

RESOLUTION NO. PC-2018-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON
DENYING AN APPEAL AND UPHOLDING THE
ZONING ADMINISTRATOR'S APPROVAL OF AN
ADMINISTRATIVE DESIGN REVIEW APPLICATION AT 6721 CORTE DEL VISTA FOR
SHADI AZIZI [P18-0101]

WHEREAS, on April 10, 2018, Shadi Azizi applied for Administrative Design Review approval to construct an exterior staircase with an exterior door entrance on the second floor of the northern side elevation of the existing residence at 6721 Corte Del Vista; and

WHEREAS, zoning for the property is Planned Unit Development – Medium Density Residential (PUD-MDR) District; and

WHEREAS, the project is categorically exempt (Section 15301, Class 1, Existing Facilities from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental documentation is required for this project; and

WHEREAS, on May 17 and May 31, 2018, the Zoning Administrator held public hearings and after considering relevant exhibits, recommendations from City staff, and public testimony from the applicant and the appellant, the Zoning Administrator approved the Project as proposed, subject to conditions of approval on May 31, 2018; and

WHEREAS, within the time specified by the Pleasanton Municipal Code, John Vinci submitted an appeal of the decision of the Zoning Administrator with the basis for the appeal including concerns about privacy, view impacts, and noise; and

WHEREAS, at its July 25, 2018, meeting, after receiving a staff presentation and public testimony, the Planning Commission denied the appeal thereby upholding the Zoning Administrator's approval of an Administrative Design Review approval to construct an exterior staircase with an exterior door entrance on the second floor of the northern side elevation of the existing residence at 6721 Corte Del Vista for Shadi Azizi.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: Findings for Design Review Approval

With respect to the approval of P18-0101, the Planning Commission finds that the project was reviewed and approved based on the nine criteria as required by Section 18.20.030 of the Pleasanton Municipal Code which include the following:

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

2. 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;
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;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. 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;
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

With respect to the above criteria, the Planning Commission finds that the project would preserve and enhance the City's aesthetic values and ensure the preservation of the public health, safety and general welfare since, as conditioned, the project complies with the Pleasanton Municipal Code including conditions to mitigate potential privacy and noise impacts to the neighbor at 6730 Paseo Catalina. 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.

Section 2:

The Planning Commission hereby denies the appeal, thereby upholding the Zoning Administrator's approval of Case P18-0101, the application of Shadi Azizi for Administrative Design Review approval to construct an exterior staircase with an exterior door entrance on the second floor of the northern side elevation of the existing residence at 6721 Corte Del Vista, subject to the Conditions of Approval previously included in the Zoning Administrator's approval, as shown in Attachment 1, attached hereto and made part of this case by reference.

Section 3:

This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on July 25, 2018, by the following vote:

AYES: Commissioners
NOES: Commissioners
ABSTAIN: Commissioners
RECUSED: Commissioners
ABSENT: Commissioners

ATTEST:

Ellen Clark
Secretary, Planning Commission

David Nagler
Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**P18-0101
6721 Corte Del Vista
July 25, 2018**

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project whether or not specifically noted herein.

This approval is granted for an Administrative Design Review approval to construct an exterior staircase on the north side of the existing residence located on Assessor Parcel No. 946 4563-176-00 at 6721 Corte Del Vista. Development shall be substantially as shown on the project materials listed below:

- a. Project plans, Exhibit B, prepared by Michael T. Martin for Shadi Azizi, dated "Received" on April 10, 2018, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** The proposed development shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits. Planning Division approval is required before any changes are implemented in site design, grading, architectural design, house colors or materials, green building measures, landscape material, etc.
2. **EXPIRATION – DESIGN REVIEW:** This design review approval shall lapse 1 year from the effective date of approval unless a building permit is issued and construction has commenced and is diligently pursued towards completion, or the City has approved a time extension.

3. **CONDITIONS OF APPROVAL CHECKLIST:** The applicant shall submit a “Conditions of Approval Checklist” indicating all conditions in Exhibit A have been satisfied, incorporated into the building permit plans or improvements plans, and/or addressed. Said checklist shall be attached to all building permit and engineering permit submittals for review by the City prior to issuance of permits.
4. **APPEAL PERIOD:** The building permit submittal will only be accepted after completion of the appeal period provided in the Municipal Code unless the applicant submits a signed statement acknowledging the plan check fees may be forfeited in the event the approval is overturned on appeal, or the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the appeal period.
5. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including without limitation, reimbursing the City its attorneys’ fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

PLANNING DIVISION – 925-931-5600

Site Development and Building Design

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. ***(Project Specific Condition)***
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. ***(Project Specific Condition)***
8. **PAINTING:** Prior to issuance of a building permit, the applicant shall submit revised plans for Planning Division review and approval indicating the exterior staircase will be painted to match the color of the residence. ***(Project Specific Condition)***
9. **BUILDING MATERIALS AND COLORS:** The building materials and colors in the Approved Plans shall be stated on the building permit plans.

Construction Practices and Noticing

10. FINAL INSPECTION: Final inspection by the Planning Division is required prior to final inspection by the Building and Safety Division. **(Project Specific Condition)**
11. WORK HOURS: All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8 a.m. to 5 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier “start times” or later “stop times” for specific construction activities, e.g., concrete pouring. All construction equipment shall meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
12. CULTURAL RESOURCES: If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work shall stop within 20-meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20-meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the State California Environmental Quality Act (CEQA) Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to their authorized representative. A similar note shall appear on the building permit and/or improvement plans.

Fees

13. FEES: The applicant shall pay any and all fees to which the property may be subject, prior to issuance of grading and/or building permits, or prior to recordation of the final map, whichever is applicable. The type and amount of the fees shall be those in effect at the time the permit is issued.

269.00 to June 14th 5:00

925-963-9756 cell



Community Development Department | Planning Division
200 Old Bernal Avenue | P.O. Box 520, Pleasanton, CA 94566
925-931-5600 | pod@cityofpleasantonca.gov
www.cityofpleasantonca.gov

2018 APPLICATION FOR DEVELOPMENT REVIEW

June 13, 2018

Application No(s): P18-0101

Date Filed: _____

I. CHECK TYPE OF APPLICATION(S):

- Administrative Design Review (\$269)
- Appeal (of Case) (\$269)
- Beekeeping (\$161)
- Condominium Conversion (\$2,972)
- Design Review**
 - Minor (up to \$25,000 value) (\$269)
 - Major (over \$25,000 value) (\$1,777)
- Environmental (CEQA) Fees**
- Document Preparation**
 - Staff review of Consultant Work (25% of consultant costs)
- Filing Fees**
 - EIR (\$3,168)
 - Negative Declaration (\$2,280.75)
 - County Clerk Processing Fee (\$50)
 - General Plan Amendment (\$16,015)
 - Growth Management (\$861)
- Home Occupation/Cottage Foods**
 - Non-exempt - no hearing (\$107)
 - Non-exempt - with hearing (\$269)
 - Lot-Line Adjustment (\$463)
- Outdoor Dining/Display (\$150)
- Over-height Fence Permit (\$26)
- Preliminary Review**
 - No Hearing (\$0)
 - With Hearing (\$1,561)
- PUD (Planned Unit Development)**
- Residential**
 - 1 unit (\$3,231)
 - 2-5 units (\$8,077)
 - 6-15 units (\$16,155)
 - 16+ units (\$21,541)
- Commercial**
 - 0-20,000 sq ft (\$3,231)
 - 20,001-60,000 sq ft (\$8,077)
 - 60,001-100,000 sq ft (\$16,155)
 - 100,001+ sq ft (\$21,541)
- PUD Modifications**
 - Minor Modification - existing residential development (\$107)
 - Minor Modification (\$538)
 - Major Modification (\$2,154)
- Reasonable Accommodation (\$26)
- Rezoning**
 - without PUD (\$13,237)
 - with PUD application (\$2,154)
 - Sign Design Review (\$376)
 - Specific Plan/Specific Plan Amendment (25% of consultant costs - min. \$2,154)
- Subdivision Map**
 - Tentative Tract Map (\$4,997)
 - Minor Subdivision (\$538)
- Use Permits**
 - Conditional (\$807)
 - Minor Conditional (\$807)
 - Large Family Daycare (\$1,077)
 - Pets (other than cats & dogs) (\$215)
 - Temporary Conditional (\$150)
 - Administrative Temporary (\$26)
- Variance**
 - General (\$2,434)
 - Developed Residential Lot (\$538)
 - Other _____

II. GENERAL DATA REQUIRED

- A. Name of Applicant (Please Print): John Vihci
- B. Address or Location of Property: 6730 Paseo Catalina
- C. Assessor's Parcel Number(s): _____
- D. Site Area (acres/sq. ft.): _____
- E. Current Zoning: _____ F. Proposed Zoning: _____
- G. Existing Use of Property: Single Family Home
- H. Description of Proposal: Stairway out side the house to make an additional entrance. It was block my view of the mountains and create noise when people came in & out.

(continue on separate sheet if necessary)

(Refer to the appropriate "Informational Handouts" for required submittal information that must accompany this application.)

(continued on reverse)

**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California**

Council Conference Room
200 Old Bernal Ave., Pleasanton
Thursday, May 17, 2018

CALL TO ORDER

The meeting was called to order at 4:30 p.m. by Steve Otto, Zoning Administrator.

Present: Shadie Azizi, Applicant/Property owner; John Vinci, Appellant/Neighbor
Staff: Steve Otto, Zoning Administrator; Eric Luchini, Associate Planner

P18-0101, Azizi, ADR, 6721 Corte Del Vista

Application for Administrative Design Review approval to construct exterior stairs on the north elevation of the existing residence located at 6721 Corte Del Vista. Zoning for the property is PUD-MDR (Planned Unit Development – Medium Density Residential) District.

Mr. Otto welcomed the applicants and public to the Zoning Administration hearing to discuss P18-0101 and asked Mr. Luchini, the project planner, to give a brief overview of the project.

Mr. Luchini briefly explained the project and stated that staff recommends approval subject to the standard conditions of approval.

THE PUBLIC HEARING WAS OPENED.

Mr. Otto invited the applicant to make any comments.

Ms. Azizi, the applicant, stated that she does not want her neighbors to be unhappy with her. She is making this change to her home to provide a source of income for herself.

Mr. Otto asked Ms. Azizi if she understands the zoning regulations concerning the number of rooms she is allowed to rent out. Ms. Azizi answered that she understands that she can rent out two rooms. Mr. Otto confirmed this and clarified that she cannot close the rented rooms off from the rest of the home. That would require an additional process (Accessory Dwelling Unit).

Ms. Azizi asked what Mr. Vinci's objections are to this project so that she can try to accommodate his concerns.

Mr. Otto welcomed Mr. Vinci to speak.

Mr. Vinci stated that his understanding was that it was going to be a game room. He has no trouble with the fact that she wants to rent out rooms, he just doesn't think she should be able to put the staircase because it would impact his view, provoke his dog to bark, increase the noise, and he does not like the way it looks.

Mr. Vinci has talked to some of the other neighbors and they do not like the project either.

Mr. Otto asked Ms. Azizi why she wants to build the staircase.

Ms. Azizi replied that she wants the renters to have an entrance separate from her entrance. She then commented that the person who drew the plans indicated 'game room' although that is not what she intended.

Mr. Vinci stated that no matter what it is, game room or not, he does not like nor does he understand the need for the stairwell.

Mr. Otto and Mr. Vinci reviewed the plans.

Ms. Azizi mentioned that she has been renting the two rooms since she bought the house and asked Mr. Vinci if he has been bothered by any noise. Mr. Vinci answered that sometimes the noise does bother him.

Mr. Otto stated that if a property is considered a single-family home, Pleasanton code allows for lodging and boarding of up to two sleeping rooms.

Mr. Otto noticed that the railing is solid which would cut down some of the noise and if it were increased in height, the noise could be reduced further.

Mr. Otto asked Ms. Azizi if she wanted to add anything.

Ms. Azizi asked if relocating the stairwell to the inside of the house would be an acceptable alternative.

Mr. Vinci stated that he would have no problem with stairs inside.

Mr. Otto stated that the hearing will be continued after Ms. Azizi speaks to her architect about moving the stairwell to the inside of the house.

THE PUBLIC HEARING WAS CLOSED.

The Zoning Administrator continued the item to a future date unknown.

As there was no further business, the Zoning Administrator adjourned the meeting at 5:04 p.m.

Respectfully submitted,

Eric Luchini
Associate Planner

**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California**

Council Conference Room
200 Old Bernal Ave., Pleasanton
Thursday, May 31, 2018

CALL TO ORDER

The meeting was called to order at 2:30 p.m. by Steve Otto, Zoning Administrator.

Present: Shadie Azizi, Applicant/Property owner; John Vinci, Appellant/Neighbor
Staff: Steve Otto, Zoning Administrator; Eric Luchini, Associate Planner

P18-0101, Azizi, ADR, 6721 Corte Del Vista

Application for Administrative Design Review approval to construct exterior stairs on the north elevation of the existing residence located at 6721 Corte Del Vista. Zoning for the property is PUD-MDR (Planned Unit Development – Medium Density Residential) District.

Mr. Otto welcomed the applicant and public to the continuance of the May 17, 2018, Zoning Administration hearing and asked Mr. Luchini, the project planner, to give a brief update on the project.

Mr. Luchini briefly explained the project and stated that staff recommends approval subject to the standard conditions of approval.

THE PUBLIC HEARING WAS OPENED.

Mr. Otto invited the applicant to make any comments.

Ms. Azizi, the applicant, stated that after the previous hearing she went home and met with her architect to explore the idea of constructing the stairs inside the home. They determined that if the stairs were relocated to inside the home she would lose two rooms and that would not be a practical alternative.

Ms. Azizi stated that she would like to go forward with the original proposed plan and addressed several of Mr. Vinci's concerns that were noted at the previous hearing. She does not hear his dog barking often, the staircase would be made of wood to decrease noise and have solid railings for additional privacy.

Mr. Vinci stated that he feels Ms. Azizi is not being honest about her intentions with this project. He added that people could be outside smoking on the staircase and it is like turning the home into an apartment building.

Mr. Otto explained that Pleasanton zoning code allows renting of up to two rooms in a single-family dwelling and if there is a violation it would be a code enforcement issue. The focus of this hearing is on the design of the staircase.

Mr. Otto concluded that he would like to see the staircase moved a foot or two away from the rear and Mr. Vinci's property. Mr. Otto added that the framing height of the solid railing be increased to six feet and must be painted the same color as the existing home. This project will also require a planning inspection to ensure the work is completed as shown on the approved plans.

THE PUBLIC HEARING WAS CLOSED.

The Zoning Administrator granted approval of P18-0101, subject to the modified conditions of approval as shown on Exhibit A.

As there was no further business, the Zoning Administrator adjourned the meeting at 2:50 p.m.

Respectfully submitted,

Eric Luchini
Associate Planner

Eric Luchini

From: Julie Curtis [REDACTED]
Sent: Sunday, July 15, 2018 3:48 PM
To: Eric Luchini
Subject: P18-0101 6721 Corte Del Vista

Mr. Luchini,

I am contacting you concerning the application to construct an exterior staircase with an exterior door on the second floor on the residence located at 6721 Corte Del Vista. I strongly urge the Planning Commission to deny the application because it is detrimental to the interests of all of the current homeowners in the area, even if the staircase is in the back of the home. To approve one application would be opening the door to others and then we would see a downward trend in home values for sure.

The homes in our neighborhood were built as single family dwellings. That is how they should stay.

Sincerely,

Julia Curtis

Click
<https://www.mailcontrol.com/sr/XiHu!b0uYLvGX2PQPomvUihCLhWP7Wj99QI6PgWjihqldVBOFM31b8lkjYGi2T!BNavC+dpP3ogL4AI7a!HQ==> to report this email as spam.

Eric Luchini

From: Brent Curtis [REDACTED]
Sent: Sunday, July 15, 2018 7:17 PM
To: Eric Luchini
Subject: P18-0101; 6721 Corte Del Vista

Dear Mr. Luchini,

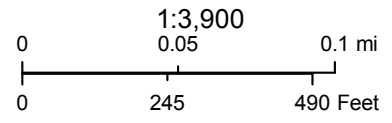
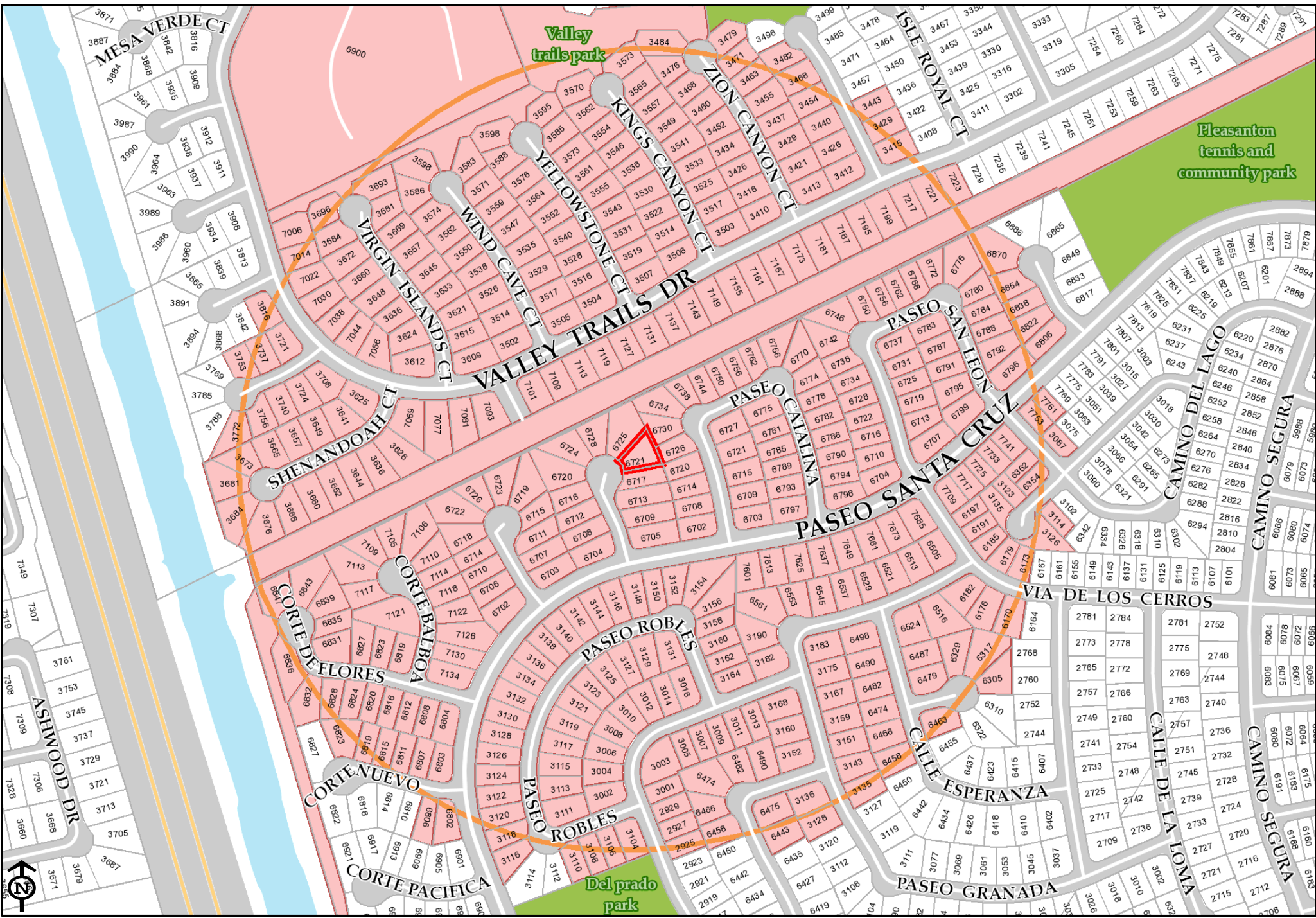
I am contacting you concerning the application to construct an exterior staircase with an exterior door on the second floor on the residence located at 6721 Corte Del Vista. I strongly urge the Planning Commission to deny the application because it is detrimental to the interests of all of the current homeowners in the area, even if the staircase is in the back of the home. To approve one application would be opening the door to others and then we would see a downward trend in home values for sure. The homes in our neighborhood were built as single unit homes. That is how they should remain. I appreciate your support in this matter.

Thank you.

Sincerely,

Brent Curtis

Click [here](#) to report this email as spam.



P18-0101, 6721 Corte Del Vista, Shadie Azizi