

## RESOLUTION NO. 15-\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON DENYING THE APPEAL OF GARY HIRATA, THEREBY UPHOLDING THE PLANNING COMMISSION'S APPROVAL FOR ADMINISTRATIVE DESIGN REVIEW APPROVAL TO CONSTRUCT A 1,200-SQUARE-FOOT SECOND UNIT WITH AN APPROXIMATELY 317-SQUARE-FOOT ONE-CAR GARAGE AT 547 SYCAMORE ROAD, AS FILED UNDER CASE NO. P15-0010.**

**WHEREAS**, John and Cynthia Rocha applied for an Administrative Design Review application to construct a 1,200-square-foot second unit with an approximately 317-square-foot one-car garage located at 547 Sycamore Road; and

**WHEREAS**, zoning for the property is PUD-A/MDR (Planned Unit Development – Agriculture/Medium Density Residential) District and all structures over 10-feet in height require Administrative Design Review approval pursuant to the Pleasanton Municipal Code; and

**WHEREAS**, at a meeting on February 9, 2015, the Zoning Administrator, having considered all public testimony, relevant exhibits, and recommendations of City staff concerning this application, approved the application; and

**WHEREAS**, within the time specified by the Pleasanton Municipal Code, Kimberly Connors submitted an appeal of the decision of the Zoning Administrator to the Planning Commission; and

**WHEREAS**, at its meeting on March 25, 2015, the Planning Commission, having considered all public testimony, relevant exhibits, and recommendations of City staff concerning this application, denied an appeal of the application, thereby upholding the Zoning Administrators approval; and

**WHEREAS**, within the time specified by the Pleasanton Municipal Code, Gary Hirata submitted an appeal of the decision of the Planning Commission to the City Council; and

**WHEREAS**, at its regular meeting of May 5, 2015, the City Council received a report from the Director of Community Development, together with a copy of the staff report to the Planning Commission, regarding this matter; and

**WHEREAS**, the City Council held a regular public hearing on May 5, 2015, at which time the appellant, and other members of the public were offered an opportunity to present evidence regarding the appeal.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** For the reasons set forth in the staff report and statements made during the public hearing, denies the appeal, thereby upholding the decision of the Planning Commission to deny the appeal, thereby upholding the Zoning Administrator's approval for Administrative Design Review application to construct an approximately 1,200 square-foot detached second unit with an approximately 317-square-foot one-car garage located at 547 Sycamore Road with conditions as modified in Exhibit A.

**SECTION 2.** This resolution shall become effective immediately upon its passage and adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a meeting held on May 5, 2015.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 5<sup>th</sup> day of May 2015, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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Karen Diaz, City Clerk

APPROVED AS TO FORM:

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Jonathan Lowell, City Attorney

**Exhibit A**  
**P15-0010 Conditions of Approval**  
**547 Sycamore Road**  
**City Council May 5, 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. Construction vehicles are prohibited from parking on Amber Lane and Pioneer Trails Place at all times except for brief loading and unloading.
3. The colors and materials of the second unit with garage shall match those of the existing home.
4. 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.
5. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment, or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start-times" or later "stop-times" for specific construction activities (e.g., concrete pouring), if it can be demonstrated to the satisfaction of the Director of Community Development that the construction noise and construction traffic noise will not affect nearby residents or businesses. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the applicant shall post on the site the allowable hours of construction activity.
6. Final inspection by the Planning Division is required prior to occupancy of the second unit.
7. All appropriate City permits shall be obtained prior to the construction of the second unit with garage.
8. 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.

9. 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.
10. 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.
11. 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**

12. 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**

13. 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**

14. In no case shall the second unit be sold, subdivided, or held under different legal ownership from the primary residence.
15. 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.
16. 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.
17. 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**

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

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