

SUBJECT: PAP-97/PADR-1542

APPELLANT: Steve and Carol Stanton, owners of 3116 Joanne Circle

APPLICANT: Robert (Bob) Sweeney

PROPERTY OWNER: James (Jim) Rhoades

PURPOSE: Appeal of the Zoning Administrator approval of application PADR-1542 to construct an approximately 1,224-square-foot second-floor addition and an approximately 120-square-foot first-floor addition to the front of the existing residence.

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

ZONING: R-1-7500

LOCATION: 3227 Anastacia Court

ATTACHMENTS:

1. Location Map
2. Exhibit A, Site Plan and Elevation Drawings, dated “Received, May 09, 2006”
3. Exhibit B, Draft Conditions of Approval for PADR-1542
4. Exhibit C, Email from Carol and Steve Stanton dated May 16, 2006
5. Exhibit D, Appeal Statement dated “Received July 7, 2006”
6. Exhibit E, Minutes from Zoning Administrator Hearing of June 8, 2006
7. Exhibit F, Minutes from Zoning Administrator Hearing of June 22, 2006
8. Exhibit G, Photos of homes on Anastacia Court and Joanne Circle
9. Exhibit H, Survey of 1-story and 2-Story Homes in the Site Vicinity

BACKGROUND

On May 9, 2006, the applicant, Robert Sweeney, submitted plans on behalf of homeowner Jim Rhoades, to construct an approximately 1,224-square-foot, second-floor addition and an approximately 120-square-foot, first-floor addition to an existing 1,680-square-foot residence located at 3227 Anastacia Court. Pursuant to the administrative design review process, staff notified the surrounding property owners of the subject site on May 10, 2006. In response to the notification, Carol and Steve Stanton, owners of the property at 3116 Joanne Circle located to the north (rear) of the subject site, sent an e-mail to staff expressing their opposition to the proposed project and requested a Zoning Administrator hearing.

The Zoning Administrator (ZA) hearing was held on June 8, 2006. After presentation of the project by staff and comments by the applicants and the concerned neighbors, the ZA continued the hearing until June 22, 2006 in order for her and the project planner to visit both the subject property as well as the concerned neighbors' property. Staff conducted a site visit to the Rhoades' property on Monday June 12, 2006 and a site visit to the Stantons' property on Monday June 19, 2006. At the June 22, 2006 hearing, the Zoning Administrator approved Case No. PADR-1543, subject to the conditions of approval attached as Exhibit B.

The Stantons submitted an appeal of the Zoning Administrator's action on July 7, 2006. In the appeal, the appellants restated the issue of privacy, noise, and drainage impacts they raised in the Zoning Administrator Hearing.

SITE DESCRIPTION

The subject site is a 7,560-square-foot lot located on the east side of Anastacia Court, north of Parkside Drive. The lot is approximately 71 feet wide at the front, 70 feet wide at the rear, and 106 feet in length. The topography of the lot (and neighborhood) is flat. The subject property is developed with a 1,680 square-foot single-story, single-family dwelling, which, per County records, was built in 1986. The neighborhood is a mix of one- and two-story single-family homes with varied architectural styles.

PROJECT DESCRIPTION

The applicant proposes to construct an approximately 120-square-foot addition to the front of the existing house, and an approximately 1,224-square-foot, second-story addition along the left (west) side of the existing residence. The second story addition would be constructed flush with the rear (north) and left (west) side of the existing home, and would be set back four feet (4') from the front (south), and between 12 and 20 feet from the right (east) side of the existing first story. The second story addition would comprise

approximately 73% of the existing first floor building footprint and approximately 68% of the proposed first floor building footprint.

ANALYSIS

Administrative design review applications for residential additions of this nature are reviewed for conformance with the site development standards and approved by the Zoning Administrator. The subject property is located in the R-1-7500 (Single Family Residential) zoning district. As outlined in the table below, the proposed project adheres to all of the zoning district's site development standards.

<u>Standards for R-1-7500</u>	<u>Required</u>	<u>Proposed</u>
F.A.R.	≤ 40%	40%
Side Yard Setback	≥ 5 ft	10 ft (existing)
Combined Side Yard Setback	≥ 14 ft	21 ft (existing)
Front Yard Setback	≥ 23 ft	23 ft (existing)
Rear Yard Setback:	≥ 20 ft	29 ft (existing)
Height	≤ 30 ft	28 ft

Carol and Steve Stanton e-mailed their opposition to the project planner on May 16, 2006. The Stantons own and currently rent out the home located at 3116 Joanne Circle. The Stantons' home is located to the north (rear) of the Rhoades' residence. The Stantons believe that the proposed project, if approved, would compromise their property value, add excessive noise and dust during the construction phase, and limit the sunlight, open space, and privacy at the back of their property.

In the public hearings and subsequent site visit, the Stantons also stated that they did not feel the proposed addition would be compatible with the neighborhood—although they did concede that the proposed addition was attractive—and they felt they would be financially impacted because their current tenant may vacate due to construction noise and loss of privacy.

The Stantons reiterated their concerns in their appeal letter dated, "Received July 7, 2006," see Exhibit D. All concerns listed in the appeal letter were addressed in the ZA hearing on June 22, 2006. Mr. Stanton, however, was not in attendance during this hearing; only Mrs. Stanton represented the appellants at the hearing. The Stantons' concerns along with staff's analysis follows.

The appeal letter emphasized the impacts the proposed second story addition would have on the "privacy, open space and protection" of the Stanton property. In particular, the Stantons note that the second story balcony, the 4-foot wide by 5-foot high windows, and the glass sliding door will negatively impact the Stanton property's "private and per-

sonal” living space. In addition, the Stantons fear the windows and sliding glass door will cause sun glare on their property.

Mr. Rhoades has mentioned that he previously offered to pay for and install an 8-foot fence between his property and the appellants in order to provide more privacy for both parties. The Stantons refused, however, saying they did not want to feel “boxed in.”

The ZA therefore added two conditions of approval in order to address the privacy concerns. The first requires that the applicant plant two additional trees within the four-foot planter strip between the pool and the rear property line. Although the Stantons dispute the width of the planter strip and the viability of its size for the planting of trees, staff has proposed an amendment to the condition that would require the applicant to plant tree species to the review and approval of the city’s landscape architect in order to ensure the viability of the plantings.

Cognizant of the limited planter space on the Rhoades property, the ZA also added the condition that the applicant shall pay, at a reasonable cost, for the purchase and installation of 5-gallon shrubs, the type and species of which shall be subject to the review and approval of the Planning Director. The shrubs shall be planted, with consent of the Stantons, for a length of approximately 12 feet along the Stantons’ rear yard property line to best provide screening of the Stanton’s rear “courtyard” from the second story balcony.

Staff believes the required planting on both properties will not only block reflective glare and preserve the Stantons’ tenants privacy once the addition is built, but will block the current view the Rhoades have into the living area of the Stantons’ home.

The Stantons have again raised the issue of noise their tenants will have to endure during the construction stage. Although construction noise is an inevitable outcome of living in a vibrant suburban neighborhood, the ZA imposed additional conditions of approval to shield the residents of the Stanton home from both noise and dust during and after construction. One condition of approval requires the applicant to tarp or otherwise screen the back area of his existing trellis before the commencement of construction activities to contain both noise and dust. The second condition, proposed by the applicant, is that at the end of construction and prior to the issuance of a building final, the applicant will power wash the Stantons’ residence at 3116 Joanne Circle, including the back concrete patio area. The applicant also agreed to tarp the courtyard area of the appellants’ home. The ZA determined that due to the legal concerns of having the City impose the installation of a structure by one party on another party’s property, that this agreement must be arranged on a private basis. In order to limit construction noise further, the ZA modified the standard condition, at the request of Mrs. Stanton, to prohibit external construction on Saturdays.

The Stantons raise a concern about lighting on the balcony potentially shining directly into the bedroom area of their home. In response, the ZA added a condition of approval that any exterior lighting shall limit glare on surrounding properties, that no up-lighting shall be permitted, and that all lighting shall be of a low luminosity.

The appellants have raised concerns regarding the completeness and the accuracy of the plans submitted to the Planning Department. They note that not all measurements are shown on the plans and that the street name was spelled incorrectly. Although staff appreciates plans that are submitted with all measurements culled out, we only require that the plans are to scale so that staff can double check all measurements and calculations presented by the applicant. At the time plans are submitted to the Building Department, full measurements and structural calculations are required. However, to address the appellants concern, staff has added a condition of approval requiring any plan sets submitted to the Building Department to have the street name spelled correctly, provide exterior dimensions, and show all finished elevation heights for all levels.

The Stantons note that the applicant has not identified the trim and stucco colors of the addition. As discussed in the ZA hearing on June 22, one of the standard conditions of approval for residential additions is that the colors and materials of the addition shall match those of the existing structure. The Rhoades stated during the June 22 hearing that the colors and materials of the addition would indeed match that of the existing home. As shown in the photo below and presented in the ZA hearing, the home is painted a taupe/grey color with white trim on the windows.



Rear Elevation of the Rhoades' Residence, 3227 Anastacia Court

The Stantons also raise concern regarding the discrepancy between the plan set stating that the Rhoades have a 7,560 square-foot lot, information that was pulled from the City's building permit records, and that the County Assessor's data states the Rhoades' lot is 7,526 square feet. Staff notes that there is often a discrepancy between building records and the Assessor's data. The City does not have the resources to survey each lot where construction is proposed, nor do we require the applicants to conduct such a survey. We do, however, require each applicant to provide accurate data to the best of their ability (through City or County records). The applicant and the property owner must also sign the *Application for Development Review* that requires them, "To certify that the information and exhibits submitted are true and correct." Although this may not satisfy the appel-

lants, it should be noted that even if the Rhoades' lot is 7,526 square feet as per County record as opposed to the 7560 square feet on record with the City, the applicant's project would be at a 40.18% floor area ratio (FAR), that staff, by practice, would round down to 40%. The project would therefore still be in conformity with the site development standards for the neighborhood.

Upon seeing the project plans, Mrs. Stanton commented that the home's design was very attractive. However, the Stantons express concern that the design is not in keeping with the tract's character of original and remodeled homes. On the site visits staff made to the tract, staff noted that contrary to the appellants' statement, the tract houses a variety of tasteful styles and remodels, including one and two story homes. Please see the below photos that show a selection of homes on Anastacia Court and Joanne Circle. More examples of homes in the tract are shown in Exhibit G. Although the Stantons state that their sunlight, clear open sky and open space will be severely restricted by a 2-story building, it must be noted that the site development standards for the tract allow homes up to 30 feet in height. The neighborhood currently enjoys a mix of 1-story and 2-story homes; some of the latter which back up to single story homes. Please see Exhibit H for a survey of single-story and 2-story homes in the vicinity.



The appellants have also raised concern in how the City measures the turret at 30 feet in height when its highest point is 36 feet. This point on behalf of the appellants is incorrect in that the plans depict the maximum height of the turret to be approximately 31.5 feet, not 36 feet as the Stantons state in their appeal letter. As staff has previously explained to Mr. Stanton at the planning counter, and as reviewed in the ZA hearing, the Code clearly states that, "The height of a structure shall be 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," (P.M.C. §18.84.140). Therefore, per Code, the height of the turret measures approximately 28 feet, or two feet under the height limit. Staff also notes that the turret is located at the front of the Rhoades'

home and approximately 58 feet from the shared property line between the Rhoades and the Stantons. The impact of the turret's height will therefore be minimal on the Stanton property.

Finally, the appellants have raised three concerns that although not particularly under the purview of the Planning Department, were individually addressed in the June 22 ZA hearing that Mr. Stanton did not attend. First is a question whether the builder would have a completion bond. Mr. Robert Sweeney, the contractor, stated that he would. The Stantons also want to know if the remodel time from start to finish can be guaranteed. Mr. Sweeney stated that he could almost guarantee the timing. Staff responds that due to weather and other unforeseen contingencies, no construction time can be guaranteed. It is, however, in the best interest of both the homeowner and the contractor that the services are completed sooner rather than later. Although this issue is not regulated by the City's Planning Department, at the June 22 hearing, the ZA clearly stated that by limiting the days of external construction to exclude Saturdays, the overall timeframe for project construction would be elongated. Mrs. Stanton stated she understood this and preferred to modify the condition to prohibit external construction on Saturdays.

Secondly, the Stantons wish to know if photovoltaic (PV) panels will be installed on the applicants' roof. At the June 22 hearing, Mr. Rhoades stated that he had no plans for the installation of PV panels. Staff notes, however, that the Planning Department does not conduct design review on PV panels that are flat mounted on the roof of a single-family detached house, second unit, patio cover, trellis, and/or carport (including office, commercial, industrial, and public and institutional patio covers, trellises, and carports) P.M.C. §18.20.010(D).

Finally, the appellants raised concern about water drainage problems that will occur due to the proposed addition. As stated by the applicant, the Rhoades and the appellants, the subject neighborhood has poor drainage. Staff notes, however, that there is no increase in impervious surface due to the project. Therefore it will not impact water drainage on the Stantons' property. In order to address surface water, however, the ZA added a condition to the project approval requiring the applicant to install a drip irrigation system within the four-foot planter strip between the pool and the rear property line before a building final is issued.

DESIGN REVIEW CRITERIA

Per Chapter 18.20 of the Pleasanton Municipal Code the Zoning Administrator must determine that the proposed project meets the outlined design criteria to approve the proposal. The Zoning Administrator determined that the proposed project meets the outlined design criteria. The design review criteria for this type of project and the associated analysis are as follows:

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

The proposed project is an addition to an existing house, well designed and will not negatively affect the natural beauty of the city.

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;

This is a second-story addition stepped back from the front façade thereby providing a smooth transition with the streetscape, not impacting public views of the buildings and is in scale with adjoining buildings.

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 neighborhood has a mixture of single-story and two-story structures; a second-story addition at this location will be in harmony with adjoining buildings and will blend in with the neighborhood character.

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

This addition will not have a negative impact on views.

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

No landscaping is being proposed with this project. Landscaping is required as a condition of approval to provide screening and soften views.

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

The project is conditioned so that any exterior lighting shall limit glare on surrounding properties, that no up-lighting shall be permitted, and that all lighting shall be of a low luminosity.

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 is compatible with the neighborhood and the function of the design and relationship to the surroundings.

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

No signage is being proposed with this project.

9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape. (Ord. 1612 § 2, 1993; Ord. 1591 § 2, 1993)

No miscellaneous structures, street furniture, public art is being proposed with this project.

PUBLIC NOTICE

Staff sent notices of the Planning Commission's public hearing on this item to all property owners and residents located within 1,000-feet of the subject property on July 13, 2006. At the writing of this staff report, staff has received no public comment.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Section 15301(e)(2). Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the proposed project is well designed, aesthetically pleasing, and will blend in well with the neighborhood that has a mix of architectural styles and heights. Additionally, the project conforms with all site standards of the R-1-7500 zoning district. Staff believes that the concerns raised by the Stantons have been adequately addressed by the conditions of approval attached in Exhibit B. Staff therefore believes the Zoning Administrator approval should be upheld.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Deny the appeal (PAP-97); and
2. Uphold the Zoning Administrator's approval of Case No. PADR-1542 subject to the conditions of approval listed in Exhibit B.

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