



# Planning Commission Agenda Report

July 25, 2018  
Item 6.a.

- SUBJECT:** Appeal of P18-0101
- APPELLANT:** John Vinci
- APPLICANT/  
PROPERTY OWNER:** Shadi Azizi
- PURPOSE:** Appeal of the Zoning Administrator's approval of an Administrative Design Review (ADR) application to construct an exterior staircase with an exterior door on the second floor of the northern side elevation of the existing residence
- LOCATION:** 6721 Corte Del Vista
- GENERAL PLAN:** Medium Density Residential
- ZONING:** Planned Unit Development – Medium Density Residential (PUD-MDR) District
- EXHIBITS:**
- A. [Draft Resolution and Zoning Administrator Conditions of Approval dated "May 31, 2018"](#)
  - B. [Approved project plans, dated "Received April 10, 2018"](#)
  - C. [Appeal letter from John Vinci dated "Received June 13, 2018"](#)
  - D. [Zoning Administrator hearing minutes dated May 17 and May 31, 2018](#)
  - E. [Letters from the public](#)
  - F. [Location and Notification Map](#)

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## STAFF RECOMMENDATION

Deny the appeal, thereby upholding the Zoning Administrator's approval of Case P18-0101, including all conditions of approval in Exhibit A.

## EXECUTIVE SUMMARY

On May 31, 2018, the Zoning Administrator (ZA) approved Case No. P18-0101, with conditions of approval, for the construction of a new exterior staircase with an exterior door on the second floor of the northern side elevation of the existing residence at 6721 Corte Del Vista. The ZA's approval was appealed on June 13, 2018, by John Vinci based on concerns that the project would create privacy issues, obstruct his existing views of the Pleasanton Ridge, and create excessive noise from occupants entering and exiting the residence through the use of the new exterior staircase and exterior door. Consistent with the ZA approval, staff believes that based

on the distance of the exterior staircase from the appellants' property, existence of substantial vegetation screening, and conditions that require inclusion of a solid screening panel and adjustment of the stairway location to be further from the appellants' property, the project would be compatible with the existing home and neighborhood, and would be compliant with the requirements of the Pleasanton Municipal Code (PMC). Staff therefore recommends the appeal be denied, thereby upholding the ZA action to approve the project, subject to conditions.

## **BACKGROUND**

On April 10, 2018, the applicant submitted an ADR application to construct an exterior staircase with an exterior door on the second floor of the northern side elevation of the existing residence. The application was filed following a Code Enforcement action, in which the City determined the property owner had undertaken construction of an interior staircase and new interior walls without permits.

As required by the PMC's Design Review procedures, notice of the proposed project was sent to neighbors immediately adjacent and/or with a line of sight of the project on April 16, 2018. John Vinci (adjacent property owner to the east at 6730 Paseo Catalina) contacted staff in response to the notice, and requested a hearing with the ZA, indicating concerns regarding the project's potential impacts to his privacy, existing views of the Pleasanton Ridge and potential noise generated from occupants entering and exiting the residence through the use of the new exterior staircase and exterior door.

On May 17, 2018, a ZA hearing was held on the project, and was attended by the applicant and the appellant (please refer to Exhibit D for hearing minutes). At the hearing, the ZA asked the applicant to provide more detail on the rationale for the project and her willingness to modify the project and/or provide mitigation to address Mr. Vinci's concerns. The applicant indicated that she rents two rooms out of the existing residence (rentals of not more than two guest sleeping rooms may be used for lodging or boarding in private homes pursuant to PMC Section 18.32.030.A.) and to maintain some of her own privacy within the home; she preferred her tenant to be able to use a separate entry. The applicant indicated a willingness to provide screening of the upper staircase landing by increasing the height of the solid wood railing that faces Mr. Vinci's property. Mr. Vinci did not accept this proposal.

In discussion, the applicant offered to consider constructing a new interior staircase rather than the proposed exterior staircase. Mr. Vinci supported this concept, and the ZA continued the hearing to allow the applicant time to explore its feasibility. Shortly thereafter, the applicant contacted staff to indicate the interior staircase was infeasible because it would utilize an undesirable amount of interior floor area and also require extensive structural modifications to the existing residence. Accordingly, the applicant requested a date be set for the ZA hearing to reconvene for a determination on the project as originally proposed.

On May 31, 2018, a ZA hearing was held, again attended by the applicant and Mr. Vinci. The applicant reiterated her statements that the interior staircase was infeasible because it would utilize an undesirable amount of interior floor area and also require extensive structural modifications to the existing residence; thus, she requested that the ZA approve the project as proposed. Mr. Vinci maintained his opposition to the project based on his comments stated above. After closing the public hearing, the ZA indicated the exterior staircase would not create substantial privacy impacts due to the existing redwood trees along the rear of the property

that would substantially screen the exterior staircase of views from Mr. Vinci's property, that the same trees currently block most views of the Pleasanton Ridge from his property, and the narrow staircase addition on the northern side of the house would not significantly impact the very limited views he currently has from his property. Additionally, the ZA indicated that the wood materials and solid wood railing proposed for the exterior staircase would help to minimize noise impacts when people walk up and down the stairs as compared to an open metal staircase. Accordingly, the project was approved with conditions of approval to further mitigate potential privacy and noise impacts. Specifically, the Zoning Administrator added condition of approval Nos. 6 and 7 as follows:

6. **SITE PLAN:** Prior to issuance of a building permit, the applicant shall submit revised plans for Planning Division review and approval modifying the location of the exterior staircase such that the landing area at the bottom of the staircase is approximately 36 inches from the closest edge of the existing air conditioner condensing unit on the north side of the residence.
7. **SCREENING:** Prior to issuance of a building permit, the applicant shall submit revised plans for Planning Division review and approval modifying the height of the solid wood panel on the rear elevation at the top of the exterior staircase from three feet, six inches to six feet in height. This solid wood panel shall include the same trim features as the solid wood panels shown on the side elevation of the Approved Plans.

The intent of condition Nos. 6 and 7 was to provide additional screening and noise mitigation. With condition No. 6, staff estimates the exterior staircase would shift approximately six to 12 inches away from Mr. Vinci's property while still maintaining the minimum landing area of 36 inches required by the Building Code. Additionally, as part of the ZA determination, it was noted that, as conditioned, the project would be compatible with the existing home and neighborhood, and would be compliant with the requirements of the PMC (including all applicable site development standards such as setbacks and height).

Mr. Vinci filed an appeal of the Zoning Administrator's approval on June 13, 2018, attached as Exhibit C, indicating that his concerns were not adequately addressed. Accordingly, Mr. Vinci's appeal is before the Planning Commission for consideration.

### **SITE AND AREA DESCRIPTION**

The subject property is located in the Del Prado neighborhood, just south of the Valley Trails neighborhood. The approximately 6,850-square-foot lot has an approximately 2,018-square-foot two-story residence and an attached two-car garage. The exterior of the home includes wood siding and stucco walls, wood trim, and a composition shingle roof. Access to the home is provided by a driveway off Corte Del Vista. The subject property is surrounded on all sides by residential uses. Figure 1 below shows an aerial photograph of the subject property within the context of the Del Prado neighborhood, as well as Mr. Vinci's property at 6730 Paseo Catalina.

**Figure 1: Aerial photograph of project site**



## **PROPOSED PROJECT**

The applicant proposes to construct an exterior staircase with an exterior, solid wood, door on the second floor of the northern side elevation of the existing residence. The exterior staircase would be constructed of pressure treated wood and be set back between approximately seven feet, six inches (at the closest point) and 11 feet from the northern (side) property line; and approximately 40.5 to 41 feet as conditioned by the ZA (COA No. 6) from the rear property line, which abuts the Vinci property at 3730 Paseo Catalina. The maximum height of the staircase, measured from grade to the top of the railing around the upper floor landing, would be approximately 16 feet as conditioned by the ZA (COA No. 7). Other than the new exterior door on the second floor of the northern side elevation, no new window/door openings are proposed on either floor of the existing residence. However, an existing exterior door on the first floor of the northern side elevation would be removed as part of the project. The removal of this door is required to fully remedy the Code Enforcement action on the subject property and is related to the interior staircase that was constructed without permits. As conditioned by the ZA, the exterior staircase and door would be painted to match the exterior colors of the existing dwelling (COA No. 8).

Staff notes that while no interior changes are proposed for the subject residence, the exterior staircase and exterior door would lead into an existing upstairs bedroom that is labeled as a game room on Exhibit B. This game room would still have a closet which allows the space to qualify as a bedroom; however, according to the applicant, this space would double as a foyer and entertainment room for her tenants.

## **STAFF REVIEW/ANALYSIS**

The ADR process is intended to preserve and enhance the City's aesthetic values and to ensure the preservation of the public health, safety, and general welfare. Structures, such as exterior stairs, exceeding 10 feet in height are required to obtain ADR approval. ADR applications are subject to review and approval by the ZA. The subject proposal was heard and approved with conditions by the ZA and since it was appealed, is before the Planning Commission for consideration. Pursuant to PMC Section 8.12.060, appeals to the Planning Commission are to be considered as if the appeal were a new application before the commission (i.e. that scope of review should consider all of the design review criteria, and not just matters raised in the appeal).

### Scope of Planning Commission Action

The Design Review process is intended to preserve and enhance the city's aesthetic values and to ensure the preservation of the public health, safety, and general welfare. Planning Commission review and approval is required for various categories of projects including a new exterior staircase with an exterior door. PMC Section 18.20.030 outlines the scope of Design Review, indicating that the reviewing body shall review "site plans, landscape plans, building architecture, and other such plans as may be required to preserve and enhance the city's aesthetic values and to ensure the preservation of the public health, safety, and general welfare." Note that, even though a proposed project may comply with applicable zoning standards (e.g. setbacks, height limits) the design review process allows the reviewing body to approve conditions which may be more restrictive than normal Code standards, to ensure that the above objectives are met. PMC Section 18.20.030, outlines various design criteria that are to guide the reviewing body's (including the ZA and Planning Commission) scope of review. Among the criteria relevant to the project are the following:

- 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 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 passersby 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/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;

### Site Development Standards

The subject property is zoned PUD-MDR which follows the site development standards of the R-1-6,500 (One-Family Residential) District. However, the construction of open outside stairway, which is permitted, follows the site development standards prescribed by PMC Section 18.84.120.E. A summary of the prescribed development standards for open outside stairways and a comparison of the project to those standards are provided in Table 1 below:

**Table 1: Site Development Standards**

	<b>Required</b>	<b>Proposed</b>
<b>Setbacks</b>		
<i>Front</i>	19 feet minimum	48 feet
<i>Rear</i>	16 feet minimum	40 feet proposed / 40.5 to 41 feet with ZA COA No. 6
<i>Side</i>	3 feet	7.5 feet to 11 feet
<b>Height</b>	30 feet maximum <sup>1</sup>	13 feet proposed / 16 feet with ZA COA No. 7

### Appellant Concerns

As noted above, at the ZA hearing, the appellant, Mr. Vinci, expressed concerns that the project would create privacy issues, obstruct his existing views of the Pleasanton Ridge, and create excessive noise from occupants entering and exiting the residence through the use of the new exterior staircase and exterior door.

### *Staff Response*

As discussed above, the ZA's approval considered concerns raised by the appellant, and as a result, included conditions to address these potential impacts. The conditions included: (1) modifying the location of the exterior staircase to shifting the exterior stairs further away from the residence to the east, with the resultant distance from the shared property line being increased from 40 to 40.5 to 41 feet; and (2) modifying the height of the solid wood panel on the rear elevation at the top of the exterior staircase from three feet, six inches to six feet in height, thereby preventing views towards the residence to the east from the upper floor landing. Staff notes the applicant concurs with these added conditions of approval.

Moreover, the ZA and staff notes that a significant vegetative screen comprised of several 30 to 40-foot-tall evergreen redwood trees (Figures 2-5) currently exists between the subject site and Mr. Vinci's property. In staff's opinion, this existing vegetative screen and the applicant's house already significantly limits views between the two properties, as well as Mr. Vinci's views of the Pleasanton Ridge. Additionally, staff believes it is important to note that the City does not historically provide protections of individual private views between residential properties, especially in smaller lot subdivisions such as this one. The primary reasons for the lack of protections include difficulties in enforcement and potential constraints placed on private property development rights. Therefore, staff does not believe that the project would create privacy issues or obstruct existing views of the Pleasanton Ridge, and that the project would otherwise be consistent with the design criteria in terms of compatibility with adjacent development and the site itself.

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<sup>1</sup>The height of a structure is measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.



**Figure 2: Ground-level view from the approximate location of the exterior stairs upper floor landing looking toward the Vinci property**





**Figure 3: View from the backyard of the subject property looking toward the Vinci property**



**Figure 4: View of the shared rear yard property line with the Vinci property (over fence to the right) from the backyard of the subject property**





**Figure 5: View of the shared rear yard property line with the Vinci property from the backyard of the subject property**



### **PUBLIC NOTICE AND COMMENTS**

Notices of the appeal were sent to surrounding property owners and tenants within a 1,000-foot radius of the site for the Planning Commission hearing. Staff has provided the location and noticing map as Exhibit F for reference. Mr. Vinci's comments have been described above and/or attached as Exhibit D. At the time this report was published, staff had received two letters (emails) and one phone call with comments about the project (Exhibit E). The letters and phone call expressed concerns related to diminished property values attributed to approval and construction of the project, as well as a concern related to the rental of bedrooms within the subject residence.

### **ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

### **ALTERNATIVES**

As outlined in the above analysis, staff believes the proposed project, as designed and conditioned, would be compatible with the site and with adjacent development, and recommends the appeal be denied, thereby upholding the ZA's approval of the project, subject to the ZA's recommended conditions of approval. However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Deny the appeal and approve the project with additional or modified conditions; or

2. Uphold the appeal, therefore denying the project.

### **SUMMARY/CONCLUSION**

The project has been designed to be compatible with the existing home and neighborhood and would meet all applicable site development standards, including setbacks and height. In addition, conditions have been included to mitigate potential privacy and noise impacts to the neighbor at 6730 Paseo Catalina. However, if the Commission finds that the project should be modified, then the Commission may approve the project with modified conditions to reflect its direction. The Commission may also uphold the appeal, and deny the application.

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