

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**PADR-2163 / 6333 Paseo Santa Maria  
Loft Addition and Window**

**March 23, 2011**

1. The loft addition and window shall conform substantially to the approved site plan, floor plans, and elevation drawings, marked Exhibit B, dated "Received February 23, 2011," on file with the Planning Division except as modified by these 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 to the approved exhibits.
2. The applicant shall install non-operable, view-obscuring glass (e.g. frosted, etched, etc.) for the proposed second-floor loft window. The plans submitted to the Building and Safety Division for plan check shall contain plan notes and details of the view-obscuring glass and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance of the loft and window. An inspection by the Planning Division to verify the installation of the non-operable view-obscuring window shall be required prior to final inspection and permit sign off from the Building and Safety Division.
3. Prior to final inspection and permit sign off by the Building and Safety Division for the loft addition and window, the applicant shall record a restrictive covenant against the property to require that the non-operable window with view-obscuring glass required by these conditions of approval shall remain and be maintained so long as the loft addition remains on the property and that the loft cannot be converted into a bedroom. The restrictive covenant shall be subject to the review and approval by the City Attorney prior to recordation.
4. Within 30 days from the effective date of approval, the applicant shall obtain all applicable building permits for the loft addition.
5. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 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), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction noise and construction traffic noise will not affect nearby residents or businesses. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.

6. All appropriate City permits for the window shall be obtained prior to the installation or relocation of the loft window.
7. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. At all times these conditions of approval shall be on all plans kept on the project site.
8. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and 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.

**END**

PADR - 2103  
**RECEIVED**

MAR 04 2011

CITY OF PLEASANTON  
PLANNING DIVISION

**Regarding Relocating Windows at**

**The Pangali Residence**

**6333 Paseo Santa Maria, Pleasanton, CA 94566**

**Background**

In 2005, we had a room addition done at our house, which is a Ponderosa Trinity 2 model. There are several similar cases of remodeling in the neighborhood (as we'll explain shortly). The Trinity 2 model was prepped for a possible room addition, and it is our understanding that Ponderosa sold the model with and without the additional room.

It was a simple project, since the weight bearing walls of the downstairs dining room were already prepped to accept a new floor.

The contractor we hired, known to us through our temple did not submit the paperwork to properly permit the room addition. We were oblivious to this situation till 2010, when we evaluated the option to sell our house. Our realtor, John Rocha, uncovered that the room addition was not permitted.

After the initial shock of this discovery, we took our original drawings and paperwork to Pleasanton Building Dept. to correct the situation (around June 2010). One of the Pleasanton building inspectors kindly stopped by our house to evaluate the room addition and advise us on the process.

Since the new floor was added without relocating the two windows, the clearance of the window in the new room upstairs was less than two feet from the floor. The inspector told us that this will have to be corrected before addition of the floor could be inspected and certified as compliant with building code.

In July 2010 we created drawings for the relocation of the window in the downstairs dining room and in the upstairs room addition. We took these drawings to the Pleasanton Planning Dept, and explained what we were attempting to achieve. We retained the services of a general contractor who does a significant amount of business in Pleasanton to get dual permits – for the addition of the floor and for the relocation of the two windows. We were advised to contact our neighbors informally to assess if they would have any objection to relocating the windows.

One of neighbors (George Tiu) most impacted by the relocation expressed reservations about the window relocation. George and his wife Judy have been exemplary neighbors for over 16 years.

We invited George to our house to have him look through the two other windows in adjoining rooms. They provide a very clear, unobstructed view of the two windows in his house facing us.

George admitted that he could clearly see his windows from those two other windows. And he said he was not concerned about us, since we had been good neighbors, of invading his privacy. However, we was concerned that future occupants of our house in the event we sell may not be as respectful of his privacy.

We state these points to make clear that –

- We regret our initial lack of oversight on the contractor who made the room addition
- As soon as we found out that we were not in compliance, we made every effort to remedy the situation.

After months of waiting, the general contractor told us he was swamped with big projects to take on our small project. We again visited the Pleasanton Planning Dept on 2<sup>nd</sup> Feb 2011.

### **Permit Granted on 2 Feb 2011**

After explaining the situation about the room addition, the need to relocate two windows to bring the new floor addition in compliance, the objection of my neighbor to the size of the window in the newly created room, Pleasanton Planning Dept told us to proceed with relocation of the two windows. They issued a permit for the work predicated on retaining the original windows and conforming to building code standards.

The folks in the Pleasanton Planning Dept reviewed room addition work performed on identical floor plan to that of our house (Ponderosa Trinity Model) at:

1. 3045 Paseo Granada
2. 2784 Calle De La Loma
3. 6879 Corte Munras

Their approval for us to relocate the windows was based on the precedent of these remodels and the fact that we were to use the existing windows.

### **Work Started on 21 Feb 2011**

We began the window relocation project on Monday, 21 February 2011. The following day, George Tiu stopped by to ask if we had a permit for the work. I showed him the permit.

### **Visit by Senior Building Inspector on 23 Feb 2011**

We had an unexpected visit from Les Lyons, Senior Building Inspector on 23<sup>rd</sup> Feb 2011. He asked that we contact Planning Dept to initiate Design Review for the room addition and window relocation.

At the time of this visit the window in the downstairs room had already been moved, while the window in the upstairs room was in the process of being installed in its new location. He permitted us to install the window, since rain was forecast for the following day.

An Administrative Design Review was initiated in the afternoon on 23 Feb 2011.

### **Call from Pleasanton Planning Dept (Natalie Amos) on 24 Feb 2011**

Natalie Amos from the Pleasanton Planning Dept contacted me on 24 Feb 2011 to offer the following options that would satisfy our neighbors:

- Use opaque glass for the window in the room addition
- Decrease the size of the window
- Remove the new floor and restore the windows to their original positions.

### **Our contact with the Pleasanton Planning Dept on 28 February 2011**

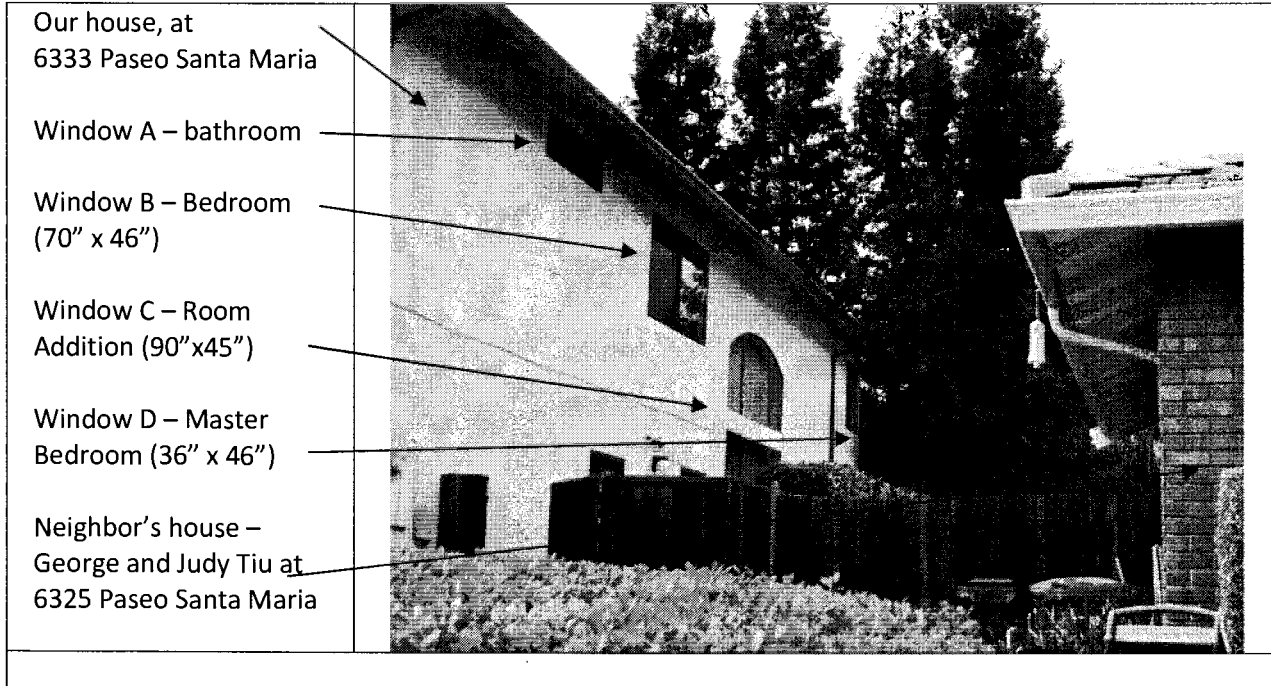
After doing our research on the three options offered by the neighbors, we offered to render the glass opaque by applying a film, such as from [www.decorativefilm.com](http://www.decorativefilm.com)

Natalie Amos in the Pleasanton Planning Dept told us that this option was off the table now.

### **Further Research**

We examined and also photographed various properties to present data bolstering our case as precedents for similar constructions:

1. Picture of windows in our house prior to relocation
2. Our neighbor’s house as seen from the existing windows in adjoining rooms.
3. 3045 Paseo Granada and how its new room window impacts privacy of the adjoining house
4. 2784 Calle De La Loma and how its new room window impacts privacy of the adjoining house
5. 6879 Corte Munras and how its new room window impacts privacy of the adjoining house



**View of neighbor's property from our house**

From Window B  
(From Bedroom)

**Looking at the neighbor's house straight ahead we can clearly peer into the first window.**

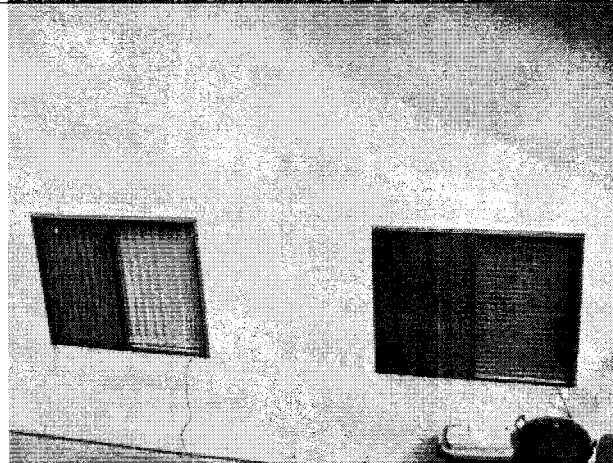
The neighbor has not found it necessary in the past 17 years to provide privacy remediation in the form of plants or trees to block this view.



From Window B  
(From Bedroom)

**Looking at the neighbor's house at a slight angle, we can clearly peer into both windows.**

The neighbor has not found it necessary in the past 17 years to provide privacy remediation in the form of plants or trees to block this view.



From Window D  
(Master Bedroom)

Looking towards the neighbor's house at a slight angle, from the master bedroom, we can see both his windows quite clearly.

The neighbor has not found it necessary in the past 17 years to provide privacy remediation in the form of plants or trees to block this view.

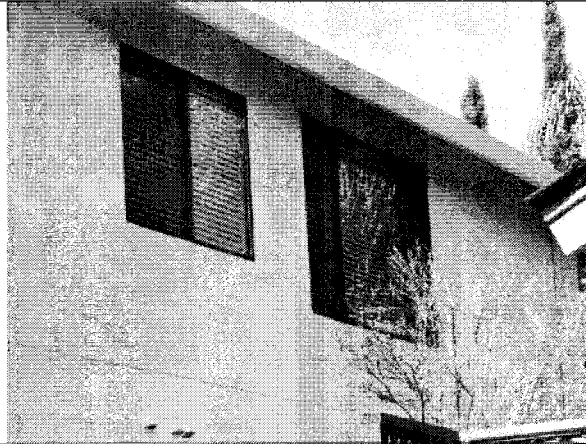


Window C (in the new room addition) **will not cause any additional loss of privacy** for the neighbor. We normally have vertical blinds drawn in the window in the room addition to allow light in yet preserve our own privacy (as seen in the picture of our house on page 3) and also keep out strong sunlight.

Now we present a few houses that have undergone the same remodel as our house, with an emphasis on illustrating the size of the window for the new room.

**3045 Paseo Granada and how its new room window impacts privacy of the adjoining house.**

These 3 pictures are of the house that underwent remodeling. Note the size and location of the window for the new room. It lines up at the top with the window of the adjoining bedroom. It is also larger than the window in the adjoining bedroom.



This is a picture of its neighboring house., at 3037 Paseo Granada.

There are 3 windows in the upper floor that clearly can be looked into from the new window at 3045 Paseo Granada. Yet the remodel at 3045 Paseo Granada was permitted.



2784 Calle de la Loma and how its new room window impacts privacy of the adjoining house.

The window in the new room appears to be identical in size to the window in the adjoining bedroom.



Picture of 2778 Calle de la Loma, of the side facing the remodeled house at 2784 Calle de la Loma.

Again, the privacy of the windows is clearly impacted by the location and size of the windows at 2784 Calle de la Loma, yet the remodel was permitted.



6870 Corte Munras and how its new room window impacts privacy of the adjoining house.

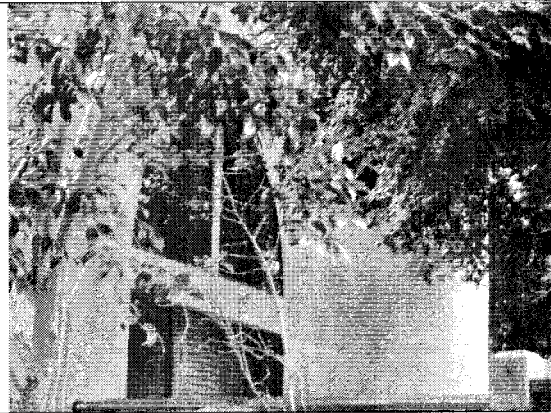
The window in the new room is exactly the same size as the one in the adjoining bedroom.





Here is the neighboring house at 6854 Corte Munras. It has two large windows that are directly visible from the window in the new room.

Privacy has been enhanced by the neighbor by planting a tree.



These additional properties appear to also have undergone a similar model, though we have not looked up their records to confirm. Each of them has a window in the new room addition area that is comparable in size to that in the adjoining bedroom.

3119 Paseo Granada after its re-model.



3050 Paseo Granada after its re-model.



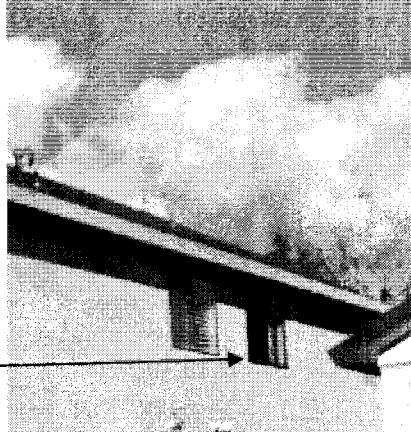
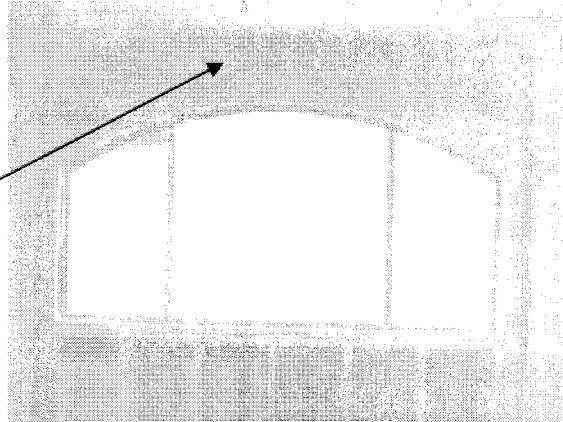
2769 Calle de la Loma after its re-model.



## Our Proposal

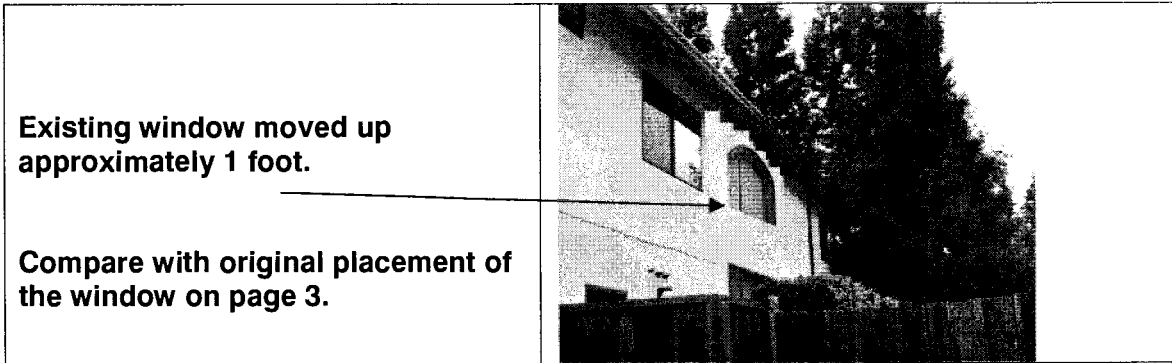
We have acted in good faith in our dealings with our neighbor, and in the interests of an amicable long term resolution of this issue we offer these two options:

- (1) Add a new window, identical in size to Window B (in the adjoining bedroom), and at the same height from the ground.**

<p><b>This will be the appearance of the new window, relative to the window in the adjoining bedroom.</b></p> <p><b>New window, matches Window B in adjoining bedroom (70" x 46").</b></p>	
<p><b>The top of the window will be 9" from the ceiling, in order to preserve the header, essential to the structural integrity of the house.</b></p> <p><b>This 9" inch header has to stay (Building Code requirement).</b></p> <p><b>The new window has to be at least 8% of the floor space to conform with Building Code standards.</b></p> <p><b>Window will be 70" x 46" in height.</b></p> <p><b>The total area of the new window will decrease from the current 28sf to 22sf.</b></p>	

**This is the most popular permitted remodel of the window, from the examples we have examined.**

**(2) Retain original window but relocated to a new location. This is necessary to obtain compliance for the new room – the window must be at least 24” from the floor.**



**EXHIBIT D**

No written response was received from the Tiu's to this letter from us. George Tiu did come over in December 2010, as described in our notes. He asked that the window size be "small".

October 26, 2010

George T Tiu and Judy Tiu  
6325 Paseo Santa Maria,  
Pleasanton, CA 94566

Dear George and Judy,

We are embarking on a small remodeling of our house. As part of that redesign we would like to adjust the placement of two windows on the side of our house that faces your home. Specifically, we would like to achieve these modifications:

- (a) **Second storey:** Move the third window from the front of the house up by two feet (24") so that it is level at the bottom with the second window from the front of the house. The size and shape of the window will remain identical to the present dimensions. This change will not affect the privacy of your home in any way, as the visibility points from the new location will remain the same.
- (b) **First Storey:** Move the window in our dining room, immediately below the window referenced in point (a) above, down by 9.5". This will bring the window base from the base in conformance with the rest of the windows on the first floor. The size and shape of the window will remain identical to the present dimensions. This change will not affect the privacy of your home in any way, as the visibility points from the new location will remain the same.

You are welcome to visit our home and examine the proposed changes from inside our house and visualize how they might impact your privacy.

You may provide your consent to these changes by signing the letter below, and returning it to us.

Thank you.

\_\_\_\_\_  
Charanjit S Pangali and Satwinder K Pangali

October 26, 2010

.....  
.....  
**CONSENT TO MAKE THE AFOREMENTIONED STRUCTURAL CHANGES**

We have understood the structural changes proposed by the Pangali family to their house at 6333 Paseo Santa Maria, and have no objection to the repositioning of the two windows.

\_\_\_\_\_  
Date:

George T Tiu

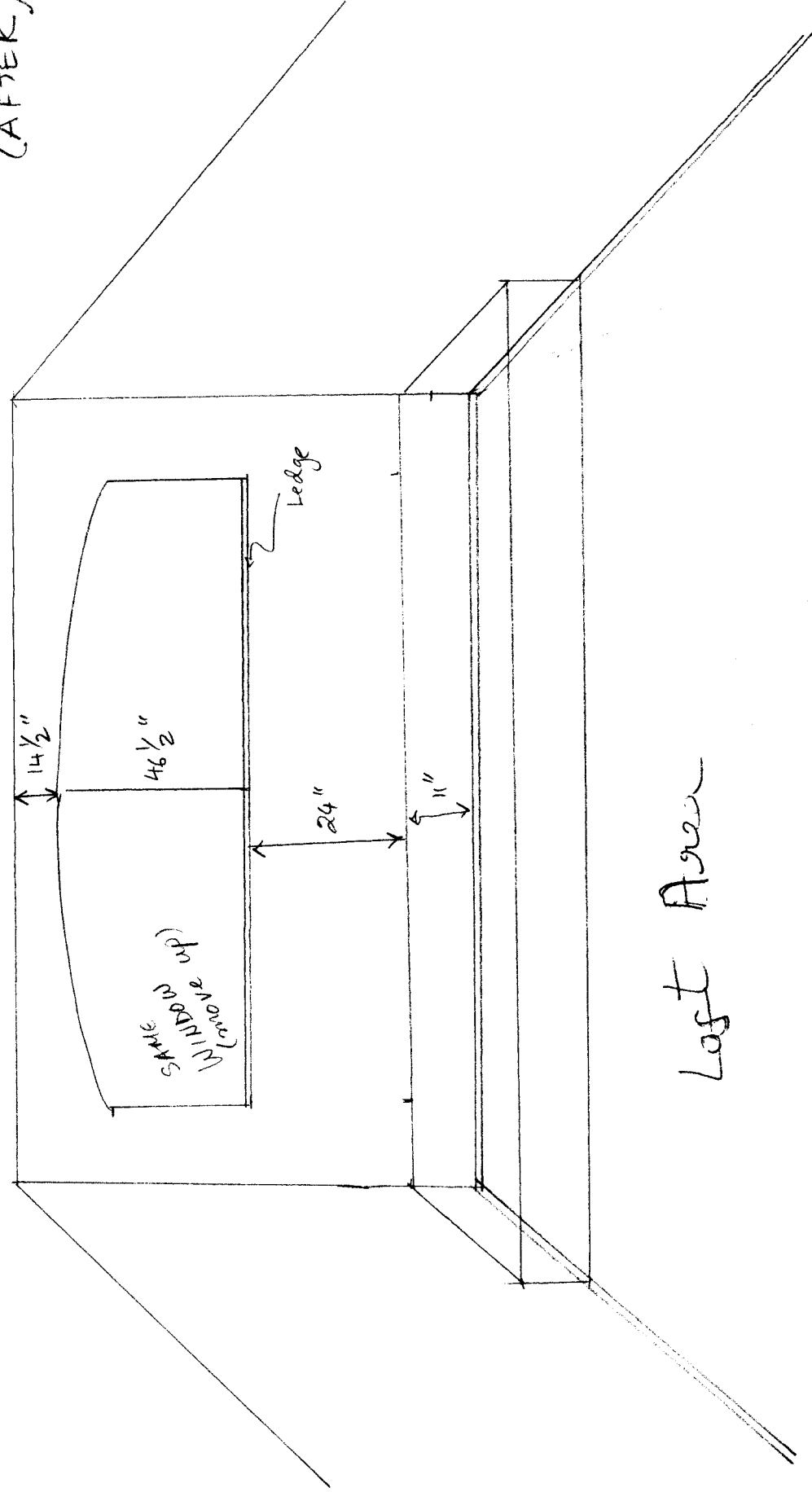
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Date:

Judy Tiu

PADR - 2103  
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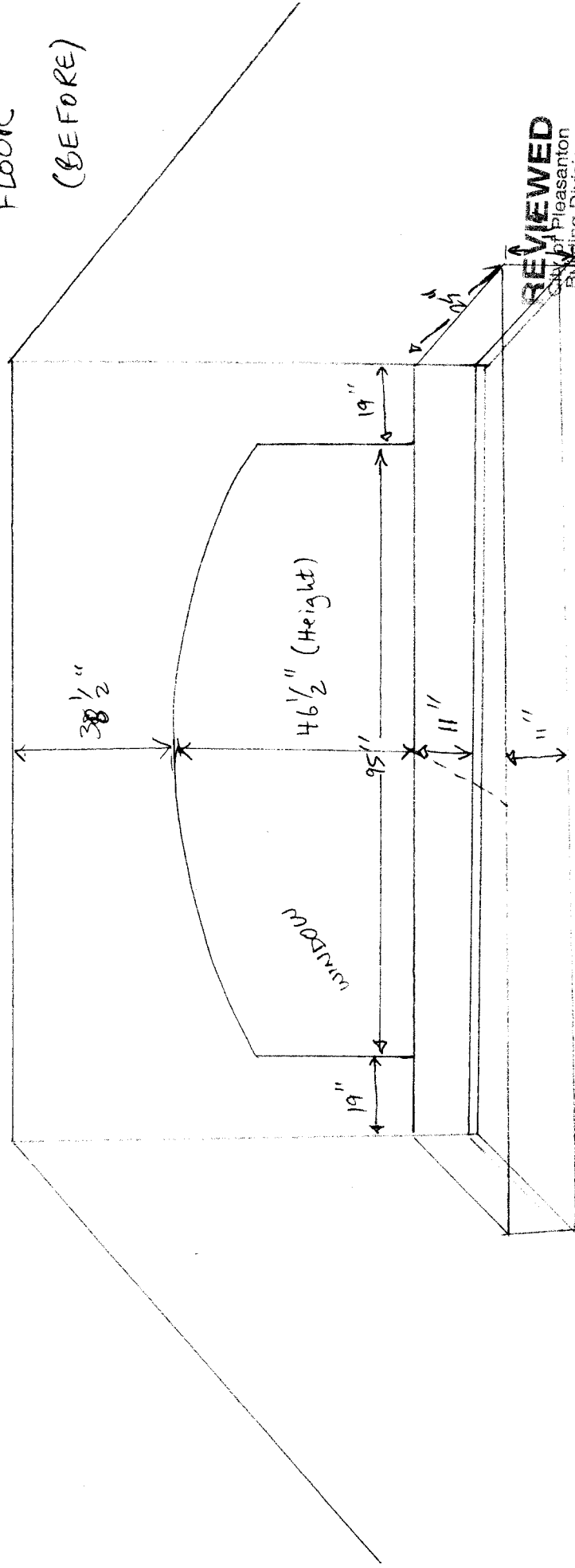
MAR 01 2011  
CITY OF PLEASANTON  
PLANNING DIVISION

UPPER FLOOR (AFTER)



Last Area

UPPER FLOOR (BEFORE)



REVIEWED  
City of Pleasanton  
Building Division

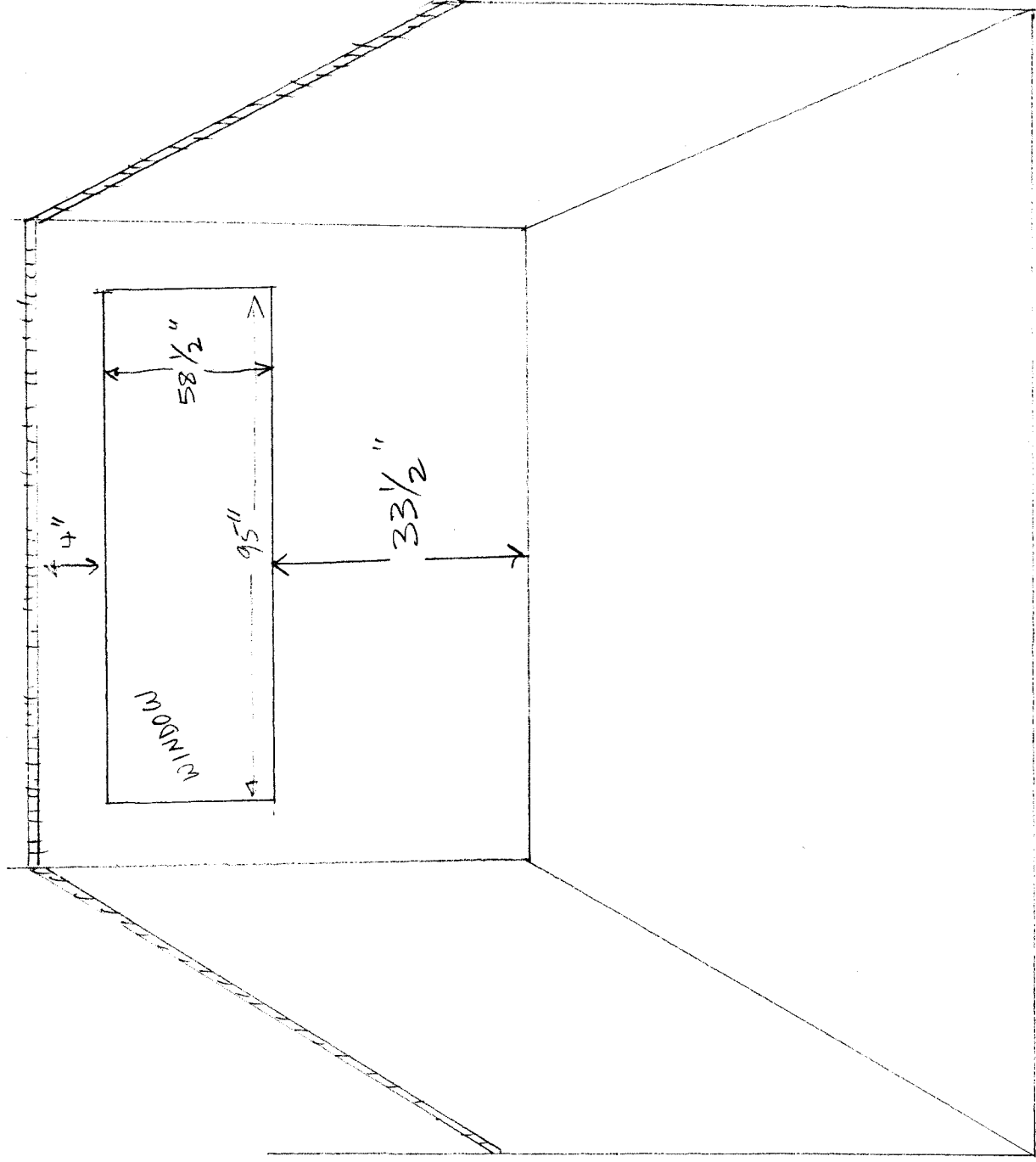
FEB 02 2011

RSY/OS  
INITIALS

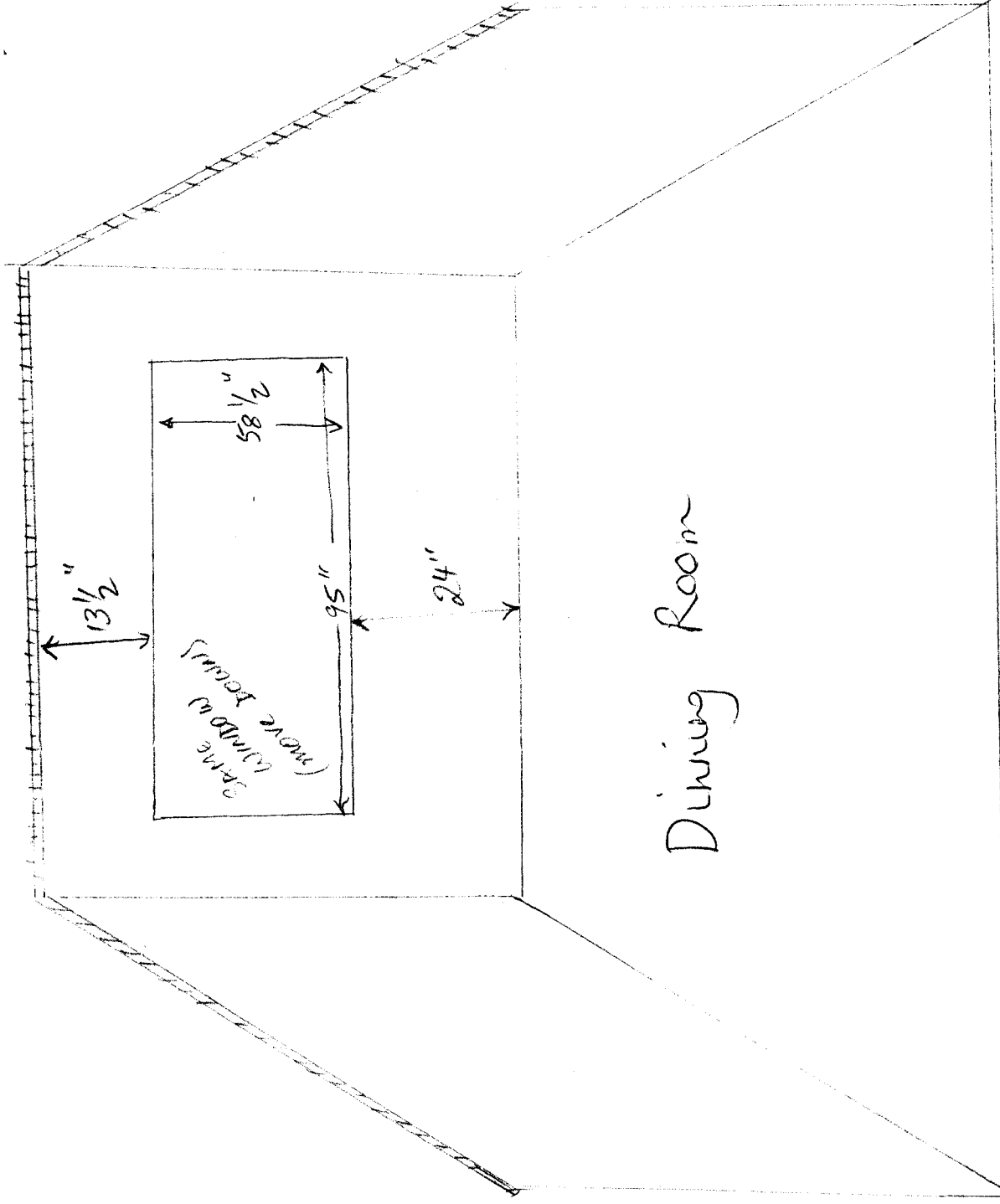
CITY COPY

- (1) Use same header in both locations
- (2) Raise the header and modify the framing for the left
- (3) Modify frame and maintain header height for the dining room
- (4) Stucco to be patched and color to be matched with 3 coat system
- (5) Use existing windows.
- (6) Patch sheet rock as needed on interior.

LOWER FLOOR  
(BEFORE)



(AFTER)



**EXHIBIT F**



6333 PASEO SANTA MARIA  
PLEASANTON, CA



6325 PASEO SANTA MARIA  
PLEASANTON, CA



RE: PAOR-2163  
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MAK 0 - 2011  
**CITY OF PLEASANTON  
PLANNING DIVISION**







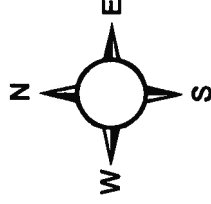
**PADR-2163, PANGALI**

**City of Pleasanton**

**GIS**

**Department**

**6333 PASEO SANTA MAR**



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