

Planning Commission Staff Report

November 9, 2011
Item 6.a.

SUBJECT: P11-0002 / P11-0003

APPLICANT: Ken Van Cleave, Carlton Homes

PROPERTY OWNER: Pratap Poddatoori

PURPOSE: Application for a Conditional Use Permit to establish development standards and for Administrative Design Review approval to construct approximately 4,281 square feet of single- and second-story additions and an approximately 829 square-foot attached garage to the existing, approximately 3,658-square-foot, two-story home.

LOCATION: 5130 Foothill Road

GENERAL PLAN: Low Density Residential

ZONING: PUD-LDR (Planned Unit Development – Low Density Residential) District and West Foothill Road Corridor Overlay District.

EXHIBITS:

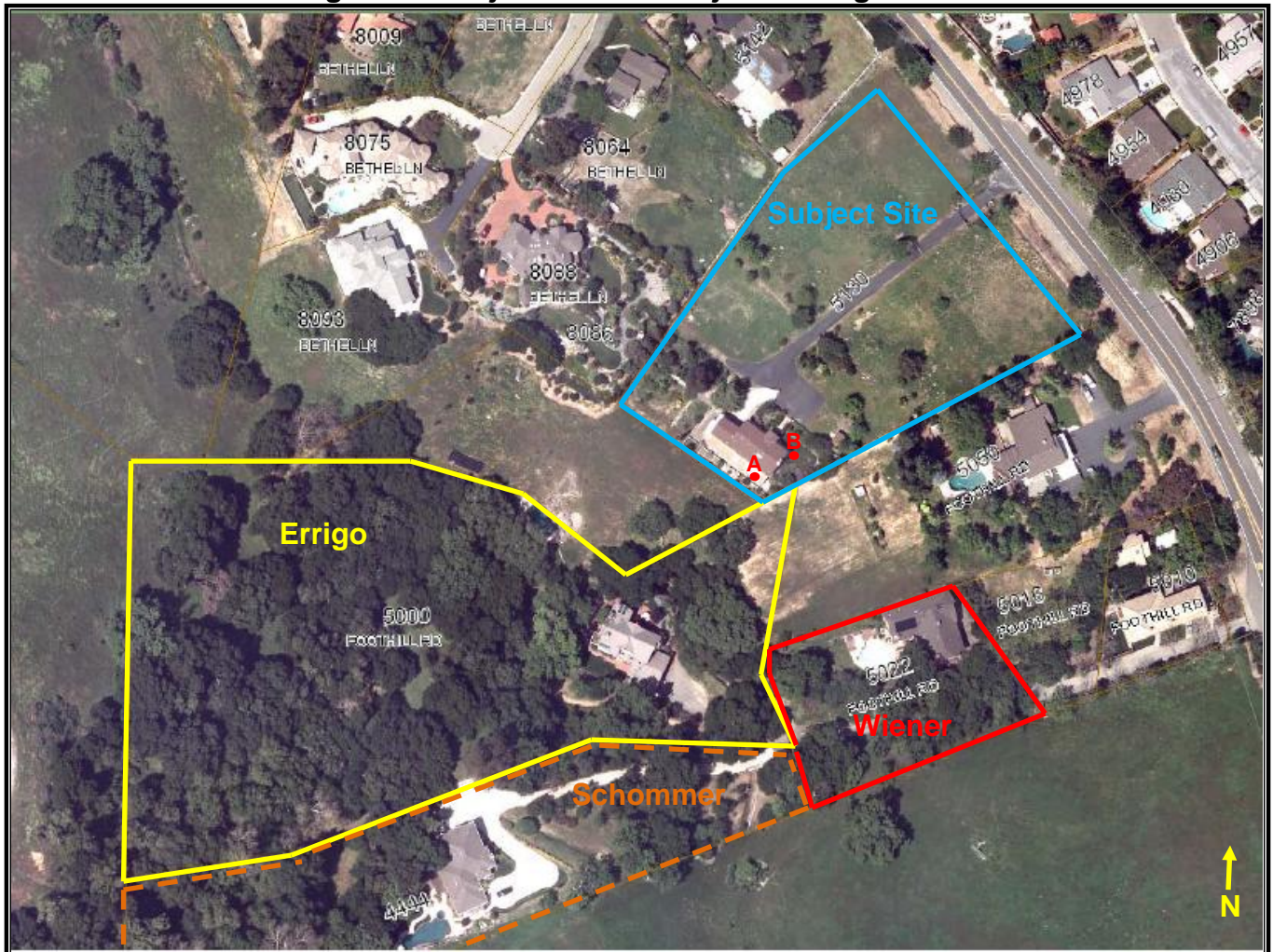
- A. Draft Conditions of Approval
- B. Site Plans, Floor Plans, Elevation Drawings, Grading and Drainage Plan, Landscaping Plan, and Color and Material Sheet dated “Received October 12, 2011”
- C. Site Photos
- D. Neighbor Concerns
- E. Color Elevations and View Perspectives
- F. View Perspectives from Adjacent Properties
- G. Location and Noticing Maps

BACKGROUND

In May of 2009, Ken Van Cleave, on behalf of the property owner, submitted an Administrative Design Review (ADR) application to construct approximately 3,100 square-feet of single- and second-story additions to the existing two-story home. The additions were proposed along the west (right), north (front), and south (rear) portions of the existing building. ADR applications are processed at staff level and require public notification cards to adjacent property owners.

In response to the public notification, two neighbors expressed their concerns with privacy and potential erosion and drainage impacts the addition will create for their properties; Don and Kelly Errigo (5000 Foothill Road) and Paul and Elizebeth Wiener (5022 Foothill Road). A third neighbor, Frederick Schommer (4444 Foothill Road) did not have privacy concerns, but requested story poles be constructed of the roofline in order to provide “a clear visual understanding of the project.” Please refer to Figure 1 below for the location of the neighbors in relationship to the subject property and views from the subject property.

Figure 1: Subject Site and Adjacent Neighbors



The “A” and “B” dots on Figure 1 correspond with the Images A and B on page 3. Image A was taken from the existing second-floor window of where the proposed balcony is to be located and Image B is at grade where the new addition will begin. Additional site photos can be found in Exhibit C for the Commission’s consideration.

Image A: View Towards Errigo Property



Image B: View Towards Wiener Property



Staff hosted several meetings and conducted site visits with all parties in hopes that the privacy concerns could be mitigated and a compromise reached. An agreement could not be reached and, since it was likely that either party would file an appeal of a staff-level action, staff informed the parties that the application would be presented before the Planning Commission for their review and consideration. All parties did not object to a Planning Commission meeting, however, prior to scheduling a meeting date the applicant was informed that additional information would be necessary in order to have the project presented before the Planning Commission. Staff contacted the applicant for status up-dates of plan submittals/revisions on a routine basis from August 2009 through August 2010. On August 19, 2010, staff withdrew the Administrative Design Review application due to lack of activity and informed the applicant that a new application would be required should they wish to pursue expanding the home.

In January of this year, the applicant contacted staff regarding revisions to the plans and requested a meeting to review the revisions prior to submitting a formal application. During this meeting staff informed the applicant that the subject property was located in a Planned Unit Development (PUD) that had an expired development plan. When this occurs, the PUD zoning remains in effect, however, there are no longer established development standards for the property and, therefore, any changes/alterations/additions to the subject site would require one of the following:

1. A new PUD application to establish site specific development standards. Establishing a new PUD, specific to this property, would develop standards and regulations for additions, accessory structures, pools, etc. A PUD application would require review and recommendation from the Planning Commission with action being taken by the City Council.

OR

2. An application for a Conditional Use Permit (CUP) that only addressed the proposed project. Per section 18.68.090 (Interim Uses) of the Pleasanton Municipal Code, any expansion of a nonconforming use, expansion of a nonconforming building, or addition of any new structures associated with an existing land use or building shall not be allowed until a Conditional Use Permit has been granted. Conditional Use Permits require review and action by the Planning Commission. The CUP would not require City Council review or action unless appealed.

The applicant was informed that should they choose the CUP option, an Administrative Design Review application would also be required and processed concurrently with CUP. Staff also discussed with the applicant the need to inform the Errigos and the Wieners prior to any formal processing of the applications. The applicant agreed that it was important to include the neighbors early in the process once an application is submitted.

Plan Revisions and Neighbor Notification

On May 26, 2011, the applicant submitted applications for a Conditional Use Permit and Administrative Design Review. The west (right) addition and new entry on the front (north) elevation remain unchanged, however, rear (south) additions were relocated to the northern side of the property with the addition of a new proposed garage (please refer to Figure 2 and Figure 3 below). Please refer to the “Project Description” section of this report for additional information.

Figure 2: Previous Application

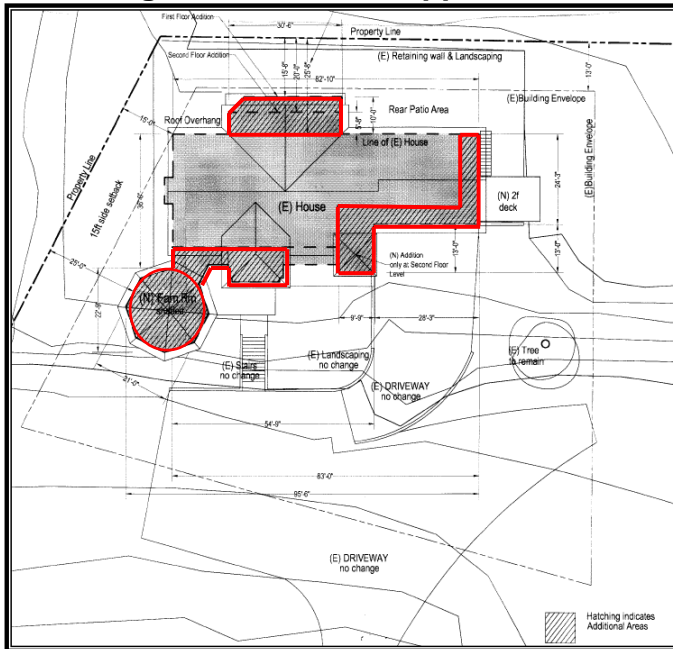
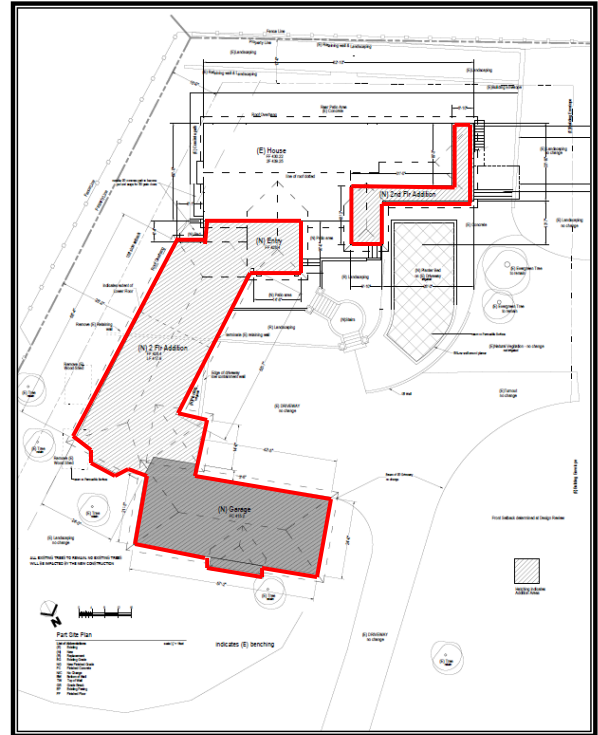


Figure 3: Revised Site Plan



Staff contacted the three neighbors and informed them that revised plans had been submitted. Mr. Schommer informed staff that he would be the least affected and, therefore, did not find it necessary to be involved in neighborhood meetings. Therefore, staff met with the applicant, property owner, and the two neighbors to go over the revised plans and assess whether there were still concerns. During the meeting the neighbors said they were not opposed to the development, but still had concerns with privacy, erosion, and requested that poles be erected with a line across “at the shoulder height of people looking out of the windows” to determine what level of “intrusion” the additions would create. Mr. Errigo was happy to see that the rear additions were removed, but had concerns with a new proposed balcony. Since the balcony was proposed in a location that has an existing second-floor window (Image A on page 3), he requested that the balcony have a depth of no more than 12-inches to insure that people could not “gather” on the balcony. Staff posed the question on whether landscaping would mitigate the neighbors’ privacy concerns. The neighbors and the property owner were agreeable to landscaping to help with privacy.

Since the neighbor meeting, staff and all parties had email exchanges regarding the privacy concerns, which included the construction of story poles, and requests for revisions to the plans (i.e., the balcony). Staff discussed the project and privacy concerns with the City's Landscape Architect, Mike Fulford, and requested that he suggest what plantings would be best for this area and to mitigate privacy concerns. The landscaping that Mr. Fulford suggested is reflected on sheet 8 of Exhibit B; however, the applicant will need to revise the plan to have all the planting on the subject lot (Exhibit A, No 2). In addition to providing landscaping, the applicant revised the balcony to have a depth of 12-inches (commonly referred to as a "Juliet balcony").

Although the applicant made revisions to the balcony and incorporated landscape screening for privacy, the neighbors still have privacy, drainage, erosion, and landscaping concerns (please refer to Exhibit D for the neighbors' concerns in their entirety). The neighbors again requested that story poles be constructed to help assess the privacy impacts; however, the applicant is not agreeable to constructing story poles given the visual aids showing varying vantage points of the proposed addition and photomontages that were submitted with the application (Exhibit E and Exhibit F). The applicant asked the neighbors to provide photographs from their properties to create photomontages of the proposed addition; however, photographs were not provided. The applicant has been advised that the Planning Commission may request and/or require story poles.

Staff notes that the neighbors and the applicant have made a tremendous effort throughout the years to come to a compromise regarding the proposed development. Each party as stated their willingness to work together in hopes of reaching an agreement, however, the application is at an impasse and, therefore, is presented before the Planning Commission for review and action.

SITE DESCRIPTION

The subject site is located on the west side of Foothill Road, south of the Moller Ranch subdivision, and is located in the West Foothill Road Corridor Overlay District (please refer to the location map in Exhibit G and Figure 4 on page 5). The site is approximately 2.82-acres in area and inclines from east (Foothill Road) to west (rear of the lot). There is an existing approximately 3,658 square-foot, two-story residence with an attached two-car garage located at the far southeast portion of the site. There is mature trees and landscaping along the southeast and southwest rear and side of the property.

Please refer to the next page for Figure 4

Figure 4: Subject Site



PROJECT DESCRIPTION

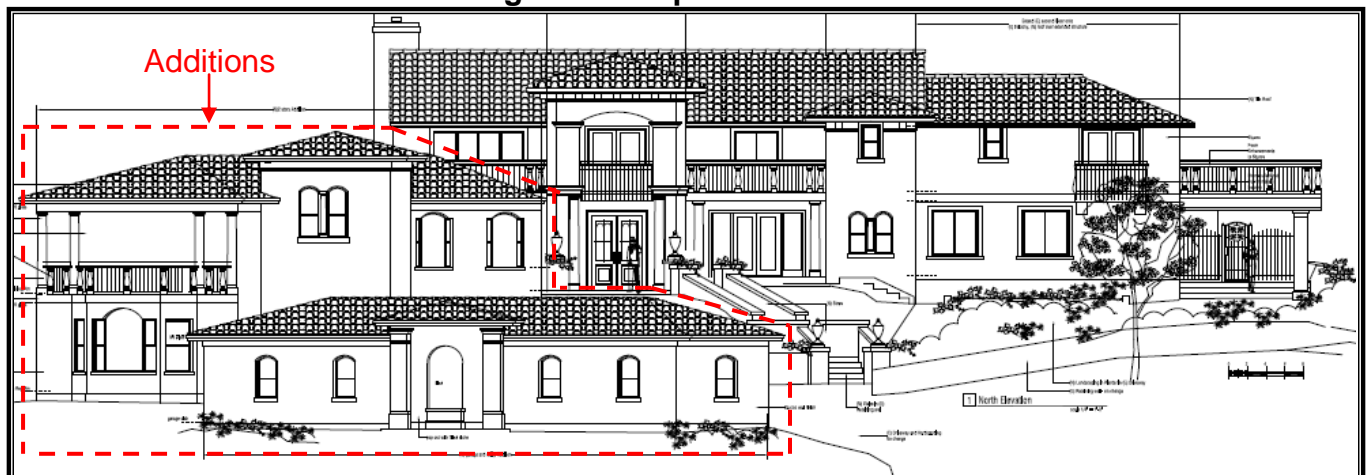
The applicant is proposing to: 1) construct a new front entry; 2) convert the existing garage and balconies on the north (front) elevation to living space; 3) construct an approximately 307 square-foot deck on the west (right) elevation; 4) construct a new two-story addition and single-story garage on the northeast side of the house; and 5) make façade changes that include (a) removing the brick veneer and replacing with stucco; (b) replacing the composition asphalt shingles with tile; and (c) changing the colors of the house (please refer to the color and material sheet attached to Exhibit B). The single- and second-floor additions total approximately 4,281 square-feet in area and the new garage area totals approximately 829 square-feet. The applicant is also proposing additional landscaping in front of the existing home and adjacent to the proposed garage (please refer to sheet 8 in Exhibit B).

Please refer to the next page for Figure 5

Figure 5: Existing house



Figure 6: Proposed House



As stated in the “Background” section, the subject lot is located in a PUD that has an expired development plan and, therefore, does not have established standards for new development (i.e., setbacks, height, floor area ratio, etc). The applicant does not anticipate developing the lot beyond what is proposed and, therefore, submitted a Conditional Use Permit (CUP) in-lieu of a new PUD application. When development proposals require CUP applications, staff applies the closest “straight” Zoning District standards to the subject site based on its lot size. Given the size of the lot, approximately 2.8-acres, the closest development standards are those of the R-1-40,000 (One-Family Residential) District. Since the subject lot is located on the west side of Foothill Road, the proposal is required to adhere to the West Foothill Road Corridor Design Guidelines and development standards.

ANALYSIS

The chart below compares the proposed project to the R-1-40,000 and West Foothill Road Corridor Overlay District (WFRCOD) development standards.

Chart 1: Development Standards

	R-1-40,000 REQUIREMENTS	WFRCOD	PROPOSAL
Minimum Lot Size	40,000 square-feet	30,000 square-feet	N/A (not subdividing) Lot is \cong 2.82-acres
Front Yard Setback	30-foot minimum	150-foot minimum	\cong 263-feet
One Side/Both Side Yard Setbacks	5-foot / 50-foot minimum	25-foot minimum on both sides	\cong 25-feet / 137-feet, 5- inches
Rear Yard Setback	30-foot minimum	N/A	\cong 56-feet
Height	*30-foot maximum	**30-foot maximum	* \cong 30-Feet
Floor Area Ratio (FAR)	25% maximum	N/A	\cong 8.2%

*Measured vertically from the average elevation of the natural grade of the ground covered by the structure to the mean height between eaves and ridges for a hip, gable, or gambrel roof. Further discussion on height can be found on page 10.

**Measured vertically from the lowest point of the structure to the highest point of the structure.

As shown in the chart, the proposed development would meet or exceed the development standards of the R-1-40,000 Zoning District and meets the requirements for the WFRCOD.

WFRCOD Design Guidelines

The following design guidelines of the Overlay District should be considered in the review of this project:

A. Exterior building surfaces should use natural material, such as wood siding and natural stone.

Staff analysis: The existing house is stucco with brick veneer. The applicant is not proposing to incorporate wood or stone, however, the applicant is removing the non-natural looking brick and replacing it with earthtone-colored stucco, which staff believes is an improvement.

B. The maximum height for any structure should be 30-feet, measured vertically from the lowest point of the structure to the highest point of the structure.

Staff analysis: The structure would measure approximately 30-feet tall using the R-1-40,000 District height definition and approximately 40-feet, 6-inches tall using the WFRCOD height definition.

PMC Section 18.78.040.B. indicates:

“Existing lots of record as of the date of adoption of the ordinance codified in this chapter may be developed with structures in accordance with the regulations of the underlying zoning rather than within the regulations included in this district; however, the city reviewing boards and commissions shall attempt to meet the spirit of this district’s regulations in the context of allowing structures to be built in accordance with the existing underlying zoning regulations.”

Because this lot existed before the date of adoption of the WFRCOD ordinance, the lot may be developed in accordance with the regulations of the underlying zoning rather than the WFRCOD regulations. However, the Commission should attempt to meet the “spirit” of the WFRCOD regulations whenever possible.

Given the substantial slope of the property, staff believes that using the stricter WFRCOD height regulation in this case would result in increased grading on the site, which could result in a less-natural looking site and possible tree removal. Additionally, using the R-1-40,000 District height regulation allows the applicant to step the additions down the hillside, helping to break up the mass of the structure. Therefore, staff believes that using the R-1-40,000 District height regulation is acceptable and meets the “spirit” of the WFRCOD ordinance.

C. All building elevations visible from Foothill Road should receive full architectural treatment, with attention given to minimizing the appearance of massiveness in wall and roof design.

Staff analysis: The proposal is integrated with the natural grade of the site with the new additions and garage stepping into the topography, thereby minimizing the massing appearance. The proposed balconies on the front façade break up the building walls and stucco foam bands further assist in softening the appearance of the elevations.

D. Use of bright colors – white, yellow, orange, red, and similar hues and tones – shall be prohibited on all exterior building surfaces.

Staff analysis: As shown in Exhibit B, the applicant is proposing to use earthtone colors that are complementary to adjacent homes and is in keeping with the rural “feel” of Foothill Road.

E. No particular architectural style shall be required nor precluded, but the architectural style chosen, in conjunction with its use of colors and materials, shall achieve compatibility with its particular setting and shall blend with the natural environment.

Staff analysis: The proposed colors and materials of the home are in keeping with the proposed Mediterranean style architecture. The architectural style would be in keeping with other houses along Foothill Road. Small shrubs and one tree that is less than 6-inches in diameter will be removed to accommodate the additions. However, new landscaping will be installed along the rear and east (left) elevation. The topography of the site and existing, mature shrubs and new landscaping will offer screening and assists in softening the appearance of the home from Foothill Road.

Staff is of the opinion that the proposal is well designed and is in keeping with the rural area. The proposed additions conform to the R-1-40,000 Zoning District standards for setbacks, height, and FAR (Chart 1 and page 9) and is consistent with the WFRCOD guidelines and development standards. The proposal is well integrated into the exiting home and site topography and, therefore, staff believes that the project, as proposed, meets the criteria outlined above.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

- 1. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.*

Staff analysis: Staff believes that the request for the new additions, garage, and site improvements conforms to the purpose and objectives of the Zoning Ordinance and the WFRCOD. While there are no established site development standards for the lot, staff would consider the R-1- 40,000 Zoning District standards to be the applicable development standards for this lot. As proposed, the project conforms to these Zoning District standards and applicable WFRCOD guidelines and, therefore, staff believes this finding can be made.

- 2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.*

Staff analysis: Staff is of the opinion that the project, as conditioned, would not be detrimental to the public health, safety, and general welfare, or materially injurious to properties or improvements in the vicinity. The project has been reviewed by other City Departments/Divisions and appropriate conditions of approval have been added to address drainage, erosion, and other safety concerns. Although the neighbors have concerns with drainage and erosion, staff believes that the proposal would not negatively impact properties in the immediate vicinity of the site, if approved as conditioned. Therefore, staff believes this finding can be made.

3. *The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.*

Staff analysis: The proposed additions conform to the R-1-40,000 Zoning District standards and are consistent with the WFRCOD guidelines and development standards. Staff believes that the conditional use will comply with each of the applicable standards of the Code and, therefore, believes that this finding can be made.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit and Administrative Design Review applications and related public hearing were mailed to property owners and tenants within 1,000-feet of the subject property. Staff has provided the location and noticing maps as Exhibit G for the Commission's reference. In response to the public notice, Neil Nelson adjacent property owner at 8088 Bethel Lane, reviewed the plans and stated that "the Nelsons are in full support of the proposal."

Other than Mr. Nelson's comments of support, staff had not received any additional comments or concerns other than those raised by the Errigos and Wieners.

STAFF RECOMMENDATION

The applicant has made revisions to the plans to help mitigate the neighbors' concerns. The proposed additions on the rear elevation were relocated to the front of the house and the rear balcony was reduced in depth. Additional landscaping has been incorporated into the plans to help with privacy concerns and conditions have been added to ensure that drainage and erosion would not affect adjacent properties. In staff's opinion, the project is well designed and is in keeping with the WFRCOD guidelines and development standards. The applicant is open to adjusting the location of the proposed landscaping to ensure maximum privacy from new windows and is willing to discuss possibly adding additional landscaping to help with privacy concerns. Staff recommends that the Planning Commission take the following actions:

1. Make the Conditional Use Permit findings listed in this staff report, and
2. Approve P11-0002 and P11-0003 subject to conditions found in Exhibit A.

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