

From: Jonathan Kennedy

Sent: Thursday, October 29, 2020 2:42 PM

To: Ellen Holmgren; Mike Carey; Shweta Bonn

Cc: Ellen Clark; Julie Harryman; Melinda Denis; Mayor and City Council; Nelson Fialho; Jerry Pentin; Stefanie Ananthan

Subject: RE: ADU - prior recorded deed restricted affected properties please remove restriction on recorded deed

Pleasanton City Council, Planning Commission and Staff,

I would like to reiterate Mr. Carey's request. As well as thank the commission for its work on creating more fairness and simplicity in our housing. I would also like to ask the commission to consider the view from our neighbors as they navigate the complexity and very high costs of a home purchase in Pleasanton. Imagine a neighbor finding a home to purchase only to find out that the home has a deed restriction tied to a potentially changing municipal code. Such a finding will be confusing and will cost valuable time and money in trying to understand why the restriction exists in the first place. And even then, the restriction, which is no longer an operating restriction now, will still be there.

In the end, the ADU deed restriction only serves as an aggravation to the home buying and owning process. Our neighbors deserve better.

Please allow the removal of the restrictions from the minority of parcels that have them.

Thank you.

Respectfully,

Jonathan Kennedy

████ Division St.

From: Ellen Holmgren

Sent: Thursday, October 29, 2020 10:11 AM

To: Mike Carey; Shweta Bonn

Cc: Jonathan Kennedy; Ellen Clark; Julie Harryman; Melinda Denis; Mayor and City Council; Nelson Fialho; Jerry Pentin; Stefanie Ananthan

Subject: RE: ADU - prior recorded deed restricted affected properties please remove restriction on recorded deed

Dear Mike Carey,

Thank you for your email regarding Item 6 on the Planning Commission Agenda on Wednesday, October 28, 2020. This email acknowledges receipt of your email to the Mayor and City Council, the City Manager and City staff.

Thank you again for your interest in the City of Pleasanton.

Public Comments

P20-0412: Amendments to Pleasanton Municipal Code for accessory dwelling units

Regards,

Ellen Holmgren, Administrative Assistant
City of Pleasanton

From: Mike Carey

Sent: Wednesday, October 28, 2020 6:27 PM

To: Shweta Bonn <sbonn@cityofpleasantonca.gov>

Cc: Jonathan Kennedy; Ellen Clark <eclark@cityofpleasantonca.gov>; Julie Harryman <jharryman@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>; Mayor and City Council <citycouncil@cityofpleasantonca.gov>; Nelson Fialho <NFialho@cityofpleasantonca.gov>; Jerry Pentin

Subject: Re: ADU - prior recorded deed restricted affected properties please remove restriction on recorded deed

Pleasanton Planning Commission, City Council and Staff.

Thanks for your work to comply with State legislation for accessory dwelling units.

Since local ADU ordinances are required to be in conformance with state law and match the new requirements for ADU and JADU guidelines.

I am formally requesting the City of Pleasanton to allow the affected parcels to remove the mandated deed restrictions that were placed on a Handful of Pleasanton parcels. This is discriminatory, unfair and inconsistent with the state code.

Thanks for your consideration to this important matter. The code needs to be consistent, fair and equal to all Pleasanton residents.

Correspondence below

Mike Carey

Mike Carey
Sent from my iPhone
~~~~~

Investment Real Estate Company  
925. [REDACTED]  
<http://invre.com>  
~~~~~

Public Comments

P20-0412: Amendments to Pleasanton Municipal Code for accessory dwelling units

On Sep 17, 2020, at 10:53 AM, Shweta Bonn <sbonn@cityofpleasantonca.gov> wrote:

Jonathan,

Perhaps the following will help clarify: staff's recommendation was to modify the Pleasanton Municipal Code such that no owner-occupancy requirement is imposed on new ADUs constructed through 2025. Though staff recommended retaining existing deed restrictions that may require owner-occupancy for ADUs approved prior to 2020, the Planning Commission recommended that any such provisions not be required or enforced for many of the same reasons you stated below. Thus, when the Ordinance goes back to the Planning Commission, it will be drafted in accordance with the Planning Commission's recommendation. Regarding your last question, the City has had fewer than five code enforcement cases involving ADU restrictions in the past six years (owner-occupancy provisions for ADUs have never been legally prosecuted by the City).

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

D: 925-931-5611

F: 925-931-5483

sbonn@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

From: Jonathan Kennedy

Sent: Thursday, September 17, 2020 7:55 AM

To: Shweta Bonn <sbonn@cityofpleasantonca.gov>

Cc: Ellen Clark <eclark@cityofpleasantonca.gov>; Julie Harryman <jharryman@cityofpleasantonca.gov>;

Melinda Denis <mdenis@cityofpleasantonca.gov>; Mike Carey; Mayor and City Council

<citycouncil@cityofpleasantonca.gov>

Subject: RE: ADU - recorded deed restricted addresses for the (22) plus parcels

Shweta,

Thank you for the added information and the links. I can see the complexity that has grown out of the original ordinance and now trying to unwind it.

I also understand your point about the deed restriction referencing the PMC. However, I do believe that any property owner, not just those of ADUs, are bound by the entire PMC. So the added complexity of having a non-specific deed restriction that references PMC for the sole purpose of reminding a buyer of a property that includes an ADU that they are bound by the PMC is unnecessary. The PMC itself is already a deed restriction that applies to everyone. This is important as buyers of residential property

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are not experts and the mere existence of a dynamic deed restriction like this one add unnecessary complications and cost to an already cumbersome process. Should the commission resolve to remove the owner-occupied restriction from the PMC, I respectfully ask that the city also remove the deed restriction from properties that include ADUs. A complicated web of deed restrictions are a burden on our community.

It appears that the Planning Commission is recommending that we keep the legacy owner-occupation restrictions!

In the July 8 Commission Agenda Report, it shows the staff originally modified the PMC to refer to ADUs pre and post January 1, 2020. But Section I of the Resolution has the Planning Commission recommending that the PMC retain the owner-occupied requirement for ADU's approved prior to January 1, 2020. My ADU was approved for construction in late 2019 with construction completed in 2020. Sadly, my house sits in the middle of three apartment complexes on Division St. So while the neighboring apartments get to enjoy non-owner occupancy, my property does not.

The Planning Commission recommendation does not state specifically why they were in favor of only a prospective application of the owner-occupied requirement in the PMC other than a reference to meeting the minimum requirements of the new State law. Other than a referenced fear of investors, there is no documented benefit to our community for the restriction and now we will have several categories of ADUs 1) Those where the city has no records and/or predate the original change to the PMC, 2) Those prior to Jan 1, 2020, 3) Those after Jan 1, 2020 and eventually 4) those after Jan 1, 2025. Practically, the City will have an extremely difficult time (and cost) enforcing these restrictions as each case will require research and only those with contemporary records, like mine, will be enforced. I respectfully ask the Planning Commission to reconsider its recommendation and put all Pleasanton residents and property owners on the same level with respect to the PMC.

Lastly, out of curiosity, how many cases of owner-occupied ADU violations in Pleasanton have been prosecuted in the past few years?

Again, I appreciate your time on this.

Thanks,
Jonathan Kennedy
[REDACTED] Division St.
321-[REDACTED]

Thanks,
Jonathan

Public Comments

P20-0412: Amendments to Pleasanton Municipal Code for accessory dwelling units

From: [Shweta Bonn](#)

Sent: Tuesday, September 15, 2020 3:29 PM

To: jonathan.kennedy@[REDACTED].com

Cc: [Ellen Clark](#); [Julie Harryman](#); [Melinda Denis](#); [Mike Carey](#)

Subject: RE: ADU - recorded deed restricted addresses for the (22) plus parcels

Jonathan,

Thank you for your feedback. The owner-occupancy topic as it relates to ADUs is one of many that will be addressed as part of the updates to the Pleasanton Municipal Code. If you are interested, below my signature block is an excerpt from the July 8 Agenda Report related to owner-occupancy. Also below are links to the ADUs agenda reports and draft ordinances in their entirety prepared for both the July 8 and June 24 Planning Commission meetings.

The City requested feedback on the draft ordinance (see the links below) from the State Department of Housing and Community Development (HCD). In part, this was follow-up to a letter from a legal firm that was submitted just before the July 8 Planning Commission meeting that challenged some of the provisions in the draft ordinance. As of now, we are awaiting feedback on a more specific topic (two-story attached ADUs).

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

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F: 925-931-5483

sbonn@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

Links to ADU materials for June 24 and July 8 Meetings

- June 24:
<http://weblink.cityofpleasantonca.gov/WebLink/0/doc/288102/Page1.aspx> And
<http://weblink.cityofpleasantonca.gov/WebLink/0/doc/288103/Page1.aspx>
- July 8: <http://weblink.cityofpleasantonca.gov/WebLink/0/doc/288190/Page1.aspx>
And <http://weblink.cityofpleasantonca.gov/WebLink/0/doc/288191/Page1.aspx>

July 8 Agenda Report Excerpt

Owner Occupancy Requirement and Deed Restrictions

As mentioned in the agenda report for the June 24 meeting, the City's current regulations require that the owner of a property with an ADU occupy either the primary residence or the ADU. New state laws remove the City's ability to enforce this provision for ADUs that are approved between January 1, 2020 to January 1, 2025. The Planning Commission requested staff provide background information on deed restrictions and owner-occupancy requirements.

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Generally, Chapter 18.106 of the PMC, which provides regulations related to ADUs, has been modified intermittently to comply with state law and to provide more flexibility when warranted. As a notable example, the City modified the PMC to indicate that *both* the primary residence and the ADU could be rented to a *single* party in 2018. Staff estimates that deed restrictions became common practice for ADUs in the mid-1990s and were made a requirement in the PMC in the early 2000s. Therefore, not all properties with an accessory dwelling unit also have a deed restriction on file with the City.

In 2003, City Council directed that deed restrictions for ADUs include generic language and refer to the PMC for current regulations. Accordingly, the PMC currently indicates the following language be included in a deed restriction for an ADU:

“The property contains an approved accessory dwelling 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 accessory dwelling unit, parking requirements, and participation in the city’s monitoring program to determine rent levels of the accessory dwelling 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.”

As directed by City Council, the language in the deed restriction itself does not specify the owner-occupancy requirements. If the Planning Commission desires to remove owner-occupancy requirements for ADUs approved *before* January 1, 2020, the language in the PMC [specifically Section 18.106.060(A)] related to the owner-occupancy requirement would be modified, as would the language in the PMC related to deed restrictions. However, the requirement specifically for the deed restriction would remain since the deed restriction serves to inform a future purchaser about limitations other than just the owner-occupancy requirement.

From: Jonathan Kennedy

Sent: Tuesday, September 15, 2020 11:30 AM

To: Shweta Bonn <sbonn@cityofpleasantonca.gov>; Mike Carey

Cc: Ellen Clark <eclark@cityofpleasantonca.gov>; Julie Harryman <jharryman@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>

Subject: RE: ADU - recorded deed restricted addresses for the (22) plus parcels

Does the City really need feedback from the State on the removal of its own deed restrictions? What specific feedback was requested from the State, which State agency was it requested and when is the feedback expected to be received?

At the time I was presented with the deed restriction for my project, my thought was that it was extremely discriminatory in that it only allows someone who can afford to purchase property the ability

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to live there. Really, what other purpose could that kind of restriction serve? Unfortunately, I was well into my project when I learned of the city's request. The only answer I got when I questioned it was that "the city always does this". No one seemed to understand why it was necessary.

I hope that the city acts quickly to remove the deed restrictions as they serve no valid purpose.

Thanks,
Jonathan

From: [Shweta Bonn](#)

Sent: Tuesday, September 15, 2020 10:37 AM

To: jonathan.kennedy@[REDACTED].com; Mike Carey

Cc: [Ellen Clark](#); [Julie Harryman](#); [Melinda Denis](#)

Subject: RE: ADU - recorded deed restricted addresses for the (22) plus parcels

Good day, Mike and Jonathan,

The Planning Commission at its July 8 meeting was in favor of amending the Pleasanton Municipal Code to indicate no owner-occupancy requirement for existing and future ADUs. As follow-up to public comment the City received just before the July 8 meeting, Staff reached out to the State to request feedback on the draft ADU ordinance. Staff recently received preliminary feedback from the State and is currently working with the State to evaluate specific provisions being considered for ADUs in Pleasanton. Once the State provides this specific feedback, staff will schedule the ordinance for Planning Commission review and recommendation for a final decision by City Council.

You are probably already on the distribution list, but if not, you may consider signing up for Planning Commission agendas so that you are aware of when this topic is scheduled for the Planning Commission's review:

http://www.cityofpleasantonca.gov/gov/depts/cd/planning/commission/planning_agenda_notification.asp.

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

D: 925-931-5611

F: 925-931-5483

sbonn@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

From: Jonathan Kennedy

Sent: Tuesday, September 15, 2020 9:47 AM

To: Mike Carey <mike@invre.com>; Ellen Clark <eclark@cityofpleasantonca.gov>

Cc: Shweta Bonn <sbonn@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>;

Julie Harryman <jharryman@cityofpleasantonca.gov>

Subject: RE: ADU - recorded deed restricted addresses for the (22) plus parcels

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Mike,

Thanks for including me in the conversation. My property was encumbered by the ADU restrictions last year.

Ellen - When do you expect the commissions' recommendation will be approved and enacted? What are the steps needed to make that happen?

Thanks,
Jonathan
[REDACTED] Division St.

-----Original Message-----

From: Mike Carey
Sent: Tuesday, September 15, 2020 9:16 AM
To: Ellen Clark <eclark@cityofpleasantonca.gov>
Cc: Shweta Bonn <sbonn@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>; Julie Harryman <jharryman@cityofpleasantonca.gov>
Subject: Re: ADU - recorded deed restricted addresses for the (22) plus parcels

Hello Everyone, just checking in on the Removal of the Deed restrictions on existing and future ADU's, when will the meetings take place to solidify this action. Thanks for any updates you can share. Mike

Mike Carey

Sent from my iPhone

~~~~~  
Investment Real Estate Company  
925. [REDACTED]  
<http://invre.com>  
~~~~~

From: Shweta Bonn <sbonn@cityofpleasantonca.gov>
Sent: Thursday, August 27, 2020 4:45 PM
To: Mike Carey; Ellen Clark <eclark@cityofpleasantonca.gov>
Cc: Melinda Denis <mdenis@cityofpleasantonca.gov>; Julie Harryman <jharryman@cityofpleasantonca.gov>
Subject: RE: ADU - recorded deed restricted addresses for the (22) parcels

Good afternoon, Mike,

The Planning Commission at its July 8 meeting was in favor of amending the Pleasanton Municipal Code to indicate no owner-occupancy requirement for existing and future ADUs. Since staff also received public comment about some of the provisions in the draft ordinance *right before* the July 8 hearing, the Planning Commission continued the topic to a meeting date

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in the future to allow staff to amend the ordinance to respond to the public comment and seek guidance from the State on the modifications.

At this time, staff is awaiting comments from the State on the revised ordinance. Once staff receives comments from the State and makes any further amendments, we will schedule the ordinance for Planning Commission review and recommendation for a final decision by City Council.

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

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sbonn@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

-----Original Message-----

From: Mike Carey

Sent: Thursday, August 27, 2020 2:54 PM

To: Ellen Clark <eclark@cityofpleasantonca.gov>

Cc: Shweta Bonn <sbonn@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>;

Julie Harryman <jharryman@cityofpleasantonca.gov>

Subject: Re: ADU - recorded deed restricted addresses for the (22) parcels

Hey Ellen, Julie and Shweta hope all is well with you and your families. I was just checking in on the email below regarding the planning Commission and City Council eliminating the deed restriction for Existing units. Any update on where we are in the process for completing this, thanks as always for your help. Mike

Mike Carey

Sent from my iPhone

~~~~~

Investment Real Estate Company

925. [REDACTED]

<http://invre.com>

~~~~~

From: Shweta Bonn <sbonn@cityofpleasantonca.gov>

Sent: Thursday, July 16, 2020 2:42 PM

To: Mike Carey

Cc: Ellen Clark <eclark@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>;

Julie Harryman <jharryman@cityofpleasantonca.gov>

Subject: RE: ADU - recorded deed restricted addresses for the (22) parcels

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Mike,

Please find attached a report for permits issued for ADUs since going "live" with our permitting software in 2011.

The majority of deed restrictions we have on file are from a template. So, they are very similar to the deed restriction for your property (see attached), and refer back to the Pleasanton Municipal Code for owner-occupancy requirements. As Ellen mentioned below, the Planning Commission at its July 8 meeting was in favor of amending the Pleasanton Municipal Code to indicate no owner-occupancy requirement for existing and future ADUs.

The amendments to the Pleasanton Municipal Code related to ADUs will return to the Planning Commission (date to-be-determined) prior to final action on the amendments by City Council.

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

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sbonn@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

-----Original Message-----

From: Mike Carey

Sent: Thursday, July 16, 2020 12:48 AM

To: Ellen Clark <eclark@cityofpleasantonca.gov>

Cc: Shweta Bonn <sbonn@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>;

Julie Harryman <jharryman@cityofpleasantonca.gov>

Subject: Re: ADU - recorded deed restricted addresses for the (22) parcels

I am specifically interested in the recorded deed restrictions on individual properties as this becomes a hardship and cloud on the title reports for the owners and their ability to sell or transfer ownership on the parcels.

Thanks for your efforts and please keep me posted as to the city's progress on approving the removal of the restrictions.

Mike Carey

Sent from my iPhone

~~~~~  
Investment Real Estate Company

925. [REDACTED]

<http://invre.com>

~~~~~  
> On Jul 10, 2020, at 4:58 PM, Ellen Clark <eclark@cityofpleasantonca.gov> wrote:

>

> Hi Mike -

>

> It is significantly more than 22 units that have some kind of owner-occupancy requirement, not all of which are included in a deed restriction - we estimate somewhere around 200 units. The number quoted was simply the number of ADUs that have been approved in the last 5 years; there are many others.

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>
> So, I think we could provide that list of 22 - I think the longer list would be much more difficult.
>
> Not sure if you followed the meeting on Weds, but the Planning Commission recommended that the owner-occupancy requirement be eliminated (for existing and future units).
>
> Let me know how you'd like to proceed.
>
> Ellen
>
> Ellen M. Clark
> Director, Community Development Department
> D: 925-931-5606
> F: 925-931-5483
> eclark@cityofpleasantonca.gov
>
> -----Original Message-----
> From: Mike Carey
> Sent: Friday, July 10, 2020 1:16 PM
> To: Ellen Clark <eclark@cityofpleasantonca.gov>; Shweta Bonn <sbonn@cityofpleasantonca.gov>; Melinda Denis <mdenis@cityofpleasantonca.gov>; Julie Harryman <jharryman@cityofpleasantonca.gov>
> Subject: Re: ADU - recorded deed restricted addresses for the (22) parcels
>
> Hey Ellen, thanks for all the help on the ADU revisions, can you Please provide the addresses of the 22 (I believe is the number) Pleasanton properties that were required To record a deed restriction during the 2003-2020 time period. Thanks, Mike
>
>
> Mike Carey
> Sent from my iPhone
> ~~~~~
> Investment Real Estate Company
> 925. [REDACTED]
> <http://invre.com>
> ~~~~~
>
>> On Jul 8, 2020, at 1:11 PM, Mike Carey wrote:
>>
>>
>>>
>>> The planning commission is revisiting the State recommendations on ADU's tonight and Should refer to civil code 4751 which clearly makes deed restrictions void and unenforceable. ATTACHED BELOW
>>>
>>> The planning staff is taking the position In the new ADU adopted rules to not align with the State recommendations thereby leaving the 22 property owners trapped who were forced prior to January 2020 to record a "deed restriction " Requiring they Must live in One unit or the other.

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>>

>>> We need to make this right for All and Not have a different set of Rules than the rest of the Pleasanton has today. This is a cloud on the title and does nothing but provide unclarity as to if this is enforceable? Legal? Tenant rights, rental discrimination. It's definitely not consistent with a neighborIng property owner next door that builds an ADU today and has the right to rent both or live in both structures.

>>

>>> Until you are one of the 22 with a recorded deed restriction on your parcel you really don't understand or probably care about this topic. Try to sell your property with a deed restriction that must be signed again by the new owner and assumed, the first question is why am I signing this when new law says I don't have to reside in one of the two structures?

>>

>>

>>> The goal of the State Of California is to provide more affordable housing for our police, teachers, children and aging parents (all people) That is why they revoked the deed restriction idea. Please address this topic in your planning commission and City council meeting before approving any City ADU ordinances. The State must Ultimately review and approve the cities ADU plan.

>>>

>>>

>>> (pure discrimination and government control with no factual basis or Studies On the deed restriction requirement)

>>

>> What is the history behind the Deed restriction? Minutes of meetings? What year was this idea born? Have the 22 residents Affected with a deed restriction been alerted to the ADU update process by the City of Pleasanton. They need to be involved in this process and if staff has not seen any public input try reaching out to the deed restricted parties for input.

>>>

>>> I formally request the Commission to discuss why is this necessary and what right does the city have to leave deed restrictions on properties when the state has made them void and unenforceable and not consistent with today's law. The deed restrictions did not exist on all our older existing parcels with multiple units or second units prior to 2003 and they are Not allowed today.

>>>

>>>

>>> Mike Carey

>>> Sent from my iPhone

>>> ~~~~~

>>> Investment Real Estate Company

>>> 925. [REDACTED]

>>> <http://invre.com>

>>> ~~~~~

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P20-0412: Amendments to Pleasanton Municipal Code for accessory dwelling units

From: Alok Damireddy
Sent: Wednesday, October 28, 2020 3:02 PM
To: Shweta Bonn <sbonn@cityofpleasantonca.gov>
Cc: Melinda Denis <mdenis@cityofpleasantonca.gov>
Subject: Re: [REDACTED] Whispering Oaks Way zoning

Thanks for chatting with me today.

Please use this comment to be shared with Planning Commission and City Council(if needed) for the draft ordinance.

"PUDs/CCRs that restrict ADUs on the 2nd floor of detached garages up to 24' high is not applicable. The setbacks and other restrictions of the PUD still apply."

Additionally, please let me know what option/process I can pursue to add a 2nd story ADU on the existing detached garage for this specific address. The current state is that the HOA cannot approve this as their CCRs limit them it and the plans are not with the Planning department.

Thanks,
-Alok

On Wed, Oct 28, 2020 at 11:29 AM Alok Damireddy wrote:
Please do call me at (925) [REDACTED] whenever you are available today.

The CCR to limit the 2nd story on detached garages was due to the PUD's conditions of approval. What's the intent of that condition #10 from City of Pleasanton to limit two-story garages? It looks like PUD was designed to accommodate up to 75% of market-rate homes to be two stories.

Best,
-Alok

On Wed, Oct 28, 2020 at 8:51 AM Shweta Bonn <sbonn@cityofpleasantonca.gov> wrote:
Alok,

For some reason the email cuts off much of the relevant text. And, my apologies, I may have misunderstood your email further below (and thought you wanted to connect with Melinda). I will ring you later today if you still want to discuss.

Responses to your questions are directly below, followed by the full body of the email thread.

1. Why does the draft ordinance permit 2nd story ADU(> 16' high) in non-PUD developments but not in PUD? Why make that distinction? Especially if the PUD has homes with 2nd floor ADU over detached garages.

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The draft ADU ordinance requires ADUs that exceed 16 feet in height to meet the requirements of the PUD. In your particular PUD, the conditions and CC&R's limit the number of detached garages that can be two stories.

2. The 16' high limit on the State law([AB68](#)) in my view is intended for the Dwelling portion(not the underneath existing structure with other uses e.g Garage). In this case, just the 2nd floor should be considered asADU not the 1st floor with a shared common garage. The proposal and plans clearly state that only the 2nd floor is the ADU not the 1st floor. The 2nd floor is less than 16'.

The draft ADU ordinance does not propose to change how height is measured for an ADU above a detached garage (i.e., this text will remain unchanged from existing PMC): Height is measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

An ADU above a detached garage would exceed 16 feet in height.

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

D: 925-931-5611

F: 925-931-5483

sbonn@cityofpleasantonca.gov

City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566



-----Original Message-----

From: Alok Damireddy

Sent: Tuesday, October 27, 2020 6:46 PM

To: Shweta Bonn <sbonn@cityofpleasantonca.gov>

Subject: Re: [REDACTED] Whispering Oaks Way zoning

Any update on the questions or when we could chat about this?

Alok

From: Alok Damireddy

Sent: Thursday, October 22, 2020 10:54 AM

To: Shweta Bonn <sbonn@cityofpleasantonca.gov>

Cc: Melinda Denis <mdenis@cityofpleasantonca.gov>

Subject: Re: [REDACTED] Whispering Oaks Way zoning

Good to meet you Melida. What would be a good time either tomorrow or early next week to setup a call to chat about this?

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Thanks Shweta. My questions are

1. Why does the draft ordinance permit 2nd story ADU(> 16' high) in non-PUD developments but not in PUD? Why make that distinction? Especially if the PUD has homes with 2nd floor ADU over detached garages.
2. The 16' high limit on the State law([AB68](#)) in my view is intended for the Dwelling portion(not the underneath existing structure with other uses e.g Garage). In this case, just the 2nd floor should be considered asADU not the 1st floor with a shared common garage. The proposal and plans clearly state that only the 2nd floor is the ADU not the 1st floor. The 2nd floor is less than 16'.

Beest,
-Alok

On Thu, Oct 22, 2020 at 10:03 AM Shweta Bonn <sbonn@cityofpleasantonca.gov> wrote:

Good day, Alok,

The purpose of the amendments to the Pleasanton Municipal Code is to align the municipal code with the parameters set forth in State law. State law does not require ADUs greater than 16 feet to be permitted (unless the ADU is the result of converting existing space). In the interest of continuing to allow ADUs above detached garages (and greater than 16 feet in height), the draft amendments to the PMC do not remove this existing provision, subject to the parameters in a given zoning district. ADUs that are greater than 16 feet in height are required to meet the requirements of the PUD, if the subject property is located within in a PUD.

From the PUD condition that Jenny provided you, it sounds like the intent was to limit the number of detached garages that had second stories, not necessarily limit the number of ADUs. In response to your request to discuss this with the Planning Manager, I am copying Melinda Denis on this email so that you can schedule a time with her.

-Shweta

Shweta Bonn

Senior Planner, Community Development Department

D: 925-931-5611

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City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566



Public Comments

P20-0412: Amendments to Pleasanton Municipal Code for accessory dwelling units

-----Original Message-----

From: Alok Damireddy
Sent: Wednesday, October 21, 2020 6:41 PM
To: Shweta Bonn <sbonn@cityofpleasantonca.gov>
Subject: Re: [REDACTED] Whispering Oaks Way zoning

That's my question, why does the city want to limit the number of ADUs in a PUD while it doesn't have that limit elsewhere?

Adding ~5 cars/home to street parking when there are garages built for that seems illogical. The prospect of not finding parking for these cars on the street will deter home owners from taking up ADUs. And could be potentially considered 'unreasonable'.

I would like to discuss this with the Community Director and/or Planning Dept manager ahead of the Planning commission meeting. How can I get that scheduled?

Best,
Alok

From: Shweta Bonn
Sent: Wednesday, October 21, 2020 5:55 PM
To: Alok Damireddy
Subject: RE: [REDACTED] Whispering Oaks Way zoning

Good afternoon, Alok,

Yes, staff discussed your inquiry. The ADU State law does not have a provision that expressly allows two-story ADUs, including two-story ADUs above detached garages. State law has parameters that allow ADUs 16 feet or less in height, but an ADU above a garage would be more than 16 feet in height.

The City implemented the provision for ADUs above detached garages in 2013, and with the draft amendments to the Pleasanton Municipal Code, is proposing to continue allowing them, subject to the parameters in a given zoning district.

In your zoning district, which is a PUD, a condition limits the number of ADUs that may be located above a detached garage and the CC&Rs appear to indicate no additions of any kind are permitted above the detached garages.

Since an ADU above a detached garage would be more than 16 feet in height, the PUD condition would apply.

As Jenny mentioned below, you have other options for an ADU on your property.

-Shweta

Shweta Bonn
Senior Planner, Community Development Department

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From: Alok Damireddy

Sent: Wednesday, October 21, 2020 12:11 PM

To: Shweta Bonn <sbonn@cityofpleasantonca.gov>

Subject: Re: [REDACTED] Whispering Oaks Way zoning

Hi Shweta,

Were you able to get any reason why the CCR should prevail over the (draft) City Ordinance and State Law?

From what I understand, that CCR was added due to the Conditions of Approval from City of Pleasanton for that PUD so the HOA does not have any other specific reason to limit 2nd floors on detached garages. So it appears that City of Pleasanton did not want 2nd floors on detached garages and the draft ordinance does not address that edge case.

Thanks,

-Alok

On Fri, Oct 16, 2020 at 10:55 AM Alok Damireddy wrote:

Great. Thanks and appreciate you working with us.

Your(City of Pleasanton's) ADU ordinance should intend to make it as flexible as AB670 and it will go a long way in ensuring its smooth rollout inside CofPleasanton. I have atleast 8 other home owners in this and adjoining communities that have approached me for help with their ADUs so its scale will be impactful within the 1st few months.

Best,

-Alok

On Fri, Oct 16, 2020 at 10:49 AM Shweta Bonn <sbonn@cityofpleasantonca.gov> wrote:

Alok,

Please allow me to take a closer look at your question and confer with colleagues before getting back to you.

-Shweta

Shweta Bonn

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From: Alok Damireddy
Sent: Thursday, October 15, 2020 7:20 PM
To: pod <pod@cityofpleasantonca.gov>
Cc: Shweta Bonn <sbonn@cityofpleasantonca.gov>
Subject: Re: [REDACTED] Whispering Oaks Way zoning

Great. Thanks.

This is exactly what the authors of AB670 intended to remove.

I will wait to hear from Shweta if this logjam can be solved by amending the draft ordinance.

Alok

On Oct 15, 2020, at 5:33 PM, pod <pod@cityofpleasantonca.gov> wrote:

Alok,

Whispering Oaks in Walnut Hills neighbor. Please see Condition below. Thanks,

Jenny

10. The garage structures shall only have a second floor if it is a second unit. Otherwise, the garages shall be built as a single-story building 15 feet in height or less, measured from the highest to lowest portion of the structure. A maximum of 75 percent of the market-rate homes in the 4,000-square-foot lot portion of this development may have two-story garages (garage first floor and second unit on the second floor). All single-story garages shall be designed to provide storage space in the top of the garage. A prohibition against future second-floor additions to the single-story garages shall be included in the CC&R's for the project and shall be disclosed to future homebuyers. The developer shall submit a house plotting plan for each release which shows the location of the single-story garages evenly dispersed throughout the project to the Planning Director for review and approval prior to the issuance of building permits for the release.

Planner on Duty, Community Development Department

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City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

From: Alok Damireddy
Sent: Thursday, October 15, 2020 4:57 PM
To: pod <pod@cityofpleasantonca.gov>
Cc: Shweta Bonn <sbonn@cityofpleasantonca.gov>
Subject: Re: [REDACTED] Whispering Oaks Way zoning

Thanks Jenny. Can you send me the conditions of approval on the PUD? I want to what specific language precludes ADUs on existing detached garages. While I see that existing garages can be converted, the potential of 5 additional vehicles/home would require street parking in a community where streets are filled up to 73% with parked cars.

Hi Shweta,

Public Comments

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As per the draft ADU ordinance, sec 18.106.050.A seems to allow ADU on the 2nd floor of detached garages in R-1-X districts but I see that sec 18.106.020.C states that PUD regulations shall control. Any rationale why this detached garage 2nd floor is not included in the draft ADU ordinance? Especially when about 15% of the homes in that neighborhood have ADUs on 2nd floor of detached garages? Or what would it take to add this ability into draft ADU ordinance?
I see a potential conflict per [AB 670 sec 4751 \(a\)](#) and want to see if City of Pleasanton is aware of this impending issue.

Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a **planned development**, and any provision of a governing document, that either effectively prohibits or **unreasonably restricts** the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

Best,
-Alok

On Thu, Oct 15, 2020 at 4:23 PM pod <pod@cityofpleasantonca.gov> wrote:

Hello Alok,

The PUD approval does not allow an addition including ADU above the existing detached garage. You may however convert the existing garage to an ADU without replacement of parking.

The City's ADU ordinance is currently under review. It will go to the Planning Commission in a couple of weeks, and then City Council.

If you have any questions regarding the draft ADU ordinance, please contact Shweta Bonn, copied on this email.

Best Regards,

Jenny Soo

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City of Pleasanton | P.O. Box 520, Pleasanton, CA 94566

From: Alok Damireddy

Sent: Thursday, October 15, 2020 12:21 AM

To: pod <pod@cityofpleasantonca.gov>

Subject: [REDACTED] Whispering Oaks Way zoning

Hi,

I would like to get the zoning guidelines for XXXX Whispering Oaks Way, Pleasanton.

We are looking to develop a detached ADU on the 2nd floor over the existing garage.

Based on the zoning map, it belongs to the PUD O.1813 and O.1814. Want to get the design guidelines for setbacks, parking spaces, vertical heights etc for this PUD.

http://www.cityofpleasantonca.gov/gov/depts/cd/planning/zoning/Maps/Page_23.pdf

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Also is this the right municipal code in effect pertaining to ADUs?

<http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=29297>

The HOA CCRs seem to conflict with City's and State's AB670. We understand that State's law trumps City's and city's code thumps CC&Rs but wanted to confirm if we are looking at the right muni code and zoning regulations.

Best,

Alok

(925) 