

SUBJECT: P15-0331

APPLICANT: Outdoor Living Designs / Tom Steyaert

PROPERTY OWNER: Rex and Jean Shoemake

PURPOSE: Application for Administrative Design Review approval to construct an approximately 324-square-foot, 14-foot tall detached patio cover in the rear yard.

LOCATION: 5082 Crestwood Court

GENERAL PLAN: Medium Density Residential – 2 to 8 dwelling units per gross acre

ZONING: R-1-6,500 (One Family Residential) District

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Site and Elevation Plan dated "Received May 8, 2015"](#)
- C. [Photos from 5029 Golden Road](#)
- D. [Location on Noticing Map](#)

BACKGROUND

On May 8, 2015, the applicant, Tom Steyaert, submitted an application for Administrative Design Review (ADR) approval to construct an approximately 324-square-foot, 14-foot tall detached patio cover in the rear yard of the subject property. As a result of the ADR 7-day noticing period for the subject application, wherein notice of the proposal was provided to surrounding properties, two property owners expressed concerns with the proposed patio cover.

On May 12, 2015, Jacki Martin, whose property shares a portion of the rear property line with the subject site, and Heather Brillhart, whose property shares a side property line with Ms. Martin's but not with the subject site, expressed concerns with the detached patio cover relating to height, massing, noise, and privacy concerns. Please refer to Figure 1 on page 2 for the location of the subject site and Ms. Martin's and Ms. Brillhart's properties.

Figure 1: Location Map



At staff's request, the property owner, Rex Shoemake, installed a pole to demonstrate to the neighbors the approximate location and ridge height of the patio cover. On May 26, 2015, staff conducted site visits to the two neighboring properties with Ms. Brillhart. Staff notes that Ms. Martin was out of town and gave consent to Ms. Brillhart to enter her backyard with staff. Ms. Brillhart was concerned with the noise that would be generated from people congregating under the patio cover and the proximity to her bedroom. Staff's site visit took place in Ms. Brillhart's bedroom, which has a partially obstructed, oblique view of the subject site, and from Ms. Martin's backyard. Given the proximity of Ms. Brillhart's home to the subject site and the presence of existing mature trees on adjacent properties and the subject property, it was difficult for staff to see the pole from Ms. Brillhart's bedroom. Prior to leaving the two neighboring properties, staff asked Ms. Brillhart if photos could be taken from her bedroom and Ms. Brillhart declined staff's offer as she felt the photos from Ms. Martin's property were sufficient. Pictures from Ms. Martin's rear yard are included as Exhibit C.

Mr. Shoemake has agreed to lower the height of the patio cover to 12 feet, 6 inches, provide additional information and/or plans, and extended an invitation to the neighbors to visit his property and discuss the proposal and address any concerns. Mr. Shoemake and Ms. Martin have since discussed the project privately and Ms. Martin has indicated to staff that she would not object to the proposal if the height is reduced to 12 feet, 6 inches. Staff discussed possible mitigation measures with Ms. Brillhart and informed her that Mr. Shoemake is open to providing additional information and modifying the proposal, within reason, to help address her concerns. However, Ms. Brillhart informed staff that she is opposed to the proposed patio

cover regardless of the height and, thus staff determined that the differences would not be resolved at the Zoning Administrator level and has referred the application directly to the Planning Commission for review (to allow for a more timely resolution of the disagreement).

SITE DESCRIPTION

The subject site is a residential lot located at the south end of Crestwood Court, generally located south of Harvest Road and north of Golden Road, in the Pleasanton Valley neighborhood. A recently installed in-ground pool is located on the southeast portion of the rear yard, as shown in Exhibit B, and there are mature trees and landscaping along the rear and sides of the property. There are also mature trees and shrubs that extend along the neighboring property lines that partially obscure the view of the residence on the subject site.

PROJECT DESCRIPTION

The applicant is proposing to construct an approximately 324 square-foot, 14-foot tall gabled roof patio cover in the southeast side of the yard, adjacent to the pool, on a concrete pad. The plans submitted by the applicant show an approximately 8-foot, 8-inch setback from the side (east) property line and an approximately 10-foot setback from the rear (south) property line. The plans indicate that a television will be mounted on the southeast post of the patio cover and, although it is not reflected on the plans, the property owner has indicated that four low-voltage lights will be installed in the patio cover that will be directed downward on a table. The property owner has indicated that he has no intention of installing speakers in the patio cover.

Figure 2: Site Plan

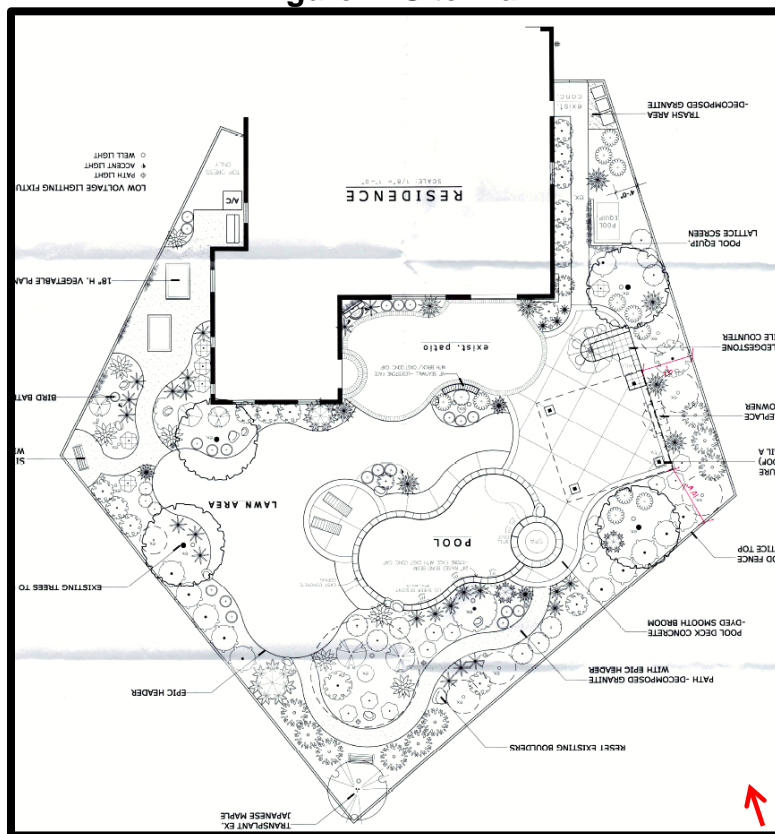
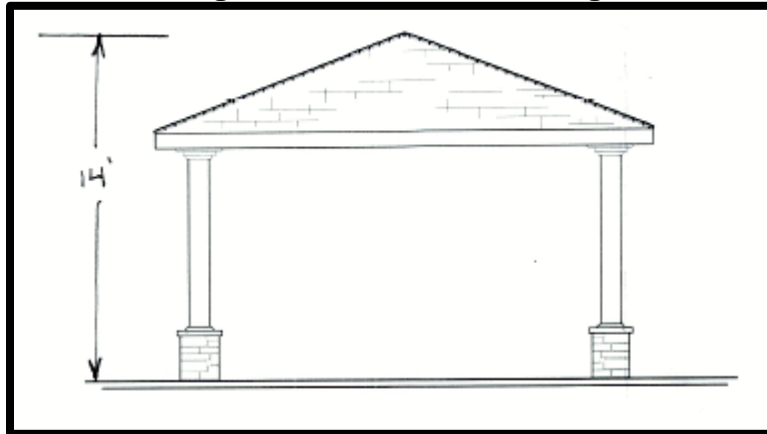


Figure 3: Elevation Drawing



NEIGHBOR CONCERNS

Ms. Brillhart believes the patio cover will be invasive, compromise her privacy, and generate noise. Mr. Shoemake has offered to provide Ms. Brillhart with additional information and plans (i.e., lighting plans) and lower the height of the patio cover to 12 feet, 6 inches, but Ms. Brillhart indicated that she would still object to the proposal. Staff has had multiple conversations with Ms. Brillhart and was unsuccessful in reaching a compromise that would mitigate her concerns (i.e., additional landscape screening, lowering the height of the patio cover, and providing details on the lighting plans and television).

ANALYSIS

The proposed structure is consistent with the development regulations of the R-1-6,500 Residential District as follows:

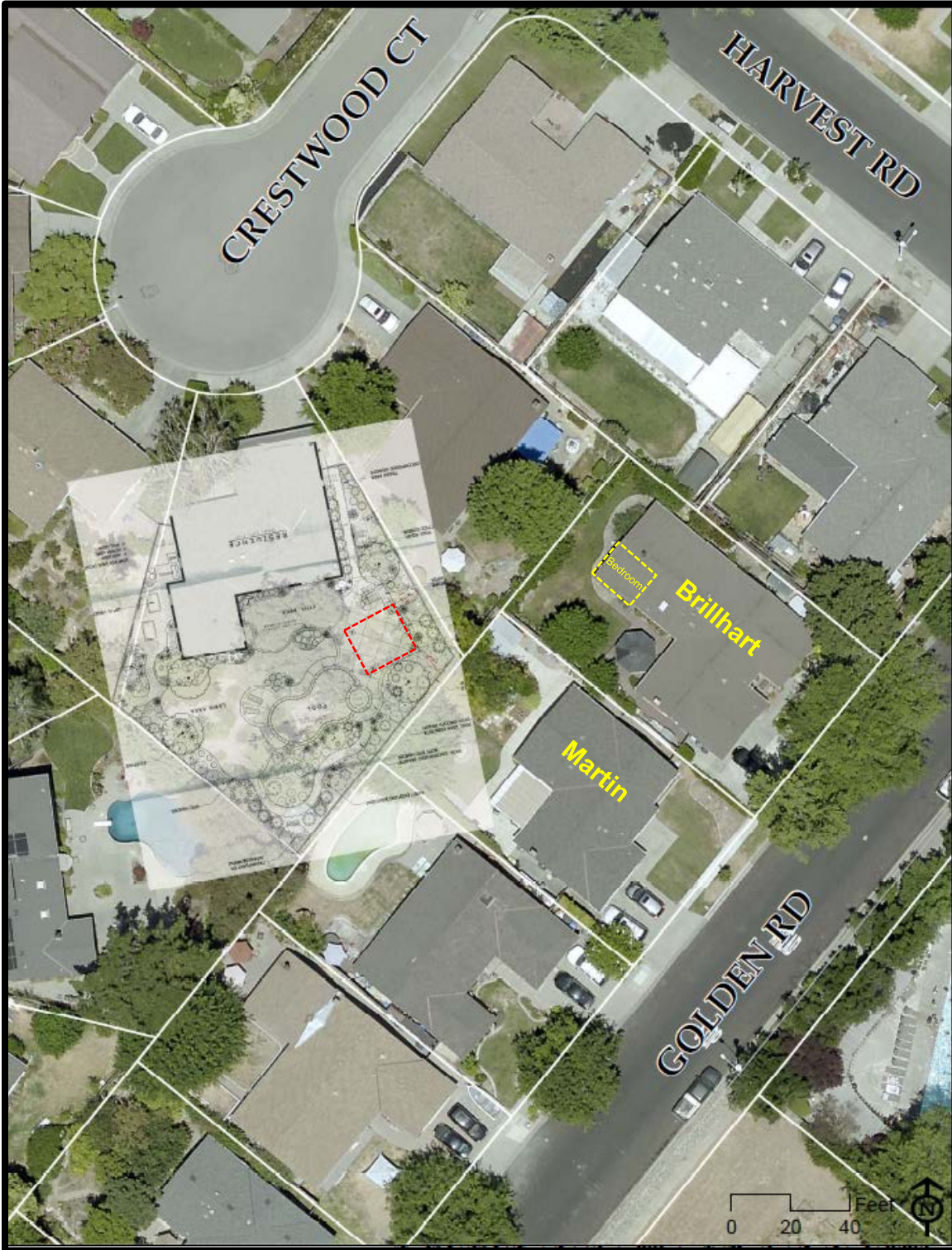
Table 1: Development Standards

Regulation	R-1-6,500 District Standard	Proposed
Accessory Structure Height	15 feet	14 feet; 12 feet, 6 inches as conditioned
Rear yard setback	5 feet to post; 3 feet to eave	10 feet – property line to eave
Side yard setback	3 feet to post and eave	8 feet, 8 inches – property line to eave

As shown in the table above, the proposed patio cover exceeds the minimum setback requirements and is less than the maximum allowed height for the zoning district. Although the height, proposed at 14 feet, is less than the maximum 15 feet allowed per the Pleasanton Municipal Code, staff has added a recommended condition of approval that the height of the patio cover be reduced to 12 feet, 6 inches. The applicant installed a pole representing the highest point of the roof ridge at the proposed location. The story pole was not highly visible from Ms. Brillhart’s bedroom due to the trees on the subject site and of those properties that share property lines with the subject site. The story pole was visible, but partially screened due to the existing landscaping, on the property directly behind the subject site, Ms. Martin’s property. Figure 4 on page 5 illustrates the location of the proposed patio cover and the

location of Ms. Brillhart's bedroom. The patio cover would not be highly visible from neighboring properties or create a new line-of-sight view into neighbor yards that doesn't already exist and, thus, would not compromise the neighbors' privacy.

Figure 4: Site Plan Overlay



The applicant has indicated that four low-voltage lights will be installed under the roof of the patio cover and directed downward. Staff notes that lighting plans/details are not required for this type of request, as they are reviewed and approved by the Building and Safety Division as a part of the construction drawings; however, Mr. Shoemake has agreed to provide lighting plans to the Planning Division prior to submitting to the Building and Safety Division for staff to review. Staff has added a condition of approval that, if approved, requires the applicant to submit lighting details for review and approval by the Director of Community Development prior to issuance of a building permit.

Concern regarding the noise that will be generated due to the use of the patio cover was an issue raised by the two neighbors. The patio cover could encourage people to congregate more frequently in that area of the yard, but obtrusive noise levels would be prohibited through adherence to the noise limitations of the Pleasanton Municipal Code. Section 9.04.030.A. (Noise limits-Residential property) states:

“No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on residential property, noise level in excess of 60 dBA at any point outside of the property plane, unless otherwise provided in this chapter.”

For comparison, 60 A-weighted decibels (dBA) is the noise level generated by a conversation in a restaurant, office, background music, or an air conditioning unit at 100 feet from the source. Mr. Shoemake is not proposing to use speakers within the patio cover and the television, as shown on the plans, will face the Shoemakes' home, directing sound away from Mr. Brillhart's property. Staff does not believe that the patio cover would create noise impacts for Ms. Brillhart. Staff has added a condition of approval that the property owner will be required to comply with Chapter 9.04 (Noise Regulations) of the Pleasanton Municipal Code to reaffirm and reinforce the requirement. Staff notes that Ms. Martin and Mr. Shoemake have exchanged contact information to allow Ms. Martin to contact the Shoemakes if noise does become an issue. Staff notes that the height of the patio cover could be reduced to 10 feet and not require Administrative Design Review approval. Staff does not believe that increasing the patio cover height above 10 feet would have any effect on the potential noise that could be generated from the use of the patio cover.

The patio cover would not create a line-of-sight view that doesn't already exist between the neighboring properties. Therefore, the patio cover would not create privacy impacts on Ms. Brillhart.

PUBLIC NOTICE

Notice of this hearing for this application was sent to surrounding property owners and tenants within 1,000-feet of the site. At the time this report was published, staff had not received additional public comments. Staff has provided the location and noticing map as Exhibit D for the Commission's reference.

ENVIRONMENTAL ASSESSMENT

Small accessory structures are categorically exempt (*New Construction or Conversion of Small Structures, Sec. 15303*) from the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

The proposed structure would not be highly visible from Ms. Brillhart's yard or from her residence. Mr. Shoemake and Ms. Martin, who would be the most impacted by the structure, have resolved any concerns Ms. Martin had. Furthermore, Mr. Shoemake has recently installed an orange tree long the rear property line that, when mature, will further screen the patio cover for Ms. Martin.

The structure meets the development standards of the subject site's zoning district and conditions of approval have been added to address concerns raised by the neighbors. As conditioned, the height of the structure would be reduced to 12 feet, 6 inches, which staff believes is an acceptable compromise. Staff has also included a condition requiring that the lights be low-intensity and directed downward and design or shielded so as to not shine onto neighboring properties. The applicant will also be required to adhere to the Pleasanton Municipal Code standards, as would all Pleasanton residents.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve of P15-0331, subject to the conditions of approval listed in Exhibit A.

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