

## Planning Commission Staff Report

March 23, 2011  
Item 6.b.

- SUBJECT:** PADR-2163
- APPLICANT/  
PROPERTY OWNER:** Charanjit Pangali
- PURPOSE:** Application for Administrative Design Review approval to retain an approximately 150-square-foot second-floor loft addition within the vaulted ceiling area above the dining room and to relocate an existing second-floor window on the east (right) elevation of the existing residence.
- LOCATION:** 6333 Paseo Santa Maria
- GENERAL PLAN:** Medium Density Residential – 2 to 8 dwelling units per gross acre
- ZONING:** PUD-MDR (Planned Unit Development – Medium Density Residential) District
- EXHIBITS:**
- A. Draft Conditions of Approval
  - B. Site Plan, Floor Plans, Elevation Drawings and Photos dated “Received February 23, 2011”
  - C. Additional Background Information and Proposed Alternatives from Charanjit Pangali dated “Received March 4, 2011”
  - D. Letter to George and Judy Tiu dated “October 26, 2010”
  - E. Approved Building Permit Drawings
  - F. Photos from George Tiu dated “Received March 3, 2011”
  - G. Location and Noticing Maps

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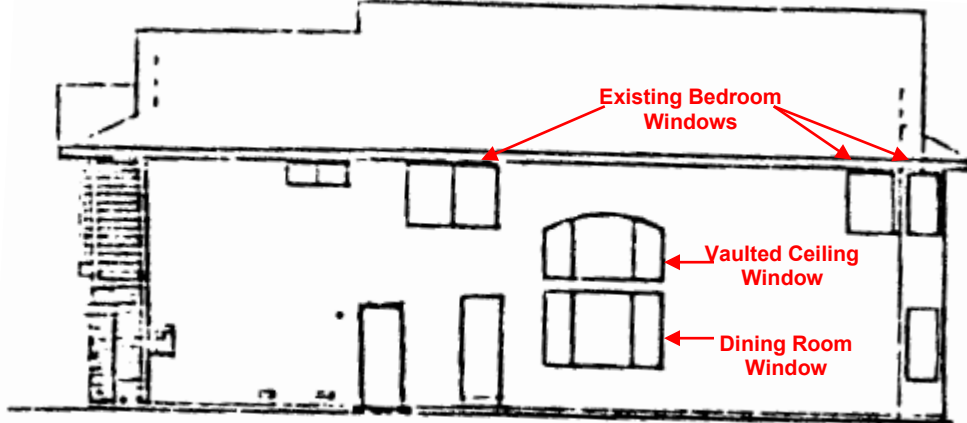
### BACKGROUND

The applicant, Mr. Pangali, resides in the Ponderosa Country Fair II subdivision located in the Del Prado neighborhood of Pleasanton. Country Fair II is a Planned Unit Development (PUD-84-17) which consists of 259 detached single-family homes that contain six varying floor plans. Three of the six floor plans allow homeowners the option of constructing an additional “bonus room” (e.g., loft or bedroom) within the vaulted ceiling space.

The development standards for Country Fair II generally follow the R-1-6,500 zoning district; however the homes are allowed a higher floor area ratio (FAR) - up to 50 percent versus 40 percent. In order to construct a room within the vaulted ceiling space, an Administrative Design Review application is required from the Planning Division. Throughout the years homeowners within the development have received approval from the Planning Division to construct a room within their vaulted ceiling space through the Administrative Design Review process.

In 2005, Mr. Pangali constructed a second-floor office loft addition within the vaulted area above the dining room. The loft addition was limited to interior construction only with the two existing windows on the east elevation, within the dining room and vaulted ceiling, remaining untouched (Please refer to Figure 1 below). However, Planning entitlements and Building permits were not granted by the City for the construction of the loft.

**Figure 1: As Built East**



According to Mr. Pangali, he was not aware that the loft was unpermitted (Please refer to his background letter in Exhibit C). Mr. Pangali contacted the City in June of 2010 to find out how to legalize the loft and was informed at that time of the Building Code requirements for loft windows. Specifically, the Building Division informed Mr. Pangali that an Administrative Design Review application would be required and that the vaulted ceiling window would need to be replaced with tempered glass since it was located less than 18-inches from the loft's finished floor. Knowing that Building permits would be required to replace the window with tempered glass, Mr. Pangali decided to instead relocate the vaulted window and the dining room window. Prior to submitting to the City for window permits, Mr. Pangali contacted his adjacent east side neighbor who would be most impacted by the relocated window.

Mr. Pangali provided their neighbors, George and Judy Tiu, with a letter requesting their consent to relocate the first and second-floor windows (Please refer to Exhibit D for the letter of consent). Upon receiving the letter, Mr. Tiu visited Mr. Pangali's home to assess the existing views and potential impacts of relocating the existing windows. Mr. Tiu acknowledged that

there are currently views onto his property from the two existing bedroom windows; however, he felt that he never got an opportunity to object to the illegal loft that “worsened” the views onto his property. Mr. Tiu stated his objection to Mr. Pangali and did not sign the consent letter. Knowing that the neighbors were concerned with their proposal, Mr. Pangali still decided to move forward with relocating the existing windows.

Mr. Pangali submitted an application to the Building and Safety Division for the relocation of the two existing windows. Window requests are reviewed by the Planning Division prior to building permit issuance. Planning staff assess whether requests to install new or relocate existing windows can be processed over the counter or if an Administrative Design Review application would be required. While reviewing Mr. Pangali’s window relocation request, Planning staff was 1) not informed that the loft was not approved, 2) not informed that the neighbor objected to the relocation of the windows, and 3) informed that the relocated windows were located on the west elevation where there is mature landscape screening (Please see Figure 2 below). Given the information provided, staff approved Mr. Pangali’s request to relocate the two existing windows over the counter on September 9, 2010 (Please refer to Exhibit E for the approved building plans). Staff notes that Mr. Pangali only applied for a window permit and not for Planning entitlements or Building Permits for the loft.

**Figure 2: Subject Site**



Mr. Pangali began the construction process of relocating his windows during the second week of February (2011). During this time, Mr. Tiu contacted the City and requested a stop work order for the relocation of the second-floor window. Mr. Tiu informed Planning staff that the loft was constructed illegally and that he had privacy concerns regarding the loft, whether the window was to be relocated or not. On February 23, 2011, a correction notice was issued to

Mr. Pangali by the Building and Safety Division informing him that an Administrative Design Review application and Building permits for the loft and second-floor vaulted ceiling window were required.

On February 23, 2011, Mr. Pangali submitted an Administrative Design Review application to the Planning Division for the loft and relocation of the east elevation window. Prior to public notification cards being sent to adjacent property owners of the application, staff contacted Mr. Tiu to discuss his concerns. Mr. Tiu acknowledged that there are existing views onto his property, but was concerned with future homeowners being able to view onto his property if Mr. Pangali sold his home. Staff asked if Mr. Tiu could support the application if Mr. Pangali installed one of the following:

1. A window that had a minimum sill height of 6-feet.
2. A window with view-obscuring glass, or
3. Landscape screening.

Mr. Tiu was not agreeable to any of those options and requested that Mr. Pangali remove the loft addition.

Staff informed Mr. Pangali of Mr. Tiu's request of removing the loft, to which Mr. Pangali stated he was not interested in doing. Staff approached Mr. Pangali with the possibility of installing a window with a higher sill or using view-obscuring glass. Mr. Pangali was not agreeable to using a higher window sill but was open to the possibility of using view-obscuring glass.

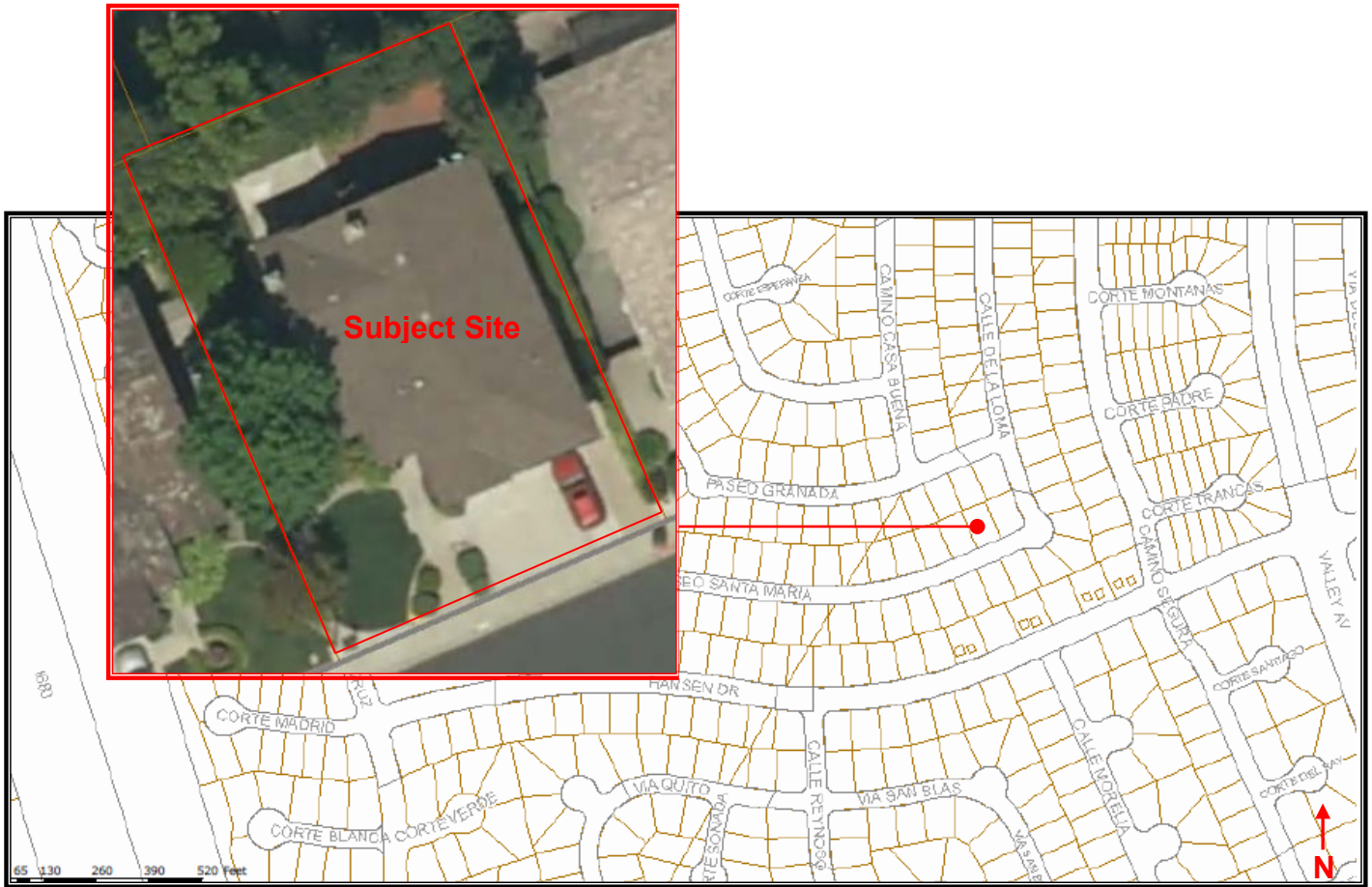
Administrative Design Review applications are normally processed at staff level with action taken by the Zoning Administrator. However, section 18.132.060 (*Public hearing*) of the Pleasanton Municipal Code allows Administrative Design Review applications to be referred to the Planning Commission for review and action. The applicant would like to retain the loft and the neighbor is only interested in having the loft removed. Knowing that either party would file an appeal to the Planning Commission, staff has referred the Administrative Design Review application directly to the Planning Commission for consideration.

## **SITE DESCRIPTION**

The subject site is a residential lot in the Del Prado neighborhood, generally located west of Valley Avenue and east of Interstate 680 (please see Figure 3 on page 4). The lot is an interior lot and is approximately 6,500 square-feet in area with a two-story residence. With the exception of the Tiu's residence, located east of the subject site, the other adjacent properties are two-story homes.

**Please refer to next page for Figure 3**

**Figure 3: Aerial View**

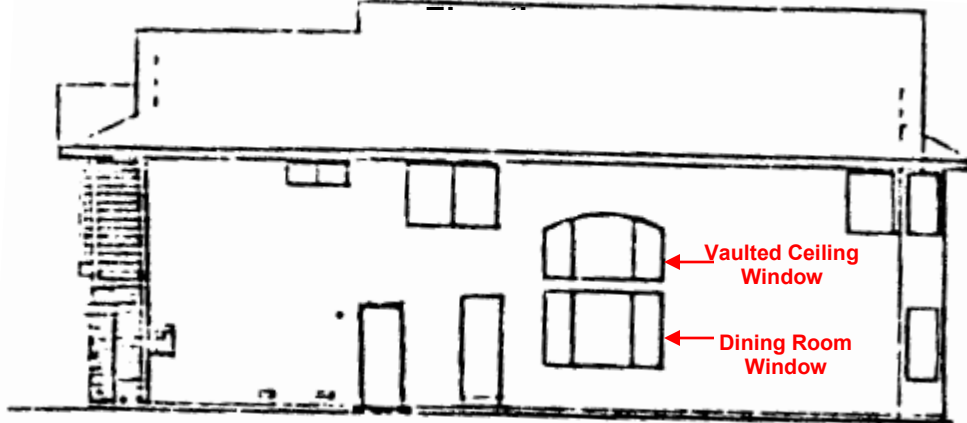


**PROJECT DESCRIPTION**

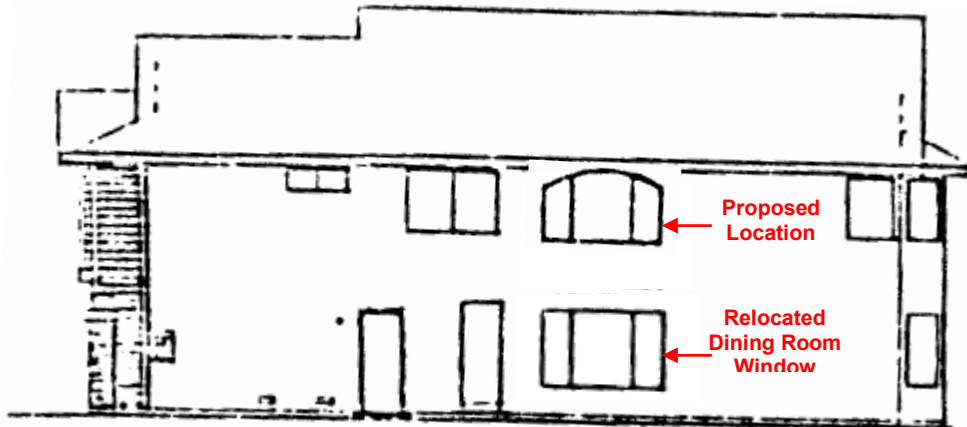
Mr. Pangali is requesting to retain the existing den/office addition and relocate the office’s non-operable window on the east elevation or install a new smaller window similar in size and style as an existing bedroom window (Please refer to the pictures in Exhibit C). The loft is in conformance with the R-1-6,500 development standards and is below the 50% FAR requirement (48.18%). As proposed, either window (i.e., relocated non-operable window or a smaller window) would be raised 1-foot higher than the windows current location (Please refer to Figure 5 on page 6). In order to meet the Building Code requirements for the office addition, the applicant is modifying the office’s finished floor which requires lowering the dining room window (as shown in Figure 5). Staff notes that an Administrative Design Review application is not required for the relocated dining room window and, therefore, is not a part of this application.

**Please refer to the next page for Figure 5**

**Figure 4: As Built East**



**Figure 5: Proposed Window Location**



The applicant is proposing two alternatives for the Commission's consideration.

Alternative 1: Install a new window that matches the same design and size as an existing bedroom window on the east elevation (Please refer to page 9 in Exhibit C). Using this type of window would reduce the overall size from 28 square-feet to 22 square-feet.

Alternative 2: Relocate the existing window, as shown in Figure 5 above, and add an opaque film to the inside of the glass. This is discussed on page 3 of Exhibit C under the heading of *Our contact with the Pleasanton Planning Dept. on 28 February 2011.*

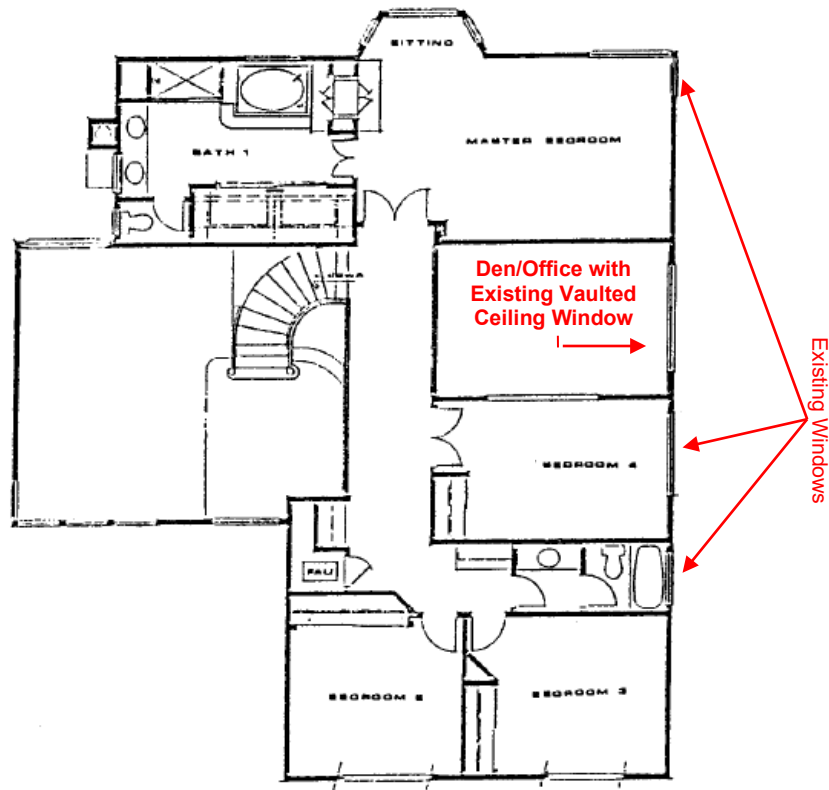
Staff notes that if the window were to remain in its existing location, it would have to be replaced with tempered glass in order to meet the 2010 California Code requirements.

## ANALYSIS

The neighbor feels that the loft, no matter the location of the window, is intrusive and would create additional views into his house and side yard area. Although the neighbor considered alternative options, he is no longer agreeable to opaque glass or a higher window sill and would like Mr. Pangali to remove the loft addition. The neighbor is concerned that the window could be changed in the future and be replaced with a window that is not opaque or has a lower window sill and, therefore, requests that the loft be removed. The neighbor has submitted photos of the applicant's windows and his side yard area for the Commission's consideration (Exhibit F).

The applicant feels that the neighbor has not had concerns in regards to his privacy in the past and is open to finding a compromise to allow the loft to remain and either allow the window to be relocated without having to use a 6-foot high window sill or use a smaller window similar to the existing bedroom window (Please refer to the pictures in Exhibit C). Furthermore, the applicant is open to installing landscaping on either property as a mitigation measure to the neighbor's concern. As shown in Exhibit F, there is room in either side yard to install Cypress trees adjacent to the den/office window. Should the Commission choose to use landscaping as a mitigation measure, staff believes that landscaping should only be designed to mitigate views from the loft window and not the other existing windows.

**Figure 6: Existing Second-Floor Plan**



Staff is supportive of either of the applicant's proposed options if the window, no matter the size and shape, is non-operable and of view-obscuring glass not view-obscuring film, as film could easily be removed. Staff is also recommending that a restrictive covenant be recorded to ensure that future owners are aware of the non-operable, view-obscuring glass restriction for the loft addition. However, the Commission may also want to consider the installation of a window that has a minimum sill height of 6-feet. Staff notes that whether a window with a higher window sill is used or a window with view-obscuring glass, the window has to be at least eight percent of the floor space and, therefore, would have to be at least 12 square-feet in size (operable or non-operable). The type of windows that the applicant is proposing (Please refer to Exhibit C) exceed the eight percent requirement.

## **PUBLIC NOTICE**

Notice of this hearing for the Administrative Design Review 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 public comments. Staff has provided the location and noticing maps as Exhibit G for the Commission's reference.

## **ENVIRONMENTAL ASSESSMENT**

A minor alteration to an existing structure that does not expand the use is categorically exempt (*Existing Facilities*) from the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

## **CONCLUSION**

The issue at hand is the ability to view onto Mr. Tiu's property from the loft. The installation of non-operable, view-obscuring glass (e.g., frosted, etched, etc.) for the loft window, in staff's opinion, would eliminate the privacy concerns between the two properties for the loft addition. Furthermore, the loft adheres to the FAR requirements of the PUD and the applicant is not asking for any modifications or special privileges to retain the loft and relocate the window.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve PADR-2163 subject to the conditions of approval listed in Exhibit A.

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