east of the subject property and feels that the project will negatively affect



her property because the second-story would block sunlight from her side yard and house in the afternoon. She feels that this is an infringement and would include negative visual impacts of decreased light received in her windows during the winter. Ms. Wensel continues by saying that the shadowing would increase mold and moisture problems in the rooms directly affected during the wet winter months, she says this problem already exists and will be exacerbated, and the current landscaping will also be affected (please see the shadow study found in Exhibit A). Ms. Wensel stated a less serious negative impact from the addition would be visual. She stated that she would experience a change in character when occupying the backyard because the second story would reduce the spacious, tranquil, seemingly rural and private nature of her backyard. Ms. Wensel stated Mr. Imperiale, the neighbor directly behind Ms. Wensel, has stated that if the project is approved he intends to build a 7-foot tall solid fence where an existing 5-foot deer fence is. Ms. Wensel feels that this would also cause serious shading of a greater expanse of her landscaping and because of the difference in elevation between Mr. Imperiale's and her property the net visual effect will seem worse. Ms. Wensel also feels that a potential effect from the proposal is a reduction in efficiency and capacity of solar panels should they be installed in the future. She feels that with gas and electricity costs rising, solar panels are becoming appealing, but could become economically untenable due to the shading. Ms. Wensel feels that the story poles and shading analysis were inadequate in revealing the true impact on her property. She believes that the story poles did not accurately reflect the true elevations of the proposed addition due to errors on the original architectural plans, as placement of windows in the second-story were changed due to unanticipated privacy infringement upon the Angela Street property directly behind the Knights'. Ms. Wensel stated that in trying to be a good neighbor, she has expressed concern but not opposition to the project. However, after careful consideration of the consequences the addition will create with the resulting change in fencing behind her she must oppose the project. She believes that her home will be damper and darker during the winter, existing landscaping would have to be relocated and replaced with species that are more shade tolerant at her expense, and the potential benefit of solar power will be diminished should she ever choose to take advantage of it. Staff would like to note that the shading analysis that Ms. Wensel refers to in her letter is similar to, but is not, the shading analysis that is included in the plans submitted before the Planning Commission. Also, the story poles that Ms. Wensel is referring too were constructed in March and are not the story poles that have been reconstructed by the property owners in May.

2. Dennis and Barbara Georgatos, 790 East Angela, are the appellants and are not supportive of the second-story. They have expressed concerns with the second-story blocking their view, devaluing their home, and reducing their privacy. The Georgatos' home is located directly behind, and elevated approximately 12-feet above, the subject property with a setback of approximately 35-feet from the shared rear property line. The distance between the Georgatos' home and the addition is approximately 60-feet. There are also a few mature trees along rear of the two properties. The Georgatos' feel that the proposed addition is not compatible with the neighborhood and that the second-story windows would infringe on their rear yard, family room, and bedroom privacy. They feel that transom windows, as shown on the plans, and adding additional landscaping would not alleviate their privacy concerns. They do not wish to look at a second story addition while in their home and backyard area and would like to maintain the current view and property value of their home, please see Exhibit L. They feel that the story poles that were constructed in March were inaccurate and did not fully portray the effects they feel the second story will have on their property. The Georgatos' are fine with the single-story addition; however do not feel that there are any mitigation measures that would suffice for the approval of the second story. If the Planning

Commission is going to support the second story addition, they would like the following as a part of the conditions of approval:

- A 7-foot fence, (6-foot solid and 1-foot lattice) paid for by the applicants, to replace the existing 4-foot 6-inch fence along the rear of their property;
- Non-deciduous trees that would not grow to a height above the elevation of the second-story so that there is no removal of additional skyline;
- Elimination of any new windows on the rear elevation; and
- Reduction in square-footage, e.g. moving the stairs towards the east elevation, in order to keep some of the view they currently receive.

3. Ron Imperiale, 798 East Angela, is not supportive of any second-story addition. Mr. Imperiale's property is located to the rear and not contiguous to the subject site, but rather one lot to the east of the Georgatos' property. His property is also elevated approximately 12-feet above the pad height of the home on the subject site, with existing mature trees on the northwestern corner of subject property and near Mr. Imperiale's property. Mr. Imperiale believes that: 1) the neighborhood was not designed to have a second-story home in that location; 2) his privacy would be compromised; 3) the second-story would be intrusive and an eye sore; 4) it would have a negative impact on future property values; 5) his view would be obstructed and diminished; 6) his daily sun light would be restricted; and 7) the second-story addition would change the "complexion" of his home and surrounding homes. Mr. Imperiale feels that the neighborhood was designed and staged on a hill with all the homes moved back or forward on their property lines so there would be privacy and still afford a view and ample sunlight. Mr. Imperiale believes that if the project were supported, it would change the design and degrade the original planner's intent and design of the neighborhood. He is fine with a single-story addition; however, if the second-story were to be approved he requests the following:

- That no additional landscaping be planted; and
- A 7-foot fence on his rear property line to be construction to match the existing fencing and paid for by the applicants.

4. Tim Bennett, 784 East Angela, is not supportive of any second-story addition. Mr. Bennett's property is not contiguous to the subject site, but rather one lot west of the Georgatos' property. As proposed, the second-story would be added to the portion of the home furthest from Mr. Bennett's property; which is also elevated approximately 12-feet above the pad height of the subject property, with existing mature trees on southwest corner of the subject site near Mr. Bennett's rear corner. Mr. Bennett opposes the addition because the second-story would remove privacy from his back yard and house, obstruct his view, and devalue his property. He is fine with a single-story addition and does not believe that there are any mitigation measures that would suffice in the approval of a second-story. If the addition were to be supported, he requests that:

- The second-story be pushed back;
- Additional trees be planted on the southwest corner portion of the subject property; and
- An increase in fence height for his existing 8-foot tall fence.

Staff would like to note that neighborhood and staff correspondences can be found in Exhibit M, a Comments and Location Map, that illustrates where the neighbors are located in relationship to the subject property, in Exhibit N, and photographs of adjacent neighbors' properties in Exhibit O.

### **Applicants' Response to Neighbor Opposition**

The applicants understand the neighbors' concerns; however, they feel that they are well within the Code requirements and are not asking for anything special: no variances are requested; there are no special view easements on the property. The wall of the second floor addition is setback approximately 25-feet from the shared rear yard property line, which is 5-feet more than the minimum setback required by the Pleasanton Municipal Code. The appellants' property is setback approximately 35-feet from the shared rear yard property line, which puts the building separation of the proposed second story addition and the appellants' home at approximately 60-feet. To protect the appellants' privacy and to soften the architecture, the applicants have agreed to plant two (2) trees between the addition and the southern side property line that will grow no higher than the ridgeline of the second-story addition. The applicants also agreed to modify the second floor windows, facing the appellants' property, with transom windows that have a sill height of 6-feet or higher to mitigate the Georgatos' privacy concerns.

The applicants are also willing to pay for the 7-foot fence on the appellants' property, if the Georgatos' concede to allow the rear facing windows that were originally proposed, but were removed during previous redesigns. Since a 6-foot fence on the Georgatos' property would be equivalent to the 6-foot sill height, the applicants, as well as staff, feel that this would still mitigate the Georgatos' privacy concerns and allowing the original windows would not infringe upon their privacy. Staff would like to note that while the Knights' have expressed their willingness to pay for the 7-foot fence, a condition of approval has not been added given that the fence is not on the shared property line and therefore would have to be an agreement between the two private parties. Staff would like to note that the window modification that the applicants are requesting can be found in Exhibit A.1 and are reflected in Exhibit B.

The applicants have also indicated that they would provide landscaping on the southwest corner of the subject property to mitigate Mr. Bennett's privacy concerns. While the applicants are willing to pay for the Georgatos' fence they are not willing to pay for an increase in fence height for Mr. Bennett's existing 8-foot fence nor a new 7-foot solid fence for Mr. Imperiale. Staff would like to note that an 8-foot fence is the maximum allowed per the Pleasanton Municipal Code and therefore staff does not support an increase in Mr. Bennett's existing 8-foot fence. The applicants, along with Mr. Bennett, feel that he is the least affected by the addition and the applicants do not find it necessary to provide him with a higher fence. The applicants do not want to pay for a new fence for Mr. Imperiale because his home is elevated higher and providing a solid fence would further impact Ms. Wensel's property. The applicants, as well as staff, find it contradictory that Mr. Imperiale and the Georgatos' would like to maintain their views, yet would like a 7-foot solid fence constructed that would result in completely blocking views from their rear yards. Additionally, if the applicants were required to construct a 7-foot fence for the Georgatos', then the Georgatos' current view would be further blocked by the fence that they are requesting.

Another suggestion that the applicants voiced to staff was the elimination of the master bedroom window on the west (right) elevation, towards Mr. Bennett's property. The applicants would be willing to do this if the windows on the east elevation, towards Ms. Wensel's property, be replaced with two

double hung separated casement windows. The applicants feel that the removal of the window on the west elevation would mitigate privacy concerns that Mr. Bennett has. The east (left) elevation has existing mature trees that would provide screening of windows and the second-story in general. The removal and modification of the windows can be found in Exhibit A.1 and are reflected in Exhibit B.

The applicants feel that they have accommodated the neighbors' concerns by construction and reconstructing story poles, painted the roof to show the length of the proposed addition, agreed to add additional landscaping, modify windows to address privacy concerns, and provide fencing. The applicants are open to additional mitigation measures, so long as they are reasonable. The applicants have also expressed their willingness to reduce the size of the addition; however given the opposing neighbors' overall objections to a second-story the applicants feel the effort to do a redesign will not alleviate the likelihood of future appeals.

## **DESIGN REVIEW CRITERIA**

Per Chapter 18.20 of the Pleasanton Municipal Code, projects are evaluated by the following design criteria:

*1. Preservation of the natural beauty of the City and the project site's relationship to it.*

**Staff analysis:** The proposed project is an addition to an existing house, is well designed and will not negatively affect the natural beauty of the city.

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

**Staff analysis:** Staff believes the house is well designed. The proposed colors and materials for the addition would be consistent in color, material, and scale with the existing residences and would preserve and enhance the residential character by continuing to be harmonious with the neighborhood. The proposed project is expanding the building envelope; however it is still maintaining more than the required setbacks to the property lines. The scale of the addition is in keeping with other homes in the neighborhood. The neighborhood has a mixture of single-story and two-story structures. Staff finds that a second-story addition at this location will be in harmony with adjoining buildings and will blend in with the neighborhood character and does not impact public views. Staff would like to note that per the Pleasanton Municipal Code, the maximum house height allowed is 30 feet, as measured to the midpoint of the roof. In this subdivision, homes taller than 30-feet are allowed, subject to Design Review approval. Therefore, the proposed addition height is substantially lower than the maximum height allowed, and is more similar to what is typically required for a one-story house than for a two-story house. The rooflines are broken up with the average roof height being 21-feet and the highest point being 24-feet. In the subject subdivision, there is no restriction requiring the home on the subject property to be one-story. As previously mentioned, the subject site's building pad is approximately 12-feet lower than the house's located behind it. Also, the rear yard setback is 5-feet more than required, resulting in a building separation of 60 feet and there are at least 6 mature trees along the back and side of the property providing screening. There is also a condition of approval that up to two trees be planted along the rear property. Furthermore, the second story addition is over 61% of the existing roof and not the entire house; thus minimizing impacts.

*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.*

**Staff analysis:** The project preserves and enhances the residential character of the neighborhood by maintaining neighborhood compatibility and supporting the existing character and development pattern of the neighborhood by integrating the proposed addition and pursuing a design that is compatible with adjacent residences. Staff finds that the proposed craftsmen style of the house is appropriate because of the attention to detail and low roof pitch. The craftsmen architectural style allows for features of the existing house to be maintained and, in staff's opinion, would continue to be in keeping with the neighborhood design and architectural style with other homes on Mirador Court. The subject property has mature trees along the rear and side of the property that allows for screening and privacy; which is in keeping with the landscaping on the properties located to the rear and side. The planting of up to two trees, located generally between the addition and the southern side property line, was a part of the conditions of approval to soften the architecture and provide additional privacy. Staff notes that transom windows, with a minimum 6-foot windowsill, were also part of the conditions of approval to further mitigate privacy concerns. The building pad is lower than the opposing neighbors', creating the appearance of looking at a single story home, from the properties located behind the addition, and there are other two-story homes located on the Court; therefore maintaining a harmonious relationship with neighborhood character. The rear and side yard setbacks are more than what is required, and the project adheres to the Pleasanton Municipal Code requirements for the R-1,6500 Zoning District, thus maintaining the relationship with the other homes in the neighborhood in the zoning districts.

*4. Preservation of views enjoyed by residents, workers within the City, and passersby through the community.*

**Staff analysis:** The proposed addition will not disturb the views of workers within the City or passersby through the community. Staff would like to note that the current height of the residence as a one-story structure is 15-feet. With the second story addition, the residence will be 24-feet high at its highest point with an average height of 21-feet. Although the adjacent neighbors would see the proposed project, there are no private view easements granted for the subject property or surrounding neighbors. Also, there are no City or homeowner's association restrictions in place to prevent second-story additions in this neighborhood.

*5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape.*

**Staff analysis:** No landscaping was proposed as a part of this project. However, as conditioned, the applicants are required to plant up to two trees generally between the addition and the southern side property line to soften the architecture of the second story addition as well as provide privacy. The trees to be planted are not to grow higher than the second-story ridgeline of their home. A condition of approval has been added to reflect this mitigation measure. Staff notes that the subject property has 3 types of non-deciduous trees from the evergreen species and 3 types of deciduous trees (American Sweet Gum, Japanese Maple, and Flowering Pear). As shown in Exhibit O, the subject property has a vast amount of mature trees along the side and rear of the property that provide privacy and screening of the proposed addition.

6. *Relationship of exterior lighting to its surroundings and to the building and adjoining landscape.*

**Staff analysis:** No additional exterior lighting is being proposed with this project.

7. *Architectural style, as a function of its quality of design and relationship to building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings.*

**Staff analysis:** The architectural style is compatible with the neighborhood and the function of design and relationship to the surroundings. The project proposes to use the same colors and materials of the existing residence. No mechanical equipment or other utility hardware was proposed with this project.

8. *Integration of signs as part of architectural concept.*

**Staff analysis:** No signage was proposed with this project.

9. *Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993).*

**Staff analysis:** No miscellaneous structures, street furniture, or public art were proposed with this project.

## **PUBLIC NOTICE**

Staff sent notices of the Planning Commission's public hearing on this item to all property owners and residents located within 1,000-feet of the subject property on June 1, 2006. As of the drafting of this report, staff has received comments from the adjacent neighbors, which are attached as Exhibit M.

## **ENVIRONMENTAL ASSESSMENT**

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) sections 15301(e)(2). Therefore, no environmental document accompanies this report.

## **CONCLUSION**

Staff is sympathetic with the neighbors' concerns; however, staff believes the addition is well designed and adheres to the Pleasanton Municipal Code requirements. In staff's opinion, the applicants are not proposing anything unusual and as conditioned, the addition would not result in negative impacts to the privacy of surrounding properties. As previously mentioned, the applicants' house pad is approximately 12-feet lower than the house pad of the neighbors to the rear and the height of the house is approximately 9-feet lower than allowed per code. Staff would like to note that there are no view easements granted to the subject property or surrounding neighbors and there are no City or homeowners' association restrictions in place to prevent second story additions in this neighborhood. For the reasons listed above, staff believes the project is supportable, as conditioned by staff.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission:

1. Deny Case PAP-93, thereby upholding the Zoning Administrator's approval of Case PADR-1472 subject to Exhibit A and the conditions of approval listed in Exhibit B.

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