

Jennifer Wallis

From: Janet Burton [REDACTED]
Sent: Monday, January 19, 2015 2:15 PM
To: Jennifer Wallis
Subject: RE: Terry Townsend for John Rocha (P15-0010) to construct additional building on property

Dear Ms. Wallis,

I am writing in regard to the notice I received regarding John Rocha's application to build a 3rd building on his property. I live directly across the street at _____ I am totally opposed to his building any more structures on his property. He has violated (or at least pushed the limits) of his Conditional use permit for his "in-law" quarters by having it be his full time real-estate business. I also, have a business license and a conditional use permit form my property and I know that we are not supposed to have employees come and go and have customers come and go from our "home office" . John has both employees and customers and frequent delivery trucks coming and going all week long. Sometimes, due to the driveway being full, they park on the shoulder of the road forcing traffic to cross over the double yellow line to get past. I have not complained because I want to be a tolerant neighbor. I wanted to be generous and patient.

However, a third building is just not acceptable. Again, the limits to the rules will be pushed as they have been in the past and I know we will not be happy with the results.

John Rocha is moving out of the house at 547 Sycamore and told me he will be renting out this property.

I moved to Sycamore Road because of the North Sycamore development plan knowing that the City promised the area to remain "rural in nature". I want that to continue.

Best Regards,

Janet Burton

Click [here](#) to report this email as spam.

Jennifer Wallis

From: Janet Burton [REDACTED]
Sent: Wednesday, January 28, 2015 8:28 AM
To: Jennifer Wallis
Subject: RE: Terry Townsend for John Rocha (P15-0010) to construct additional building on property

Jennifer,

Thank you for scheduling a hearing. I saw the plan yesterday and understand that we might have the hearing on next Tuesday at 3:00pm.

My concerns for the project is that it will conflict with the land use designation of "Agricultural" and the character of the North Sycamore Specific Plan. According to the Use Requirements 18.106.060, one of the residential units must be owner occupied. Mr. Rocha has already purchased a new residence in Callippe Golf Course where he intends to live. He has already told me he intends to rent the house on Sycamore. The only reason for building a second unit on this intended rental property is for "economic value". He will then have 3 units to rent out, the main home, the office and the second unit.

This is not in keeping with the Use Requirements not the Agricultural zoning of our PUD.

Thank you,

Janet Burton

Jennifer Wallis

From: [REDACTED]
Sent: Monday, January 19, 2015 1:55 PM
To: Jennifer Wallis
Subject: Terry Townsend for John Rocha (P15-0010) to construct additional building on property

Dear Ms. Wallis,

I am writing in response to the notice I received regarding John Rocha's application to build a third building on his property. Currently, Mr. Rocha has a home, and a separate detached garage, with in-law quarters on his property. He uses the in-law quarters to operate his business. Additionally, Mr. Rocha has purchased a new home, and has expressed his intent to turn the home at 547 Sycamore Rd, into a rental. With the addition of a third building on his property, it appears he will be able to rent out 3 buildings on his property. This causes me serious concern. This area of Pleasanton is spacious and rural in character. If Mr. Rocha adds the third building and rents to 3 tenants, it will, in effect, turn his property in to high density housing. Moreover, that will defeat the purpose of our current zoning, that each residence on Sycamore Rd must have 1/2 acre of land per home.

Therefore, I request a hearing be held on this matter to allow all the residents in the area to express their concern.

Sincerely,
Kimberly Connors

Click [here](#) to report this email as spam.

Planning Commission
City of Pleasanton
P.O. Box 520
Pleasanton, Ca
94566

Re: Zoning Administrator Hearing for John Rocha (P15-0010 – 547 Sycamore Rd))

To whom it may concern:

As you all know, North Sycamore is a rural, agricultural family neighborhood. Sycamore Road is a gorgeous tree lined lane, bordered by trees, horses and pastures.

In 2004, my husband and I were lucky enough to buy our dream home, in this neighborhood. Our family has ties in Pleasanton going back to when my husband's parents operated a nursery here from the mid 60s through the late 1980s. My husband's sister and their parents have all been homeowners in Pleasanton since the 1980s. Prior to moving to Pleasanton, I have lived in Southern California, Berkeley, Washington DC, and San Jose. So, I had a broad range of comparison, when I chose to settle here.

In February 2007, John Rocha purchased the home at 547 Sycamore Rd, Pleasanton, Ca. Shortly after he purchased the home, Mr. Rocha built an addition onto the garage. Mr. Rocha then proceeded to operate his business from that addition. Due to the friendly nature of our neighborhood, everyone turned a blind eye to Mr. Rocha's activities. It is our belief that prior to Mr. Rocha's application for a third structure on his property, you never received a single complaint from any of the neighbors in regards to his business. You never received one from us. We all knew he wasn't allowed to operate a business without a permit. We also knew that even with a permit, he couldn't have employees, customers or deliveries. But, we let it go, even though over the past 7 years, we have all watched all of the above occur on daily basis.

In 2013, Mr. Rocha and his wife started telling the neighbors that they had purchased a new home up near the Callippe golf course. They intended to do an extensive remodel before moving both the family and their office up to the new home. They then planned on renting the home at 547 Sycamore Rd. There was also talk of them renting out the addition to the garage. Therefore, we were very surprised to learn that Mr. Rocha had applied for a permit to add a third building to his property, confirming that the property would be owner occupied. This promise to the Planning Commission that he will respect Pleasanton's zoning ordinances and live on the property is a lie.

The bottom line is that if Mr. Rocha and his family did intend to live in the main house, and build a second structure to house his in laws, you would never have heard a peep out of any of the neighbors. But, knowing that he intends to move up to Callippe, and rent the main house, the garage attachment, and now a third 1200 square foot

home, causes all of us concern for impact to our rural neighborhood. We know that for seven years, Mr. Rocha disregarded the rules regarding operating a business in our neighborhood. Moreover, we now know that he has lied to the Planning Commission by claiming that the property at 547 Sycamore Rd will be owner occupied. You can understand our concern as to what will happen on the property at 547 Sycamore Rd, once Mr. Rocha moves up to Callippe. It is very clear that he has no respect for the Pleasanton Planning Commission, the zoning ordinances for our neighborhood, or his fellow neighbors. Therefore, his Permit application should be denied.

Sincerely,
Kimberly Connors

Re: John Rocha (P15-0010) to construct additional 1200 square foot home on property at 547 Sycamore Road, Pleasanton

Address questions and objections to:

Jennifer Wallis, Associate Planner

jwallis@cityofpleasantonca.gov

547 Sycamore Road, Pleasanton has currently a single family home and a detached garage that John Rocha is operating his real estate business/office with assistant without a business permit from the City of Pleasanton. John Rocha's business in a home is in violation to the Section 18.104.020 Pleasanton Municipal code. For example, we observe for at least 7 years he's been receiving clients frequently at his office and he has at least one or two paid assistants on payroll.

John Rocha's plans are to rent out all the units and turn them into rental properties. He plans on moving to his new home that is near completion on 5295 Club House Drive which is up the road near the Golf course. So he has no intention of occupying any of the units on 547 Sycamore Road.

Furthermore, adding additional detached unit will add to more traffic on Pioneer Trails Place which was a small road designed for 4 families. Already, John Rocha has become a nuisance with his operating his real estate office, receiving clients at all hours of the day and evening, his employees parking their cars, his RV parked permanently on Pioneer Trails Place and now adding on more structures and cars and tenants.

We are neighbors of John Rocha and we object to his addition and request a hearing be held on this matter to allow neighbors to express their concerns.



February 10, 2015

John Rocha
547 Sycamore Road
Pleasanton, CA 94566

Subject: P15-0010, Second Unit
Effective Date: February 25, 2015

Dear Mr. Rocha:

At its meeting of February 9, 2015, the Zoning Administrator approved an application for Administrative Design Review (P15-0010) to construct a 1,200 square-foot second unit with an approximately 317-square-foot one-car garage on the property located at 547 Sycamore Drive. Approval for the above-mentioned applications was granted subject to the Conditions of Approval as shown on the attached Exhibit A and will become on effective on **February 25, 2015**, unless appealed prior to that time.

You may apply for a building permit after completion of the Administrative Design Review procedure's appeal period or, if you wish to apply for a building permit before the end of the appeal period, upon submittal of a signed Waiver Form to the Planning Division. The waiver acknowledges that plan check fees may be forfeited in the event that the approval is overturned or the design is significantly changed as a result of an appeal. In no case will a building permit be issued before the end of the appeal period.

At the time of building permit submittal, you must:

- a. submit a completed and signed Building Permit Questionnaire (attached) to the **PLANNING DIVISION**; and
- b. present a copy of this letter to the Building Division along with required plans.

If you have any questions about building permit fees or the building permit process, please contact the Building and Safety Division at (925) 931-5300.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

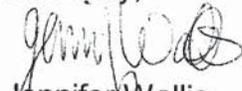
Planning	Building & Safety	Engineering	Traffic	Inspection
200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	157 Main Street (925) 931-5680 Fax: 931-5484

John Rocha, P15-0010
Page Two
February 9, 2015

Approval of the Administrative Design Review will become effective on **February 25, 2015** (Pleasanton Municipal Code Chapter 18.144), unless appealed prior to that time. Administrative Design Review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion or an extension has been approved by the City.

If you have any questions, please feel free to give me a call at (925) 931-5607.

Sincerely,



Jennifer Wallis
Associate Planner

A COPY OF THIS LETTER AND A COMPLETED BUILDING PERMIT QUESTIONNAIRE (ATTACHED) MUST BE PRESENTED TO THE BUILDING AND SAFETY DIVISION WHEN APPLYING FOR BUILDING PERMITS. THE QUESTIONNAIRE MUST THEN BE SUBMITTED TO THE PLANNING DIVISION.

EFFECTIVE DATE: February 25, 2015

BUILDING PERMIT QUESTIONNAIRE

This questionnaire is being sent to you to be completed and returned to the **Planning Division** when you file for a building permit for your recently approved project. Its purpose is to ensure that your plans are checked in a timely manner and that the project is built according to the approved plans.

We appreciate your cooperation. If you have any questions, please call the Planning Division.

1. Applicant's Name, and Address:

John Rocha
547 Sycamore Road, Pleasanton, CA 94566

2. Project Address/Location:

547 Sycamore, Pleasanton, CA 94566

3. Description of project for which a permit is being requested:

To construct an approximately 1,200 square-foot detached second unit with an approximately 317-square-foot one-car garage.

4. The building project for which this permit is being requested has been approved by the:

Planning Division Planning Commission
 City Council

5. Planning Division Project Number P15-0010

6. **Do you certify that the plans being submitted for issuance of building permits conform in every respect to the approved plans and to all conditions of approval required by the above bodies?**

Yes No

7. If the answer to Question No. 6 is "No", please list every item on the submitted building permit plans which differs from the approved plans or conditions of approval. Use the reverse side or attach additional sheets if necessary. All changes to the approved plans should be clouded with delta numbers().

I hereby attest that the above is true and correct. I understand that failure to correctly answer these questions may result in a delay of issuance of building permits and that if changes are discovered after the permit is issued, I am responsible for revising the project to conform to the plans approved by the City boards and/or commissions.

Date

Signature and Title

Phone Number

P15-0010
Exhibit A, Draft Conditions of Approval
547 Sycamore Road
February 9, 2015

STANDARD CONDITIONS OF APPROVAL
Planning

1. The second unit with garage shall conform substantially to the approved elevations, site plans, and other materials, Exhibit B, marked "Received January 13, 2015," on file at the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. The colors and materials of the second unit with garage shall match those of the existing home.
3. All HVAC condensing units shall be located on the building plan check and permit plans and shall be subject to the review and approval of the Zoning Administrator prior to issuance of a building permit.
4. 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.
5. Final inspection by the Planning Division is required prior to occupancy of the second unit.
6. All appropriate City permits shall be obtained prior to the construction of the second unit with garage.
7. All conditions of approval for this case shall be reprinted and included as a plan sheet(s) or stapled with the building permit plan check sets submitted for review and approval. At all times, these conditions of approval shall be on all grading and construction plans kept on the project site.
8. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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.
9. The project applicant or responsible party shall pay any and all fees to which the project may be subject prior to issuance of permits. The type and amount of fees shall be those in effect at the time the permit is issued.
10. The new fireplace shall be a gas fireplace, pellet fueled wood heater, or EPA certified wood-burning appliance. The fireplace type shall be indicated on the floor plan and/or specification sheet(s) submitted for issuance of building permits.

STANDARD CONDITIONS OF APPROVAL
Engineering

11. The project applicant shall purchase additional sewer capacity for the second unit prior to issuance of building permit if required.

SPECIAL CONDITIONS OF APPROVAL
Planning

12. Plans submitted for plan check shall illustrate the existing garage structure with attached shop/office as approved under PADR-1683. Restrictions shall be noted on the building permit plans indicating that the shop/office shall include no stove, oven, range, microwave or other cooking unit and may not be rented or utilized as a living unit. A restrictive covenant shall be recorded against the lot with the Alameda County Recorder's Office prior to the issuance of a building permit regarding the city restrictions on the attached shop/office. In addition no business shall be established within the shop/office or on the property without first obtaining City approval. Prior to issuance of building permits, City Staff shall inspect the existing shop/office to verify conformance with all City approvals and ensure the structure was not constructed as a second unit.

CODE REQUIREMENTS

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements)

Planning

13. In no case shall the second unit be sold, subdivided, or held under different legal ownership from the primary residence.
14. Only one other residential unit shall be permitted on a lot with a second unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit.
15. The second unit shall comply with all applicable requirements of Pleasanton Municipal Code Chapter 18.106 Second Units. A restrictive covenant shall be recorded against the lot with the Alameda County Recorder's Office prior to the issuance of a building permit regarding the city restrictions on the second unit. The restrictive covenant shall be subject to review and approval by the City Attorney prior to recordation.
16. The property owner shall install address signs that are clearly visible from the street during both the daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the Fire Marshal. The applicant shall obtain the new street address for the second dwelling unit from the Engineering Division.

CODE REQUIREMENTS
Building

17. The building covered by this approval shall be designed and constructed to meet Title 24 state energy requirements.
18. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.

<end>

**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California**

Small Planning Conference Room
200 Old Bernal Avenue, Pleasanton
Monday, February 9, 2015

CALL TO ORDER

The meeting was called to order at 3:00 p.m. by Steve Otto, Senior Planner.

Present: John and Cynthia Rocha, Applicant
Terry Townsend, Architect
Janet Burton
Gary Hirata and Kimberly Connors

Staff: Steve Otto, Senior Planner and Zoning Administrator, Jennifer Wallis, Associate Planner

P15-0010, ADR

Application for Administrative Design Review approval to construct a 1,200-square-foot second unit with an approximately 317-square-foot one-car garage on the property located at 547 Sycamore Road.

Steve Otto, Senior Planner, welcomed the group to the Zoning Administration Hearing to discuss P15-0010. Mr. Otto asked the Associate Planner, Jennifer Wallis, to give a brief description of the application.

Ms. Wallis stated the application is for Administrative Design Review to construct a 1,200-square-foot second unit with an approximately 317-square-foot one-car garage on the property located at 547 Sycamore Road. The subject property is part of a development that is zoned PUD-A/MDR (Planned Unit Development – Agriculture/Medium Density Residential) District. The subject property is zoned Agriculture and the properties off Pioneer Trail are zoned Medium Density Residential. The property is within the North Sycamore Specific Plan and therefore subject to the specific plan guidelines. The application is proposing a second unit to gain access from Pioneer Trails. The existing residence has a driveway off Pioneer Trails in addition to a circular driveway off Sycamore Road. The second unit will be set back approximately 20 feet from, Pioneer Trails, it's also located 27 feet from the rear property and approximately 100 feet to the south from Sycamore road.

The second unit will consist of two bedrooms, two bathrooms, a kitchen, and a great room. It will be 15 feet in height and 1,200-square-feet in area which is the maximum square footage allowed for a detached second unit. The second-unit will be subject to all conditions within Pleasanton's Zoning and Municipal Code. These conditions include a requirement that the property owner maintain residence in one of the units on site as well as a deed restriction that gets recorded with the property and remains with the property regardless of the owner. Conditions of the deed restriction were outlined in the conditions of approval distributed to interested parties. One of the concerns brought to the attention of the Planning Department was the previous addition to the existing garage, which was approved as non-habitable space. It was approved as a work/office/shop. The original approved documents showed a restroom and a bar sink. Staff has pictures to show the restroom and office are being utilized as an office and the interior sink was never installed nor was the water heater. Staff

feels that it meets all requirements of the North Sycamore Specific Plan and with the conditions staff recommends approval of project.

The public hearing was opened.

Terry Townsend, (architect), presented original plans as well as the garage addition approved in 2007. Mr. Townsend clarified what Ms. Wallis previously touched on, that the approved office addition by definition is not a second-unit because the sink and water heater were not installed. Mr. Townsend stated he and the property owner discussed placement of the proposed second unit and how to maintain continuity between the second unit and the existing residence. Mr. Townsend and the property owner also had to meet the requirement that a parking space be provided for a second unit. The decision they made was to make the parking spot a garage coming off the private drive, Pioneer Trails rather than an additional garage facing Sycamore Road.

Mr. Townsend asked Mr. Otto for clarification on the restrictions regarding which way the front door of a second unit faces. Mr. Otto stated there is no restriction and that the second unit is allowed to face the street.

Mr. Townsend described the continuity between the architecture and materials of the proposed second unit and the existing residence.

Ms. Burton asked Mr. Townsend to discuss the impact the addition would have on Pioneer Trails Place.

Mr. Townsend said the impact to Pioneer Trails Place would be the garage/parking space. Two thirds of the private drive is on the Rocha's property. So they're utilizing the private drive coming into the existing hammerhead driveway. It's also the primary access for pedestrians so the addition won't take a pedestrian route off Sycamore Road.

Janet Burton, introduced herself. Ms. Burton's main concern is that the owners do not maintain their primary residence and instead rent out the main house, the office, and the second unit. If so, this would not meet the requirement for owner occupancy. Ms. Burton is also concerned of the potential for a future owner of the property to rent out the second unit to an additional resident.

A second concern Ms. Burton addressed was a civil matter between her and the applicant.

Mr. Otto asked the applicant and neighbor to keep the discussion on topic with the second-unit.

Cynthia Rocha introduced herself as the owner of the subject property and clarified that she and Mr. Rocha plan to maintain occupancy of the residence located at 547 Sycamore Road. Ms. Rocha stated it is openly known that she and her husband are real estate investors. Ms. Rocha confirmed that she and Mr. Rocha did purchase a home at Callippe golf course but ensured the neighbors that they do not intend to occupy the home in Callippe due to the school system.

Ms. Burton stated had she known previously that the Rocha's did indeed intend to maintain 547 Sycamore as their primary residence then she does not have an issue with the second unit addition.

Mr. Townsend interjected that in regards to Ms. Burton's second concern of a future owner renting the second unit out, he didn't think it would ever be permitted.

Mr. Otto explained a second unit is a subordinate unit from a primary residence and the conditions of owner occupancy remain with the property and not with the owner.

Kimberly Connors asked Mr. Otto how the City regulates whether an owner is complying with the owner occupancy condition.

Mr. Otto stated the City responds to any complaints directed to the Senior Code Enforcement Officer in regards to non-compliance.

Ms. Connors asked for further clarification.

Mr. Otto explained that the deed restriction stays with the land so if the current owners sell the property the new owners would be aware of the conditions. Also, if they do not sell the property but choose to rent both units it would be up to the neighbors to file a complaint to the code enforcement officer in order for the city to take action.

Ms. Connors asked Mr. Otto what the procedure is once a neighbor files a complaint to the code enforcement officer.

Mr. Otto explained that the city would contact the property owner and give them terms to comply with. If the owner fails to comply, then the city begins issuing daily fines that increase drastically with each day of non-compliance.

Ms. Connors reiterated if the owner fails to comply it will cost them money. Ms. Connors then asked Mr. Otto how long that could go on for and what the next step is.

Mr. Otto said the city could take legal action on the property.

Ms. Connors expressed the feeling of mistrust among the neighborhood. Ms. Connors also argued that it would be easier for the City to not approve the addition now then to deal with code violations and potential legal action after the fact. Ms. Connors let Mr. Otto know that the Rocha's have allegedly been conducting business from the subject property, which the property is not zoned for. Ms. Connors stated she would be supportive of the second unit if there were some empirical evidence that Mr. and Mrs. Rocha maintained the subject property as their primary residence.

Gary Hirata stated his main concern is the fact Mr. and Mrs. Rocha do not comply with city codes already in place (regarding zoning for a home occupation) so the assumption of the neighbors is that they will not comply with any new codes or regulations put into effect. Mr. Hirata explained that Mr. and Mrs. Rocha have more vehicle traffic at their home than expected for a residence with only two occupants. Specifically, one vehicle which does not belong to the Rocha's has been observed visiting the resident during regular business hours and appears to be a full time employee. The zoning does not allow a business which customers or employees come to the residence. Mr. Hirata is concerned that the city does not have the resources to enforce codes and regulations. Mr. Hirata is also concerned with the lack of parking available currently and how it will worsen with the addition of the second unit. In addition, the condition of the private drive, Pioneer Trails Place, is declining rapidly. According to Mr. Hirata, Mr. Rocha already brought up the impending need to repair the road and the idea of splitting the cost equally among all neighbors regardless of use. Mr. Hirata would prefer the second unit face Sycamore Road and not the private drive Pioneer Trails. Mr. Hirata explained the upkeep of Pioneer Trails is the shared responsibility of the neighbors, but the Rocha's would be utilizing an unfair share of the road. Mr. Hirata also

addressed his concern that the rural nature of the North Sycamore Specific Plan will be lost if second units of the size proposed were permitted in the neighborhood. Mr. Hirata's main concern is the vehicular traffic on Pioneer Trails.

Ms. Connors asked Mr. Otto if he'd visited the subject property.

Mr. Otto replied that he did visit the subject property.

Ms. Connors asked Mr. Otto whether or not he'd been inside the subject unit.

Mr. Otto responded that he had not been inside the subject unit.

Ms. Connors asked if there is any proof that the kitchen was never installed in the subject unit or if the city was strictly relying on the plans.

Mr. Otto responded the city did not approve a kitchen.

Ms. Connors again asked if there is any proof.

Mr. Otto replied Ms. Wallis received photos of the interior of the subject unit and if it were necessary the city is allowed to go inspect the interior of the unit.

Ms. Connors asked when the photos were dated.

Mr. Rocha stated he took the photos the previous week when he received the request from Ms. Wallis.

Ms. Connors asked Mr. Otto if any other City employees had been out to the subject property.

Ms. Wallis stated the Senior Code Enforcement Officer had been out to the area twice. Ms. Wallis added that Code Enforcement does not have the ability to enter the unit without permission, so the inspections were done from the exterior of the unit. The code enforcement report did not find any unusual amount of traffic or activity at the subject property during the two inspections.

Ms. Connors asked how recent the inspections were done.

Ms. Wallis responded the inspections were conducted the day after the city was made aware of a potential business on the property and again about a week after that.

Mr. Hirata asked for clarification on whether or not the City had warned Mr. and Mrs. Rocha about conducting a business in their home.

Ms. Wallis said yes and clarified; Mr. Rocha can conduct a business in the home with approval.

Mr. Hirata asked for further clarification on whether or not Mr. Rocha had applied for approval and what the approval process and conditions for a home occupation are.

Ms. Wallis explained that a non-exempt home occupation approval could allow for a business within the owners home, however, Mr. Rocha had not applied for conducting any type of home occupation.

Mr. Hirata asked if anyone from the City has asked Mr. Rocha if he is conducting a business in his home and whether or not he has an employee working in his home.

Ms. Wallis replied that she had asked Mr. Rocha if he was operating a business out of his home. According to Ms. Wallis, Mr. Rocha stated he was not operating a business out of his home but in fact he has a business license for his business operating at 5950 Stoneridge Drive. Ms. Wallis confirmed that his license is current for the offsite location.

Ms. Connors stated she and the other neighbors are confident that Mr. Rocha is conducting a business out of his home regardless of what he has told Ms. Wallis. Ms. Connors also reiterated concern that the Rocha's will not maintain 547 Sycamore Road as their primary residence. Ms. Connors insisted the City take action on these concerns and not wait for further complaints to be filed. Ms. Connors also addressed the fact Mr. and Mrs. Rocha have purchased a new home in the Callippe development which is not publically listed for rent or sale which leads neighbors to believe the Rocha's will be occupying that residence.

Mr. Otto thanked everybody for their testimony and directed his questions to Mr. and Mrs. Rocha. Mr. Otto asked Mr. and Mrs. Rocha if they understand the City regulations with respect to the owner occupancy condition of approval that the second unit or main unit must be owner occupied.

Ms. Rocha replied yes, that she does understand.

Mr. Otto addressed the concern about a business being operated from the home, and asked Mr. Rocha if he understands that he cannot operate business from his home without approval.

Ms. Rocha replied that she and Mr. Rocha are realtors and they do at times work in their home office.

Mr. Otto asked Ms. Rocha to clarify if they have any employees working in their home.

Ms. Rocha replied they do not have any employees.

Ms. Connors asked Ms. Rocha if they have customers coming to the residence.

Ms. Rocha replied no.

Ms. Connors asked Mr. Otto to clarify with the Mr. and Mrs. Rocha that they not only understand the owner occupancy regulation but also that they also plan to abide by the regulation.

Mr. Otto described the regulations of a second unit upheld by the City Ordinance. Mr. Otto explained that this hearing does not take in to account other properties Mr. and Mrs. Rocha own, nor does the City speculate on whether or not the Rocha's will maintain owner occupancy after the approval of the second unit. Mr. Otto stated his decision as the Zoning Administrator will be based on the application for a second unit and whether or not it meets the criteria described in the City Ordinance. Mr. Otto explained that if the project does get approved and the regulations are not upheld then at that time the City would take action, as such with any and all projects approved by the City.

Ms. Connors asked Mr. Otto if he did not ask Mr. and Mrs. Rocha if they plan to maintain owner occupancy because of what Mr. Otto just said that the Zoning Administrator does not take into consideration the suspected intentions of the applicants.

Mr. Otto asked Mr. Rocha if he would comply with the conditions of approval of the proposed project.

Mr. Rocha replied, yes they will.

Mr. Otto reminded everyone that the owner occupancy condition does not only apply to Mr. and Mrs. Rocha but to all future owners of the property per the deed restriction.

The Public Hearing was closed.

Mr. Otto reiterated that the application presented complies with the zoning and code requirements. Mr. Otto pointed out that the proposed plans provide more parking than is required by the code, the colors and materials are complimentary to the existing residence, and the second unit has larger setbacks than required by the code.

The application conforms to the zoning regulations. The city code requires one parking space for a second unit in addition to the two parking spaces required for a single family residence. This application exceeds that requirement; it has an attached garage as well as a 20-foot driveway that is adequate for another car so the application provides more parking than the code requires. Also the property has additional space available, if necessary, for other cars. Second units are subordinate to the main dwelling unit; traffic is not considered the same amount as a single family residence. Any single family residence in the city can apply for a second unit. Sometimes it's difficult for smaller lots to provide the parking or have space for a second unit but it is allowed in all zoning districts. The design of the structure is matching and complimentary to the existing residence.

The Zoning Administrator granted approval of P15-0010, subject to the modified conditions of approval as shown on the Exhibit A.

#11. The city staff will inspect the existing workshop before issuing permits for the second unit.

Fireplace condition needs gas or EPA certification.

Subject to 15 day appeal period.

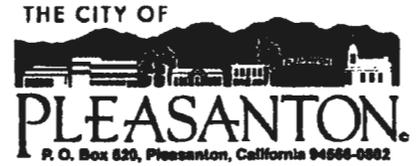
As there was no further business, the Zoning Administrator adjourned the meeting at 3:30 p.m.

Respectfully submitted,



Jennifer Wallis
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division – 200 Old Bernal Avenue
Mailing Address – P.O. Box 520, Pleasanton, CA 94566
Phone: (925) 931-5600 / Fax: (925) 931-5483



APPLICATION FOR DEVELOPMENT REVIEW

Application No(s): P15-0010 Date Filed: 2-19-15

I. CHECK TYPE OF APPLICATION(S):

- Administrative Design Review (\$25)
- Animal Use Permit (\$15)
- Appeal (of Case P15-0010)
(25% of orig. fee: max. \$25)
- Conditional Use Permit (\$150)
- Condominium Conversion (\$50)
- Cottage Food Operation (\$25)
- Design Review (\$50)
- FDP (Flood) Variance (\$50)
- General Plan Amendment (\$250)
- Growth Management (\$200)
- Home Boutique Use Permit (\$25)
- Initial Environmental Assessment (\$25)
- Large Family Daycare (\$15)
- Lot-Line Adjustment (\$50)
- Minor Subdivision (\$50)
- Non-Exempt Home Occupation (\$15)
- Non-residential Satellite Dish (\$50)
- Other:
- Outdoor Dining (\$25)
- Outdoor Display (\$25)
- Preliminary Review
- PUD Development Plan (\$2000)
- PUD Major Modification (\$2000)
- PUD Minor Modification (\$100)
- Reasonable Accommodation (\$25)
- Rezoning (\$250)
- Sign Design Review (\$15)
- Specific Plan (\$250)
- Specific Plan Amendment (\$250)
- Temporary Use Permit (\$25)
- Tentative Map (\$2000 + \$10/lot)
- Variance (\$50)

II. GENERAL DATA REQUIRED

- A. Name of Applicant (Please Print): Kimberly Connors
- B. Address or Location of Property: 547 Sycamore Rd
- C. Assessor's Parcel Number(s): _____
- D. Site Area (acres/sq. ft.): _____
- E. Current Zoning: _____ F. Proposed Zoning: _____
- G. Existing Use of Property: _____
- H. Description of Proposal: see attached letter

(continue on separate sheet if necessary)

(Refer to the appropriate "Informational Brochures" for required submittal information that must accompany this application.)

I. Residential Addition Proposals: From the date on this application, was the original house built within the last 5 years?

Yes No

If you do not know the answer, please research the property files on the Laserfiche computers located at 200 Old Bernal Avenue

(continued on reverse)

RECEIVED
FEB 19 2015
CITY OF PLEASANTON
PLANNING DIVISION

Planning Commission
City of Pleasanton
P.O. Box 520
Pleasanton, Ca
94566

Re: Appeal of case# P15-0010 – 547 Sycamore Rd

To whom it may concern:

As you all know, North Sycamore is a rural, agricultural family neighborhood.

Our objections to the location of the second unit are as follows:

1. The unit will be located off of Pioneer Trails Place, and as far from the primary residence and Sycamore Road, as possible.
 - a. This places the burden of actually living next door to this home on the residents of Pioneer Trails Place.
 - b. Currently placement has the second unit directly next door to 494 Pioneer Trails Place, and at the complete opposite corner of the property from the primary residence at 547 Sycamore Rd.
2. This placement will require all construction traffic to use Pioneer Trails Place.
 - a. There is nowhere for construction traffic to park on Pioneer Trails Place;
 - i. The parking of either construction workers or construction equipment on Pioneer Trails place creates a public safety hazard for the other families who live on Pioneer Trails Place. If any vehicle parks on Pioneer Trails place, then emergency equipment will not be able to respond to an emergency call for help at any of our homes.
 - b. The road is small and not designed or maintained to support cement trucks or other heavy construction equipment.
 - i. Use by construction equipment will cause further damage to the road;
 - c. There is nowhere for construction equipment to park or be stored on Pioneer Trails Place.

In order to alleviate and mitigate these problems, we propose the following Conditions for Approval of the permit to construct the second unit:

1. The second unit should be located closer to Sycamore Rd.
 - a. This will permit easier access between the primary residence and the second unit, and create continuity between the units on the property.
 - b. This will permit access to the unit from the existing driveway off of Sycamore Rd.

- c. This will allow for construction traffic to access the site directly from Sycamore Rd.
- d. This will allow construction equipment to be stored on the Sycamore Road property.
- e. This will allow construction workers to park in the existing driveway off of Sycamore Rd, or in the field where the home will be built.
- f. This would also provide for the additional option of a variance for a second driveway off of 547 Sycamore Rd to access the second unit.
 - i. This driveway would then also be available for construction workers to park, and construction equipment to be stored.

Sincerely, 
Kimberly Connors

P15-0010 (ADR) EXHIBIT F

Pleasanton Municipal Code							
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[Title 18 ZONING](#)

Chapter 18.106 SECOND UNITS

Note

* **Prior ordinance history:** Ord. 1812 § 1, 2000.

18.106.010 Purpose.

Second units are a valuable form of housing in the city. These units meet the city's general plan housing policies related to: attaining a variety of housing types; providing housing stock to lower income households; including lower income housing units within market rate housing projects; providing alternative, nontraditional means suited to the community to fill lower and moderate income housing needs; meeting the city's share of regional housing needs; providing a means to assist homeowners in financing the acquisition of a home; and providing security to homeowners living alone.

The further purpose of this chapter is to comply with the requirements of Assembly Bill 1866 (2002) codified in California Government Code Section 65852.2. To do so, this chapter identifies those zoning districts where a second unit meeting enumerated standards to ensure neighborhood compatibility is a permitted use in that district. (Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.020 Use requirements.

- A. A second unit is a permitted use in the R-1 one-family residential district, RM multi-family residential district, planned unit developments zoned for residential uses and A agricultural district, if the original unit is a legal single-family dwelling unit and the second unit meets all of the standards set forth in Section 18.106.060 of this chapter and the applicable site standards in Section 18.106.040 of this chapter for attached second units and in Section 18.106.050 of this chapter for detached second units. A public hearing for design review purposes only shall be held if required by Chapter 18.20 of this title.
- B. The application for a second unit shall be submitted to the planning division prior to the application for a building permit to the building division and shall include:
 1. Plot plan (drawn to scale) showing the dimensions of the lot on which the second unit will be located; the location and dimensioned setbacks of all existing and proposed structures on the proposed site; all easements; building envelopes; and parking for the project site.
 2. Floor plans of the entire structure with each room dimensioned and the resulting floor area calculated. The use of each room shall be identified.
 3. Deed restriction completed as required, signed and ready for recordation.
- C. When the site development regulations of this chapter (e.g., height, setback, size of the second unit) conflict with specific regulations in a planned unit development or specific plan for second units (not simply regulations for general class I accessory structures), the planned unit development and specific plan shall control. (Ord. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

18.106.030 Density and growth management program.

- A. A second unit shall not be considered in applying the growth management program in Chapter 17.36 of this code.
- B. A second unit is not considered to increase the density of the lot upon which it is located. (Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.040 Standards for attached second units—Height limitations, setbacks, open space, and other regulations.

Attached second units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

- A. Attached second units shall be subject to the maximum height, and the minimum front, rear, and side yard requirements of the main structure.
- B. The gross floor area of an attached second unit greater than a 150 square foot efficiency unit shall not exceed 30 percent of the gross floor area of the existing main dwelling unit. In this instance, the gross floor area of the existing main dwelling unit is the size of the unit prior to the second unit addition/conversion.
- C. Except as modified by this chapter, all other regulations embodied in the zoning of the property for main dwellings shall apply to the development of attached second units. (Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.050 Standards for detached second units—Height limitations, setbacks, open space, and other regulations.

Detached second units shall meet the requirements in Section 18.106.060 of this chapter and the following requirements:

- A. Detached second units shall not exceed 15 feet in height and shall be limited to one-story structures, except that a detached second unit may be constructed above a detached garage, provided the garage meets the minimum setback requirements for detached second units. Second units constructed above a detached garage shall not exceed 25 feet in height in the R-1 district and the RM district, and shall not exceed 30 feet in the A district. Height is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.
- B. Detached second units shall be subject to the following minimum setback requirements:

Zoning District	Side Yard Setback	Rear Yard Setback
One-family residential lots in the R-1-40,000 district and in planned unit developments which follow the site development standards of the R-1-40,000 district	20 feet	20 feet
All other lots	5 feet ¹	10 feet

¹ Side yard setback shall be a minimum of 10 feet on the street side of a corner lot.

- C. The gross floor area of a detached second unit shall not exceed 1,200 square feet.

D. Except as modified by this chapter, all other regulations embodied in the zoning of the property for Class I accessory structures shall apply to the development of detached second units on one-family residential lots. (Ord. 2080 § 2, 2013; Ord. 1885 § 2, 2003)

18.106.060 Required standards for all second units.

All second units shall meet the following standards:

- A. Only one other residential unit shall be permitted on a lot with a second unit and one of the residential units shall be owner occupied. The resident owner shall be a signatory to any lease for the rented unit and shall be the applicant for any permit issued under this chapter.
- B. The second unit shall not be sold or held under a different legal ownership than the primary residence; nor shall the lot containing the second unit be subdivided.
- C. One additional off-street parking space on the lot shall be made continuously available to the occupants of the second unit.
- D. The maximum floor area ratio requirement of a lot shall not be exceeded due to the addition/conversion of space to accommodate an attached or detached second unit.
- E. The second unit shall have access to at least 80 square feet of open space on the lot.
- F. The resident owner shall install address signs that are clearly visible from the street during both daytime and evening hours and which plainly indicate that two separate units exist on the lot, as required by the fire marshal. The resident owner shall obtain the new street address for the second unit from the planning division.
- G. Adequate roadways, public utilities and services shall be available to serve the second unit.
- H. The owner of the lot on which a second unit is located shall participate in the city's monitoring program to determine rent levels of the second units being rented.
- I. The second unit shall not be located on property that is listed in the California Register of Historical Places.
- J. The second unit shall comply with other zoning and building requirements generally applicable to residential construction in the applicable zone where the property is located.
- K. A restrictive covenant shall be recorded against the lot containing the second unit with the Alameda County recorder's office prior to the issuance of a building permit from the building division stating that:

The property contains an approved second unit pursuant to Chapter 18.106 of the Pleasanton Municipal Code and is subject to the restrictions and regulations set forth in that Chapter. These restrictions and regulations generally address subdivision and development prohibitions, owner occupancy and lease requirements, limitations on the size of the second unit, parking requirements, and participation in the city's monitoring program to determine rent levels of the second units being rented. Current restrictions and regulations may be obtained from the city of Pleasanton planning division. These restrictions and regulations shall be binding upon any successor in ownership of the property.

(Ord. 2080 § 2, 2013; Ord. 2000 § 1, 2009; Ord. 1885 § 2, 2003)

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