



## Planning Commission Staff Report

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August 25, 2010  
Item 6.a.

**SUBJECT:** PAP-146 (Appeal of PADR-2090)

**APPELLANTS:** David and Stephanie Persin, Hans and Roxana Hoehne, Joe and TinaMarie Perry

**APPLICANTS/  
PROPERTY OWNERS:** Rodney and Trina Lopez

**PURPOSE:** Appeal of the Zoning Administrator's approval for Administrative Design Review to construct an approximately 80-square-foot single-story addition and an approximately 1,038-square-foot second-story addition to the existing residence located at 6114 Homer Court.

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

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

**LOCATION:** 6114 Homer Court

**ATTACHMENTS:** Exhibit A: Draft Conditions of Approval  
Exhibit B: Plans for Proposed Addition  
Exhibit C: Appeal Letters  
Exhibit D: Correspondence Received after the Zoning Administrator Hearing  
Exhibit E: Zoning Administrator Approval Letter, Hearing Minutes, Correspondence  

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Exhibit F: Location Map  
Exhibit G: Noticing Map

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### BACKGROUND

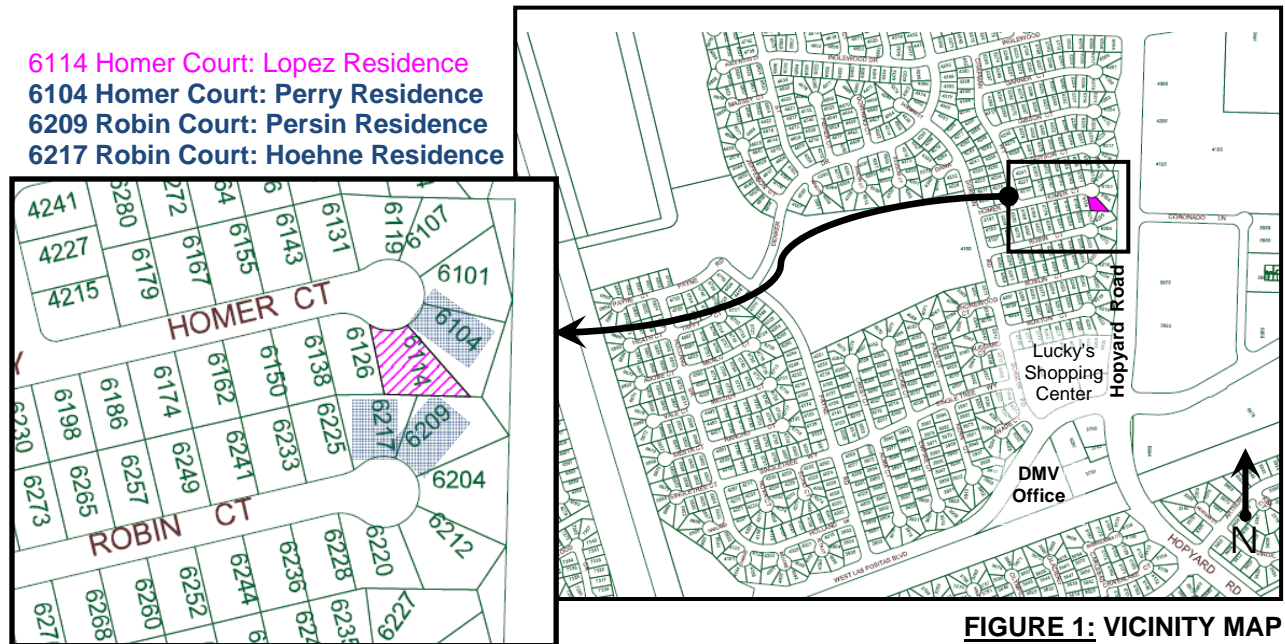
The applicants, Rodney and Trina Lopez, request approval to construct a first and second story addition to the existing one-story home located at 6114 Homer Court. The first floor addition consists of approximately 80 square feet and the second floor addition consists of approximately 1,038 square feet. Neighbors that own property to the south of the subject property, Mr. and Ms. David and Stephanie Persin (6209 Robin

Court) and Mr. and Ms. Hans and Roxana Hoehne (6217 Robin Court) have concerns regarding reduced sunlight, reduced privacy, their view of the second story, a reduction in property values, and that a two-story home is not consistent with the characteristics of the neighborhood. Mr. and Ms. Joe and TinaMarie Perry (6104 Homer Court) have also commented that the proposal may impact their privacy (particularly if a bedroom window that is currently on the second story rear elevation is moved to the eastern façade), that the addition will obstruct views out of their front living room window, negatively impact the appearance of their home from the street by making it appear recessed from the street, and that it will result in a reduction in their property value.

A Zoning Administrator hearing was held on June 30, 2010. The Zoning Administrator approved the proposed project, subject to conditions of approval, including stipulations that require landscape screening and modifications to windows on the second floor of the rear elevation (please see the “Zoning Administrator Hearing” section of this staff report for additional details). An appeal of that decision has been filed by Mr. and Ms. Persin, Mr. and Ms. Hoehne, and Mr. and Ms. Perry.

**SITE DESCRIPTION**

The project site is a residential lot in the Val Vista neighborhood and is generally located west of Hopyard Road and north of West Las Positas Boulevard. The lot size is approximately 6,521 square feet, is an interior lot, and is situated adjacent to the bulb of the cul-de-sac of Homer Court. The properties in immediate vicinity of the subject property are single story. Figure 1 shows a vicinity map with an insert of the subject property highlighted in magenta and the homes of the appellants highlighted in blue.





## ZONING ADMINISTRATOR HEARING

In accordance with code requirements and standard procedures, adjacent neighbors were mailed notices regarding the Administrative Design Review application. During the noticing process, staff received a phone call from Ms. Stephanie Persin, who lives in one of the homes south of the subject property (6209 Robin Court). Ms. Persin stated that she was concerned about privacy, lack of sunlight to her yard as a result of the project, and that it may decrease the value of her home. She also commented that a two-story home is not in keeping with the overall character of the neighborhood. Mr. David Persin also summarized his wife's comments in an email. Staff also received a phone call from Ms. Roxana Hoehne (6217 Robin Court), who has raised similar concerns to that of Ms. Persin and stated that she would like to see a single-story addition instead of a two-story addition.

The location of subject property and the neighboring properties that have appealed the Zoning Administrator's decision are shown in the aerial photo below (Figure 3).



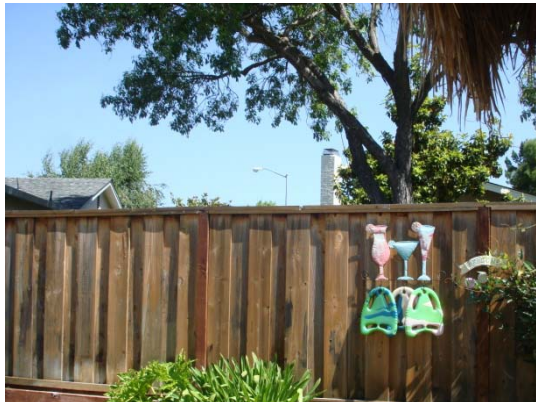
**FIGURE 3: AERIAL MAP (GOOGLE MAPS)**

Staff conducted a site visit of both the subject property and the neighboring properties to the south prior to the Zoning Administrator hearing. The photos on the following page show the view of the subject property from the rear yards of Mr. and Ms. Hoehne and Mr. and Ms. Persin. Both the Hoehnes and the Persins would have view of the proposed addition from their properties. In an effort to mitigate their concerns related to privacy and view of the proposal, conditions of approval for the project required

landscape screening and modifications to the proposed rear second-story windows on the rear elevation.



View of Subject Property from 6217 Robin Court (Hoehne residence)



View of Subject Property from 6209 Robin Court (Persin residence)

**FIGURE 4: PHOTOS SHOWING VIEW OF SUBJECT PROPERTY FROM NEIGHBORS DIRECTLY TO THE SOUTH**

Prior to the Zoning Administrator hearing, staff received email correspondence from Ms. Jan Messerschmidt (6220 Robin Court), who has stated that the project will block view of the skyline of trees she sees out of her front door above roofs of houses across

Robin Court. Ms. Messerschmidt also commented that the house would not blend in with the neighborhood.

On the morning of the Zoning Administrator hearing, staff received separate phone calls from the owners of the property directly to the east of the subject property (6104 Homer Court), Ms. TinaMarie Perry and Mr. Joe Perry. Ms. Perry stated that she had concerns regarding privacy if the proposed second floor bedroom window on the rear façade is moved to the east side façade to accommodate privacy concerns from the rear neighbors. Additionally, they stated that the project would obstruct views out of their front room window, that the front of their house will appear recessed and less visible from the street as a result of the proposed project, and that the project would result in a decrease in their property's value.

Mr. and Ms. Lopez stated that they initially considered a single-story addition, but found that the lot size and lot configuration would not result in an addition to their home that would allow for the interior configuration or the square footage that they desired. Further, the applicants indicated an addition to the first floor would occupy the majority of open space in the rear and side yards.

As stated above, the staff-recommended conditions of approval for the Zoning Administrator hearing included mitigation measures to help address privacy and concerns regarding visibility of the addition. To address concerns regarding privacy and the view of the proposed home, landscape screening is required along the rear property line. The condition requires planting of either *Podocarpus gracilior* (Fern Pine) or *Cupressus sempervirens 'Stricta'* (Italian Cypress), a combination of these two landscaping materials, or other species subject to the review and approval by the Director of Community Development. The condition also requires the screening to be planted within 45-days of the effective date of approval for the project to allow the landscape to begin to mature as soon as possible to provide adequate screening.

The staff-recommended conditions of approval for the Zoning Administrator hearing also included mitigation measures regarding the windows on the rear elevation. The two double-hung bathroom windows on the rear elevation would be modified to slider windows and placed such that the bottom of the window is at least 5.5-feet above the finished floor to reduce visibility out of the window.

Mr. and Ms. Persin and Mr. and Ms. Hoehne were present at the Zoning Administrator hearing. Since Mr. and Ms. Perry were not able to attend, staff conveyed the comments received from them that morning as part of the staff presentation. The Zoning Administrator received testimony from the applicants as well as the neighbors to the south and acknowledged the comments received from Mr. and Ms. Perry to the east. The minutes for the Zoning Administrator hearing in addition to correspondence

received before or at the Zoning Administrator hearing are attached to this staff report as Attachment E.

The Zoning Administrator added several conditions to the project. The additional conditions consisted of:

- clarification of the size and orientation of the bathroom windows on the second floor;
- a reduction in the size of the bedroom window that faces the neighbors to the south without compromising ability to meet emergency egress requirements as stipulated by the Building Division;
- clarification that proposed landscape screening along the southern property line be located in-between existing landscaping and vegetation;
- clarification to allow a combination of species for the proposed landscape screening or to allow another type of species that is fast-growing and minimizes leaf litter;
- the applicant may add a one-story roof over the porch area to enhance the front façade and for weather protection.

The Zoning Administrator approved the project subject to the revised conditions.

### **NEIGHBORS' COMMENTS AFTER THE ZONING ADMINISTRATOR HEARING**

Ms. Terry Young, owner of 6126 Homer Court, submitted an email to staff in support of the project. Ms. Young's property is located directly west of the subject property. Ms. Young's correspondence is attached to this report.

In response to the Perry's appeal, staff visited the residence of Mr. Joe and TinaMarie Perry (6104 Homer Court) to consider their comments and concerns regarding the proposal. As stated by Mr. and Ms. Perry before the Zoning Administrator hearing and in their appeal letter, their concern is regarding the second-story portion of the proposal that is closest to their property. The Perrys have stated that the proposed addition will cause shadowing and shading of their property and will impact the view from their front room window. They have also commented that the proposed addition will make their house appear more recessed from the street and reduce the value of the property. Additionally, they are concerned that the view from their kitchen window would be impacted since it faces towards the subject property.

In reply to the concern about views of the proposed addition, Mr. and Ms. Lopez have offered to plant landscape screening near the mutual side property line, but Mr. and Ms. Perry do not find that this alternative is a suitable solution for their concerns. Additionally, Mr. Lopez has indicated that the combination of trees located on the Perry's property, his property, and Ms. Young's property shade the Perry's home for the majority of the day.

Mr. and Ms. Perry have also stated that they are not completely against a two-story structure at the subject property, but would like to see the second story set back further from the mutual side property line or located closer to the rear of the home. Figure 5 below shows photographs taken from Homer Court and from inside the Perry's home.



**FIGURE 5: PHOTOS SHOWING VIEWS OF 6104 HOMER COURT FROM STREET AND VIEWS OF SUBJECT PROPERTY FROM FRONT ROOM OF 6104 HOMER COURT**

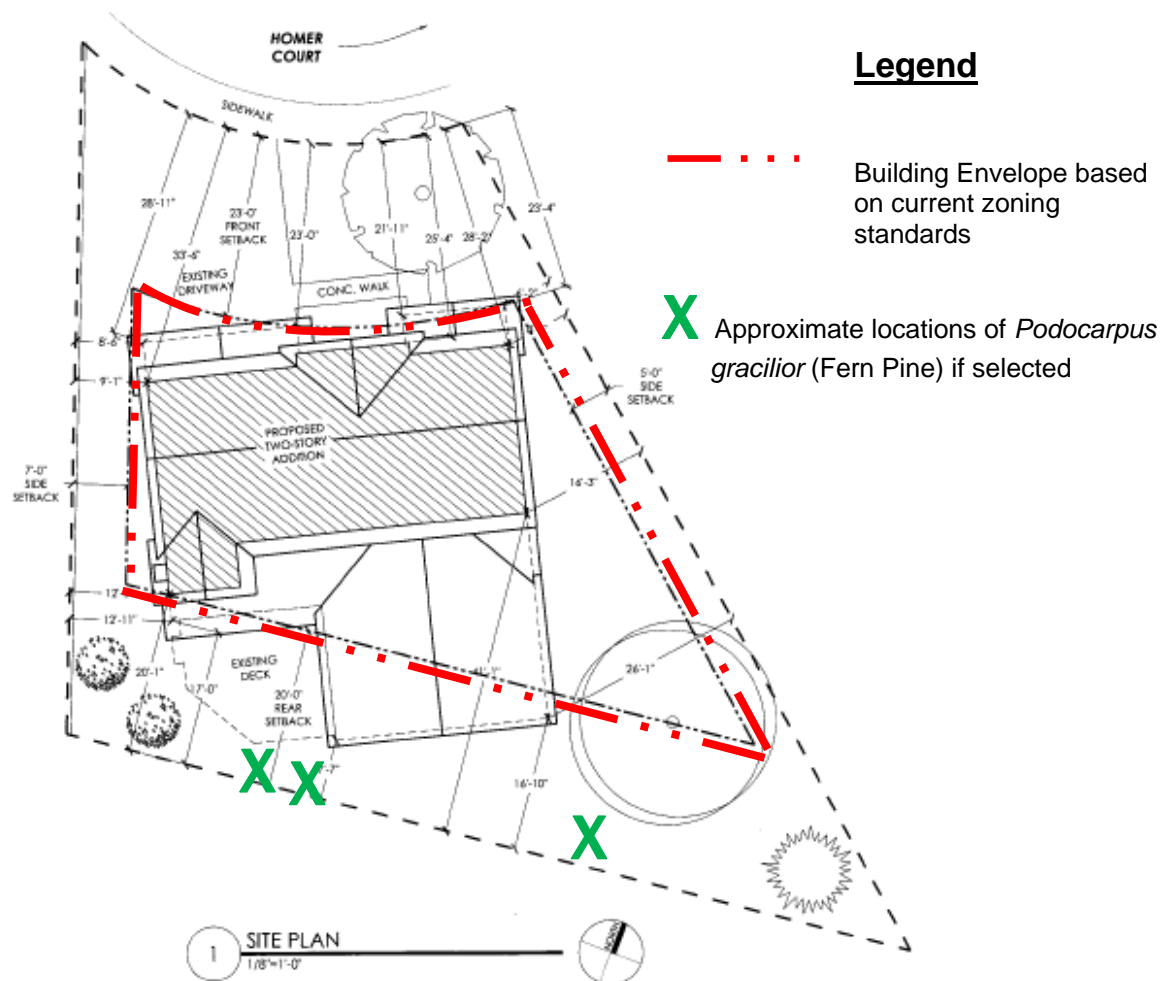
## **ANALYSIS**

The existing juxtaposition of the home on the subject property and the homes on the surrounding properties make for a challenging situation to mitigate all concerns from all parties involved. The development standards for the property (setback requirements, floor area ratio, height requirements) required by the Municipal Code are intended to provide adequate separation between structures and establish parameters for which development may occur and minimize impact on neighboring properties. The following section serves to analyze and provide information to the Planning Commission regarding site configuration, two-story homes in the Val Vista neighborhood, and the sizes of homes in the vicinity of the subject property.



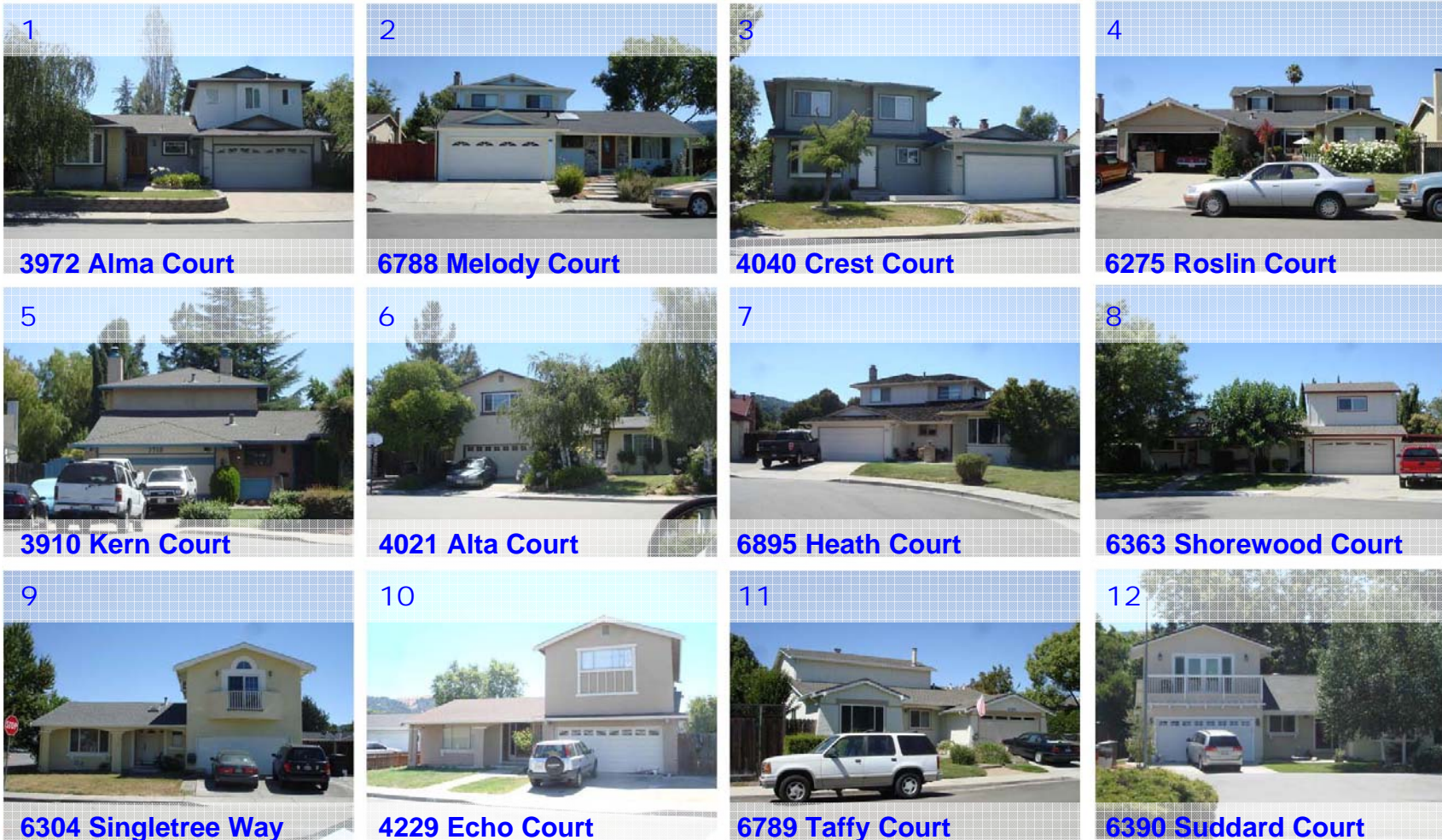
**Existing Site Configuration**

The site plan for the subject property (Figure 6) shows both the existing first floor and the proposed second floor. The existing home is generally located in the center of the property. As noted by the shaded area, the second floor is proposed closer to the front of the property and spans the width from the west to the east side. The 80-square foot addition on the first floor is to expand and reconfigure the entry way area. The plans indicate that the rear portion of the home has been constructed with a 7-foot 7-inch rear setback at the closest point. While this setback is non-conforming to current zoning standards, the original building permit for the home indicates that the subject property and several others in the Val Vista neighborhood were constructed with setbacks that do not conform to current standards. The applicant is not proposing to modify this existing non-conforming setback and the proposed second story meets or exceeds the 20-foot minimum rear setback requirement. The original building permit for the home also indicates that the home was constructed with a 20-foot front setback, which was the minimum required front yard setback at that time. The side setbacks for the home are a minimum of 5-feet with an aggregate of 12-feet between the two sides.



**FIGURE 6: SITE PLAN FOR PROPOSED ADDITION (NOT TO SCALE)**





**FIGURE 8: PHOTOS OF TWO-STORY HOMES IN VAL VISTA NEIGHBORHOOD (NUMBERS CORRESPOND WITH VICINITY MAP IN FIGURE 7)**

Figure 8 shows photos of these homes as viewed from the street. The configuration of the homes varies, as some of the two-story portions of the homes are over the garage, but extend to the rear of the single-story portion of the home. On other homes, the two-story portion is situated over the center of the first story or is closer to either the front or the rear of the property. The original building permits for these twelve homes indicate they were

constructed as single story homes and thus the second story portions were added to expand the original structure.

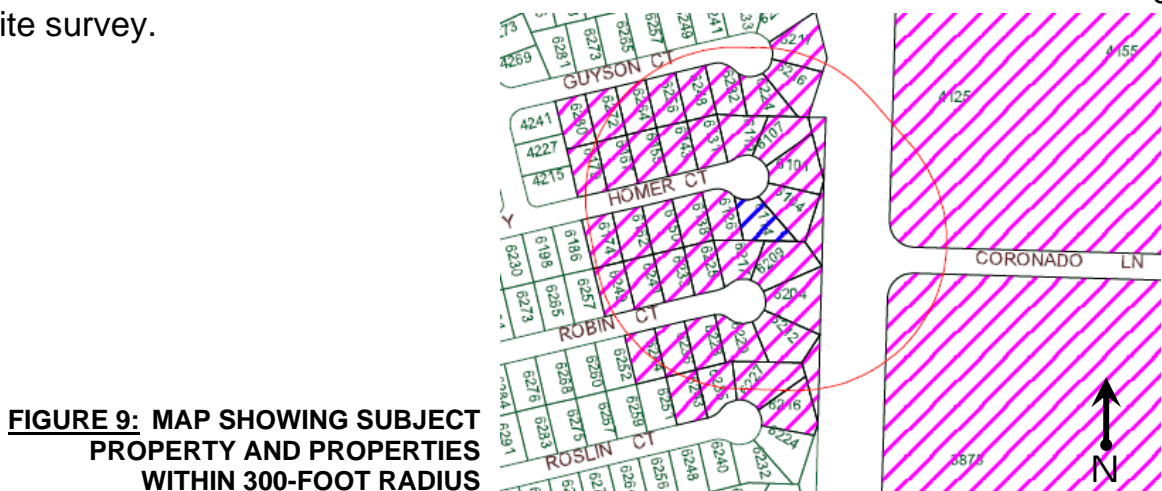
There is no restriction in the Val Vista neighborhood that prohibits two-story homes. Other developments within the City, such as the Jensen Tract located across from Amador Valley High School, is another subdivision with the same zoning designation as the subject property (R-1-6,500) that was originally developed as single story homes and several second-story additions have subsequently been approved.

Staff believes that in this case there are no design options, short of removing the second-story addition, which would satisfactorily address the neighbor’s concerns. Given that the addition meets all of the Code requirements, including height, and is typical of second-story additions approved in other areas of the City, staff does not believe that it is appropriate to deny the application just because it is a second story addition.

*Sizes of Homes*

The appellants’ letters state square footages of the other two-story homes in the Val Vista neighborhood and indicate the proposed addition would make it the largest two-story home in the Val Vista neighborhood.

Staff has evaluated the sizes of homes in immediate vicinity of the subject property. There is no standard radius in the code that defines “vicinity” or “neighborhood.” In order to incorporate a reasonable number of properties, staff has used a 300-foot radius. Figure 9 below shows a vicinity map of properties within a 300-foot radius of the subject property. Figure 10 shows the sizes of the homes based on City permit records and property sizes based on Alameda County Assessor’s Office data (home size and property size values are in square feet). Standard practice is to accept home and property size figures as reliable, but Alameda Country does not guarantee their accuracy. Precise measurements would not be known without “as-built” drawings and/or a site survey.



**FIGURE 9: MAP SHOWING SUBJECT PROPERTY AND PROPERTIES WITHIN 300-FOOT RADIUS**

ADDRESS	HOME SIZE	PROPERTY SIZE	ADDRESS	HOME SIZE	PROPERTY SIZE
<b>Guyson Street</b>			<b>Homer Court</b>		
6280	1,415	6,200	6179	1,889	6,200
6272	1,584	6,200	6167	1,415	6,200
6264	1,538	6,200	6155	1,584	6,200
6256	1,405	6,200	6143	1,405	6,200
6248	1,759	6,200	6131	1,759	6,230
6232	1,538	6,316	6119	1,538	6,485
6224	1,415	6,232	6107	1,538	7,252
6216	1,584	7,985	6101	1,584	8,445
6217	1,889	8,475	6104	1,759	7,940
<b>Robin Court</b>			<b>6114</b>		
6249	1,415	6,200	6126	1,618	6,263
6241	1,584	6,200	6138	1,415	6,200
6233	1,405	6,200	6150	1,538	6,200
6225	1,538	6,200	6162	1,759	6,200
6217	1,415	6,501	6174	1,415	6,200
6209	2,911	9,167	<b>Roslin Court</b>		
6204	2,305	10,000	6243	1,405	6,200
6212	1,806	9,002	6235	1,538	6,201
6220	1,538	6,501	6227	2,016*	9,448
6228	1,613	6,200	6216	1,759	8,335
6236	1,538	6,200			
6244	2,169*	6,200			

\* Based on Alameda County Assessor's Office Data

**FIGURE 10: CHART SHOWING RESIDENTIAL PROPERTY SIZES AND HOME SIZES WITHIN 300-FOOT RADIUS OF SUBJECT PROPERTY (BASED ON DATA FROM CITY PERMIT RECORDS AND ALAMEDA COUNTY ASSESSOR'S OFFICE)**

The applicants' property is highlighted in Figure 10 and is shown with existing square footage. With the addition, the home size is proposed to be 2,607 square feet, reaching the maximum floor area ratio permitted of 40%. Figure 10 indicates that the square footage of homes within a 300-foot radius around the home vary greatly. The range of the sizes of homes varies between approximately 1,405 square feet to approximately 2,911 square feet. The range of the sizes of the properties also varies between approximately 6,200 square feet and 10,000 square feet. While recognizing that the proposed addition maximizes the square footage allowed on the property, the square footage of the subject property would be within the range of homes in the vicinity of the property.

**GENERAL PLAN CONSISTENCY**

The General Plan acknowledges the existing character or residential neighborhoods in the City. The Land Use Element states the following policy and programs:

- Policy 8:* Preserve and enhance the character of existing residential neighborhoods.
- Program 8.1:* Enforce provisions of the City's Zoning Ordinance and related planning ordinances to maintain the character of existing residential neighborhoods.
- Program 8.2:* Use the City's development review procedures to minimize intrusions into existing neighborhoods.

The neighbors to the rear have stated that a two-story home is not in keeping with the overall characteristics of the neighborhood. However, other two story homes exist within the Val Vista neighborhood and no restriction against a two-story home exists for the subject property or surrounding properties. With the proposed addition, the subject home would be one of the larger homes in the Val Vista neighborhood, but not the largest home, either in immediate vicinity or within the development. Standard procedure requires adjacent property owners be notified and have the opportunity to comment on projects such as the subject proposal. The proposed conditions of approval intend to mitigate for and minimize the impact of the proposed project to rear neighbors in the form of reduced window size and landscape screening. Neighbors adjacent to the subject property have also commented regarding the proposed project and their concerns have been incorporated into this report for the Planning Commission's consideration.

## **DESIGN REVIEW**

Chapter 18.20 (Design Review) of the Municipal Code indicates that in order to preserve and enhance the City's aesthetic values and to ensure the preservation of the public health, safety, and general welfare, additions to single-family homes which exceed ten feet in height are subject to Administrative Design Review. As outlined in the Design Review Chapter, the Zoning Administrator's or Planning Commission's scope of review of the project plans shall include, but not be limited to, the following:

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

The proposed project will preserve the natural beauty of the city in that it will preserve the mature landscaping on the property and additional landscaping will be planted to help screen the structure from adjacent property owners. The project is set back a minimum of 20 feet 1-inch from the rear property line and the rear yard setback increases as the project gets closer to the eastern property line. The open space within the rear and side yards will be maintained.

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;*

The applicants' property is located to the north of rear neighbors. Further, given that the addition will be located towards the front of the property, the rear neighbors to the south are not likely to be impacted by shadows of the two-story structure to the north. The size of the home is within the range of the square footage of homes in immediate vicinity of the subject property. Further, the proposed roofline is varied and is designed with minimal slope to reduce the overall height and appearance of bulk and mass. The proposal meets or exceeds the development standards for the R-1-6,500 zoning designation.

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;*

The proposed addition will match the colors, materials, and architecture of the existing home and will be compatible with the architectural styles found within the neighborhood. Several two-story homes exist in close vicinity of the subject property and no restriction prohibiting two-story homes exists within the development. Mature landscaping that currently provides screening will be maintained and additional landscaping along the rear property line will be added to provide screening and address visual concerns from rear neighbors. Additionally, the addition meets or exceeds minimum setback requirements.

4. *Preservation of views enjoyed by residents, workers within the city, and passersby through the community;*

The project meets this criterion in that the applicant will plant additional landscape screening in response to concerns about views of off-site landscaping that will be impacted by the proposed project. The first story of the subject home is visible to the neighbor to the east and the view out of the front room window will not be significantly altered. The addition will be located towards the front of the property and thus has been designed to minimize impact to views of neighbors to the rear.

5. *Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;*

No heritage size trees will be removed to accommodate the proposal. Landscaping materials will be added to the site to provide screening of the project in response to neighbors' concerns about privacy and views of the

additions. The landscaping along the streetscape will not be altered since no trees will be removed or added to the front yard for this project.

6. *Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;*

The proposal consists of an addition to a single-family residence and thus will not change the relationship of exterior lighting to its surroundings, to the building, and the 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;*

The architectural style of the home will remain consistent with the proposal and the proposed addition will match the colors, materials, and architecture of the existing home. No roof-mounted mechanical equipment or utility hardware is proposed and any ground-mounted equipment will be required to adhere to requirements of the Pleasanton Municipal Code.

8. *Integration of signs as part of the architectural concept; and*

No signs are proposed as part this project.

9. *Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.*

No miscellaneous structures, street furniture, or public art is proposed as part of this project.

## **EFFECT ON PROPERTY VALUES**

Neighbors cite a concern about the impact of the proposed addition on their property values. The fiscal impact of a project on surrounding homes is not included in the design review process, and because it is a debatable issue, the City usually tries to avoid basing decisions on property values.

## **PUBLIC NOTICE**

Notices regarding this appeal and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this report was prepared, staff has not received any comments or concerns other than from the appellants.



## **ENVIRONMENTAL ASSESSMENT**

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under section 15303 (Class 3) New Construction or Conversion of Small Structures. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

The existing configuration of the subject home and the surrounding properties make it difficult to mitigate all the concerns of all parties involved. Based on the analysis of this staff report, staff believes that the proposed project merits approval. A restriction against two-story homes does not exist for the subject property or the Val Vista neighborhood and other two-story homes currently exist within the area. Further, an addition to the first floor may not yield the square footage that the applicant finds is necessary and may result in an unusual interior configuration. Other constraints, such as the size and shape of the lot, existing mature landscaping, and elimination of usable open space may further restrict an addition only to the first story of the subject property. The conditions of approval require the applicant to mitigate for concerns regarding privacy and view of the proposal with the use of landscape screening and modifications to second-story windows on the rear façade.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission deny PAP-146, thereby upholding the Zoning Administrator's approval of Case No. PADR-2090 subject to the conditions listed in Exhibit A.

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