



Planning Commission Staff Report

March 25, 2015

Item 6.b.

- SUBJECT:** Appeal of P15-0010
- APPELLANT:** Kimberly Connors
- APPLICANTS/
PROPERTY OWNERS:** John and Cynthia Rocha
- PURPOSE:** Appeal of the Zoning Administrator's approval of an application for Administrative Design Review to construct a 1,200-square-foot second unit with an approximately 317-square-foot one-car garage
- LOCATION:** 547 Sycamore Road
- ZONING:** PUD-A/MDR (Planned Unit Development – Agriculture/Medium Density Residential) District
- EXHIBITS:**
- A. [Original Letters of Opposition](#)
 - B. [Approved Plans dated "Received January 13 2015"](#)
 - C. [Zoning Administrator's Approval Letter dated "February 10, 2015"](#)
 - D. [Zoning Administrator Meeting Minutes – February 9, 2015](#)
 - E. [Letter of Appeal dated "February 19, 2015"](#)
 - F. [Second Unit Ordinance](#)
 - G. [Location and Noticing Maps](#)

I. BACKGROUND

Specific Plan History

The subject property is located in the North Sycamore Specific Plan (NSSP) area. The NSSP was adopted by the City Council in June 1992 for a 135-acre portion of South Pleasanton, generally east of Sunol Boulevard and on the north and portions of the south sides of Sycamore Road. In September of 1992, the NSSP area was pre-zoned with several PUD designations reflecting the NSSP land use plan but without a PUD

development plan for any portion of the Specific Plan. The Specific Plan area was annexed to the City in June of 1993.

The proposed development was originally part of Parcel 29. On November 3, 1992, the City Council approved Planned Unit Development PUD-92-07 to subdivide Parcel 29 into 4 parcels: one A-Agriculture zoned property along Sycamore Road (the subject property), and three MDR-Medium Density Residential zoned properties along Pioneer Trails Place.

Project History

On January 13, 2015, the applicant submitted an Administrative Design Review (ADR) application to construct an approximately 1,200 square-foot detached second unit with an approximately 317-square-foot one-car garage located in the south west corner of the property located at 547 Sycamore Road. After the ADR public notice was sent, several neighbors contacted staff and indicated that they had concerns regarding the proposed second unit and the potential impacts to their homes (Exhibit A). Specific concerns included potential increases on demand for on-street parking, the possibility that the property owner would rent out the main home as well as the second unit, and belief that a second unit would not be in character with the rural nature of the neighborhood.

Additional concerns were raised regarding a detached office onsite that was not associated with the proposed second unit, including concerns that a business was being operated within the office that was not in conformance with City home occupation requirements, and that the office was being rented out as an illegal second unit. After the Code-related complaints were received, the City Code Enforcement officer visually inspected the site on multiple occasions and did not observe any business related traffic, or parking issues that were out of character with a typical residential property. Furthermore, Planning Division staff inspected the site and detached office to confirm that it was not functioning as a second unit.

On February 9, 2015, a Zoning Administrator hearing was held on the subject proposal. The hearing was attended by the architect Terry Townsend, the property owners John and Cynthia Rocha, as well as adjacent neighbors Kim Connors and Gary Hirata (414 Pioneer Trails Place), and Janet Burton (570 Sycamore Road) (please refer to Exhibit D for meeting minutes). After discussion with all parties and review of the proposed plans in the context of the project site and surrounding neighborhood, the Zoning Administrator determined that: (1) the proposed second unit has been designed to meet all zoning requirements; (2) the design is acceptable and will complement the existing home and character of the neighborhood; and (3) the proposed second unit will meet all requirements of the Pleasanton Municipal Code (PMC) Second Unit Ordinance and adequate conditions have been included to minimize adverse effects on the neighborhood. Therefore, the application was approved with conditions as shown in the Zoning Administrator's Approval Letter dated "February 10, 2015" within Exhibit C.

Mrs. Connors filed an appeal of the Zoning Administrator's approval on February 19, 2015 included in Exhibit E, stating objections to the location of the second unit with access off of Pioneer Trails Place and potential impacts associated with construction traffic, which will be discussed more in depth later in the report. In order to mitigate Ms. Connors' concerns, she has suggested that the second unit be relocated closer to the main home with access from the circular driveway on Sycamore Road or from a new driveway on Sycamore Road. Accordingly, the appeal is now before the Planning Commission for review and action. Please refer to Exhibit D for the letter of appeal.

II. SITE DESCRIPTION

The subject site is located south of Sycamore Road, west of Amber Lane and north of Pioneer Trails Place. The approximately 1.05 acre lot has an approximately 3,692-square-foot two-story residence and a detached 768-square-foot three-car garage with 552-square-foot office. The architecture of the home is characterized by exterior features including horizontal lap siding, brick veneer and a composition shingled roof. Access to the home is provided via a circular driveway along Sycamore Road, and a garage adjacent to Pioneer Trails Place - a shared private drive to the rear shared by 547 Sycamore Road, 414 Pioneer Trails Place, 454 Pioneer Trails Place and 494 Pioneer Trails Place.

Figure 1, below, is the 2014 aerial photograph/location map of the site and the surrounding area, with identified street photo vantage points shown in Figure 2.

Figure 1: 2014 Aerial Photograph and Location Map



Figure 2, shows views from the viewpoints identified in Figure 1.

Figure 2: Various Street Photos



III. PROJECT DESCRIPTION

The applicant has applied to construct a 1,200 square-foot detached second unit with a 232 square-foot front porch and an approximately 317-square-foot one-car garage. The unit would contain two bedrooms, bathroom, main/living room area, and kitchen. The structure would be set back 27 feet from the west property line, 20 feet from the south property line (Pioneer Trails Place), and 100 feet from the north property line (Sycamore Road). The second unit would be located approximately 50 feet west of the existing garage and 100 feet west of the existing home. The height of the structure will be 14 feet 11 inches (measured from the property grade to the ridge of the roof). The proposed 1,200-square-foot second unit plus the existing 3,692-square-foot home and 552-square-foot office would result in an 11.85% floor area ratio (FAR) on the approximately 45,920-square-foot lot¹. An attached garage parking space for the second unit would be constructed with access from the existing driveway off of Pioneer Trails Place. The existing driveway currently provides access to the main home's three-car garage.

The proposed structure would match the exterior colors and materials of the existing dwelling: taupe-colored lapped siding, wood patio support posts, single-hung windows with wood trim, and a composition shingle roof.

IV. ANALYSIS

The ADR process is intended to preserve and enhance the City's aesthetic values and to ensure the preservation of the public health, safety, and general welfare. Detached second units are considered accessory structures and all accessory structures which exceed ten feet in height are required to obtain ADR approval. ADR applications are typically reviewed at the Zoning Administrator level. The subject application was heard and approved by the Zoning Administrator and has now been appealed to the Planning Commission. The Planning Commission is empowered to deny the appeal (approving the project as originally proposed and conditioned), approve the project with modified conditions to reflect the direction of the Commission, or uphold the appeal (therefore denying the project).

Land Use

The subject property is located in the NSSP area and is zoned PUD-A/MDR (Planned Unit Development – Agriculture/Medium Density Residential) District. The PUD development standards for the subject lot refer back to the NSSP, in which the site is located in a PUD-A (Agricultural) Zoning District. Development standards for Agriculture zoned properties within the Specific Plan indicate that second units are conditionally permitted as long as pertinent requirements for second units, as contained in the

¹ The Floor Area Ratio is calculated using the sum of the gross horizontal area of the buildings on a site excluding: basement or cellar areas used only for storage; space used for off-street parking or loading; and steps, patios, decks, terraces, porches, and exterior balconies, if not enclosed on more than three sides. Therefore, in this case the existing three-car garage and proposed one-car garage are not included in the FAR calculations.

regulations for the R-1-10,000 District, are met. Subsequent to the Specific Plan adoption, State legislation, as well as the PMC, prohibited second units from being conditionally permitted and allowed for only architectural review through the Administrative Design Review process if they exceed ten feet in height. City and State laws were approved to promote and facilitate the construction of second units as they help to increase a community's housing stock while maintaining the look and feel of single family neighborhoods. The proposed second unit is consistent with the NSSP Agriculture District and the General Plan and is promoted through its Goals, Programs, and Policies, specifically Housing Element Policy 6, which promotes the creation and maintenance of second units on single family residential lots to expand the City's supply of affordable housing.

Site Development Standards

Similar to other residentially zoned properties in the City, second units are permitted uses, subject to meeting certain standards as indicated in the PMC.

A summary of the design requirements for a detached second unit are summarized below (see Exhibit F for the complete Ordinance):

- A. Detached second units shall not exceed fifteen feet in height and shall be limited to one-story structures.
- 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 one thousand two hundred (1,200) square feet.
- D. 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.

E. 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.

F. One additional off street parking space on the lot shall be made continuously available to the occupants of the second unit.

G. 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.

H. 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.

I. 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 department 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 Department. These restrictions and regulations shall be binding upon any successor in ownership of the property.

As proposed and conditioned, the proposed second unit complies with the above PMC standards. The proposed second unit also complies with the applicable site development standards in terms of setbacks, height, and size. Although the A-Agriculture District does not have a maximum FAR, the proposed 11.85% floor area ratio with the second unit would be well below the 40% maximum floor area ratio requirement for the homes in the adjacent Medium Density Residential District located on Pioneer Trails Place. The applicants would create the required parking space for the second unit. Based on the modest size of the proposed second unit, it would not be expected to make a substantial contribution to traffic levels along Sycamore Road or Pioneer Trails Place. The Code requires that either the primary dwelling or the secondary unit be owner-occupied, which would prevent the property from functioning as a multi-family rental property. Furthermore, there are adequate public roadways, public utilities, and public services to serve the second unit.

Scope of Design Review – Criteria

The detached second unit is considered a Class I Accessory Structure as defined by the Municipal Code. Chapter 18.20 (Design Review) of the PMC 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, accessory structures greater than ten feet in height are subject to administrative design review. Staff notes that even though a proposed accessory structure may comply with the development standards of the applicable zoning district, through the design review process the PMC allows the reviewing body to approve conditions that may be more restrictive than the normal PMC standards to ensure that the public health, safety, or general welfare is preserved. As outlined in the Design Review Chapter, the Zoning Administrator's or Planning Commission's scope of review of project plans shall include such design criteria as:

- Preservation of the natural beauty of the city and the project site's relationship to it.
- Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of the buildings within its site and adjoining buildings.
- 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.
- Preservation of views enjoyed by residents, workers within the City, and passerby through the community.
- Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another and the building's colors and materials.

Staff considers these design criteria in its review of all design review applications. The proposed second unit would match the architectural style, colors, and materials of the existing dwelling and detached garage/office. Views of the second unit from Pioneer Trails Place will be partially screened by a row of fruit trees between the second unit and the street. Staff believes that the design of the proposed second unit would be complementary to the design of the main dwelling unit and with the other homes in the neighborhood, and is acceptable. In addition, staff feels that the location of the home along the rear of the property on Pioneer Trails Place is most suitable and fits the intended character of Sycamore Road within the NSSP, allowing larger lots along the street to maintain the rural nature of the community.

Neighbors' Concerns

As noted above, several neighbors expressed concerns regarding the proposed second unit prior to the Zoning Administrator hearing. One of those neighbors, Kim Connors (414 Pioneer Trails Place), has appealed the Zoning Administrator's approval of the second unit. Ms. Connors lives behind the applicants' property along Pioneer Trails Place, which is a shared private drive. Below is a summary of the concerns expressed prior to the Zoning Administrator hearing as well as in the appeal letter submitted by Ms. Connors, along with an explanation of how the project addresses these issues.

Multi-family Rental Property

Concerns have been raised that if both the main home second unit were rented out then the single-family character of the neighborhood could be compromised. The PMC has provisions which include the requirement that either the primary dwelling or the secondary unit be owner-occupied. In addition, staff has included a condition of approval that requires a restrictive covenant to be recorded against the lot with the Alameda County Recorder's Office prior to the issuance of a building permit that requires owner occupancy of one of the residential units on the site. This restrictive covenant will remain with the property and extend to all future property owners.

Rural Nature within the NSSP

Concerns have been raised regarding the rural nature of the existing neighborhood and the belief that a second unit would not be in character with the neighborhood. The PMC as well as State law allows for second units in all single family zones in accordance with the specified provisions and guidelines of the PMC. The second unit guidelines were created with the goal of allowing second units while minimizing adverse effects on the surrounding properties by limiting the height and size of the units. Staff believes that the design of the proposed second unit as well as the proposed location, set back from Sycamore Road, will help to maintain the rural nature of the neighborhood. In addition, the proposed design retains an open space buffer immediately adjacent to Sycamore Road, consistent with the objectives of the NSSP.

Second Unit Location and Parking

Concerns have been raised regarding the location of the second unit away from the main residence and the increased traffic a Pioneer Trails Place. The PMC requires that one additional on-site parking stall be provided for a second unit. The project proposal includes one enclosed garage space as well as room for one additional car to park in the proposed 20 foot long driveway. There are no requirements within the PMC that require the second unit to be situated in close proximity to the main residence. Staff believes that the proposed location of the second unit is acceptable in that it is positioned away from Sycamore Road, helping to maintain the rural character of the streetscape, in addition, the house is set back at least 20 feet from the southern property line, exceeding the 10 feet minimum setback, with existing landscaping between the proposed structure and Pioneer Trails Place and the adjacent homes to the south. The project has also met the parking requirements of the PMC and due to its modest size will not substantially contribute to increased traffic or parking demand.

Construction Traffic

Concerns have been raised regarding construction traffic along Pioneer Trails Place which could pose concerns regarding emergency vehicle access, traffic, and roadway maintenance. Staff understands that all construction projects generate temporary construction traffic. However, such traffic is temporary. Construction vehicles and traffic are required to abide by all City parking and traffic laws and are not permitted to block or impede access by residential or safety vehicles. The road construction of Pioneer Trails Place was reviewed by the City and would be able to withstand typical vehicle traffic, including large vehicles, as it accommodates weekly trash service. Pioneer Trails Place, however, is a private drive and maintenance and repairs of the street would be in accordance with the private maintenance agreement. Staff believes that based on the size of the project and the expected scope of the construction plan, project construction traffic would not substantially contribute to roadway damage or create circulation hazards.

V. CONCLUSION

As approved and conditioned, the proposed second unit complies with the City's Second Unit Ordinance and is a permitted use on the subject property. It has been designed to be compatible with the existing home and neighborhood as well as all applicable site development standards in terms of setbacks, height, size, and floor area. However, should the Commission find that the location or design of the second unit should be modified, the Commission may approve it with modified conditions to reflect the direction of the Commission.

VI. PUBLIC NOTICE

During the initial ADR public notification, only the neighbors that are in close proximity to the site were informed of the application, as stipulated by the Municipal Code. However, because this application has been appealed to the Planning Commission, public hearing notices were mailed to all property owners within 1,000 feet of the subject site prior to the Planning Commission hearing. At the time this report was published, no additional letters in opposition or support of the project were received. The location and noticing maps are included as Exhibit G.

VII. ENVIRONMENTAL ASSESSMENT

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

VIII. STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of case P15-0010.

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