

PLANNING COMMISSION MEETING AGENDA

Wednesday, March 27, 2024

7:00 p.m.

City Council Chambers – 200 Old Bernal Ave.

and

Apt 202, T-24, Nirala Estate-2, Plot#GH-04,
TECHZONE-4, Greater Noida (West) UP, India

The meeting will be held at the City Council Chambers at 200 Old Bernal Ave, via teleconference at Apt 202, T-24, Nirala Estate-2, Plot#GH-04, TECHZONE-4, Greater Noida (West) UP, India, and will be broadcast live at <https://www.youtube.com/user/TheCityofPleasanton>.

Public participation: It is requested that members of the public wishing to address the Planning Commission submit a speaker card. When public comment is opened on an agenda item, individuals may speak once per agenda item.

In Person at the City Council Chambers:

- Submit a physical speaker card to the Recording Secretary at the meeting. When your name is called, please provide comment at the podium.

PUBLIC HEARING PROCEDURE

Each of the items listed will be heard as shown on the agenda unless the Planning Commission chooses to change the order. As each item is called, the hearing will proceed as follows:

- A Planning Division staff member will make a presentation on each case and answer Planning Commission questions, as needed.
- The applicant will be asked to present, if desired, or answer questions. Applicant presentations should be no longer than ten minutes.
- The Chair then calls on anyone desiring to speak on the item. Speakers are requested to state their names for the public record and to keep their testimony to no more than three minutes each, with minimum repetition of points made by previous speakers and by being as brief as possible in making their testimony.
- Following public testimony, the applicant will be given the opportunity to respond to issues raised by the public. The response should be limited to five minutes.

The public hearing will then be closed. The Planning Commissioners then discuss among themselves the application under consideration and act on the item. Planning Commission actions may be appealed to the City Council. Appeals must be filed with the City Clerk's Office within 15 days of the Planning Commission's action.

The Planning Commission Chair may enforce other rules as may further the fair and efficient running of the meeting, such as reducing the amount of testimony time allotted to the applicant and all those who wish to speak when the meeting agenda is lengthy or when there are numerous speakers for any specific item. The audience is requested to respect and extend courtesy to all those wishing to testify on all cases by being quiet while others are speaking.

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

AGENDA AMENDMENTS

CONSENT CALENDAR - *Consent Calendar items are considered routine and will be enacted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

1. Actions of the Zoning Administrator
2. **PUD-149, Douglas Harwood, 544 Sycamore Road** - Application for Planned Unit Development (PUD) development plan to: 1) Establish development standards; and 2) Construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence located at 544 Sycamore Road zoned PUD-A (Agriculture)
3. Approve the minutes of March 13, 2024

MEETING OPEN TO THE PUBLIC

4. Public Comment from the audience regarding items not listed on the agenda – *Speakers are encouraged to limit comments to 3 minutes*

PUBLIC HEARINGS AND OTHER MATTERS

5. **P23-0906, Laura Melchionne, 3132 Tokay Court** - Appeal of the Zoning Administrator's approval of beekeeping application to maintain two beehives on the property located at 3132 Tokay Court

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

6. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)
7. Actions of the City Council
8. Future Planning Calendar

MATTERS INITIATED BY COMMISSION MEMBERS

ADJOURNMENT

Notice

Under Government Code §54957.5, any writings/documents regarding an item on this agenda provided to a majority of the Planning Commission after distribution of the agenda packet will be available for public inspection at City Hall in the Planning Division, 200 Old Bernal Avenue, Pleasanton.

Accessible Public Meetings

The City of Pleasanton can provide special assistance for persons with disabilities to participate in public meetings. To make a request for a disability-related modification or accommodation (e.g., an assistive listening device), please contact Melinda Denis, Planning and Permit Center Manager, by phone at 925-931-5631 or by email at mdenis@cityofpleasantonca.gov at the earliest possible time. If you need sign language assistance, please provide at least two working days' notice prior to the meeting date.

SUBJECT: Actions of the Zoning Administrator

P24-0111, Tony Meo/Custom Residential Design

Application for Administrative Design Review approval to construct an approximately 667-square-foot single-story addition at the rear of the residence with an approximately 222-square-foot attached porch located at 4340 West Ruby Hill Drive.

Approved. Appeal period expires April 17, 2024. (*Riley Eidson, 931-5610*)

P24-0114, Terry Townsend

Application for Administrative Design Review approval to construct an approximately 292-square-foot single-story addition that includes an approximately 110-square-foot addition at the front of the residence with an attached covered porch, a vaulted dormer and garage, and an approximately 182-square-foot addition at the rear of the residence located at 4678 Whiting Street.

Approved. Appeal period expires April 17, 2024. (*Riley Eidson, 931-5610*)

PUD-87-19-05M, Alok Damireddy

Application for Planned Unit Development (PUD) Minor Modification to an approved Development Plan (PUD-87-19) to modify the approved location and size of the house pads for all six lots located at 4002, 4018, 4034, 4019 and 4035 Equus Court.

Approved. Appeal period expires April 17, 2024. (*Diego Mora, 931-5618*)

P24-0134, Dr. Rabin Khetrapal

Application for Administrative Design Review approval to construct an approximately 190-square-foot second-story addition with five new windows to the rear (south) of the existing two-story residence located at 1785 Via Di Salerno.

Approved. Appeal period expires April 17, 2024. (*Sachiko Riddle, 931-5607*)

P24-0025, Eric Shepard

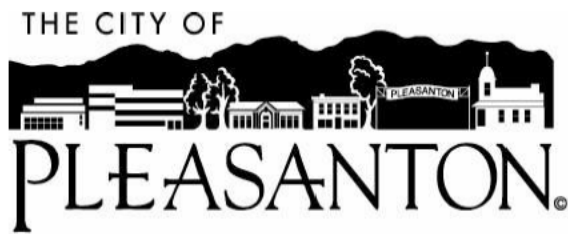
Application for Design Review to construct an approximately 55-square-foot addition to an existing coffee kiosk to construct a bathroom at 6730 Santa Rita Road.

Approved. Appeal period expires April 17, 2024. (*Sachiko Riddle, 931-5607*)

P24-0113, Francisco Matos

Application for Administrative Design Review to install a window at approximately 11-feet and 6-inches on the front (north) side of the existing residence located at 4366 Valley Avenue.

Approved. Appeal period expires April 17, 2024. (*Sachiko Riddle, 931-5607*)



Planning Commission Agenda Report

March 27, 2024
Item 2

SUBJECT: PUD-149

APPLICANT: Douglas Harwood

PROPERTY OWNERS: Varma Kottapali & Soujanya Vuppa

PURPOSE: Application for Planned Unit Development (PUD) development plan to: 1) Establish development standards; and 2) Construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence.

LOCATION: 544 Sycamore Road

GENERAL PLAN: Low Density Residential

SPECIFIC PLAN: North Sycamore Specific Plan – PUD-Agricultural

ZONING: Planned Unit Development- Agricultural (PUD-A) District

EXHIBITS:

- A. Draft Resolution and Conditions of Approval
- B. Project plans dated received January 29, 2024
- C. Arborist Report dated December 2023
- D. Location and Notification Map

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the attached resolution recommending approval of PUD-149 to the City Council, based on the required findings and subject to the draft Conditions of Approval listed in Exhibit A.

EXECUTIVE SUMMARY

The proposed project would establish development standards of the R-1-40,000 District for the subject parcel. The project also includes the construction of an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence. The subject lot is part of the North Sycamore Specific Plan (NSSP), however, it has never had a PUD development plan approved. The Pleasanton Municipal Code (PMC) Chapter 18.68.050 restricts development of a

site within a planned unit development district until all provisions of Chapter 18.68 have been completed, which includes a development plan.

As such, the project requires PUD development plan approval. As conditioned, staff finds the proposed development standards would be consistent with the objectives of the General Plan and zoning district. The Planning Commission may recommend approval, approval with conditions, or denial of the application to the City Council.

BACKGROUND

Specific Plan

As noted, the subject lot at 544 Sycamore Road is located within the North Sycamore Specific Plan (NSSP) area, identified as parcel 12. The City Council adopted the NSSP in June of 1992. In September of 1992, the NSSP area was pre-zoned with several PUD designations, but without a PUD development plan for any portion of the NSSP. The NSSP area was annexed to the City in June of 1993. Within the NSSP, the subject lot has a land use designation of Planned Unit Development Agricultural (PUD-A). The intent of the PUD-A land use designation is to allow residential development on larger lots with buffers from existing rural residential uses both within and adjacent to the NSSP area as well as allow agricultural uses on the lots. The designation is further intended to maintain adequate light, air, privacy, and separation between dwellings and requires specific landscape, fencing, lighting, and other design requirements unique to the district. The NSSP requires a minimum parcel size of one acre for the PUD-A land use designation.

Site and Area Description

The subject lot is located on the north side of Sycamore Road, just off Sycamore Creek Way, as seen in Figure 1. Consistent with the NSSP Land Use Designation, the lot has a Low Density Residential General Plan Land Use Designation. With the exception of the lot south of Sycamore Road zoned PUD-A/MDR (Planned Unit Development – Agricultural/Medium-Density Residential), all of the surrounding lots adjacent to the subject lot and along Sycamore Road are primarily zoned PUD-A or PUD-LDR/A (Planned Unit Development – Low-Density Residential/Agricultural). The existing houses in the neighborhood are both one- and two-story and sited with ample front yard setbacks from Sycamore Road.

The subject approximately 43,484-square-foot (approximately .99-acre) lot is generally flat with very little topography change across the lot and significant vegetation in the form of mature trees around and on the lot, primarily on the western and northern borders. The property contains an existing approximately 2,350-square-foot single-story house, an approximately 525-square-foot attached garage, and one approximately 1,800-square-foot barn, as seen in Figures 2 and 3 respectively.

Figure 1: Aerial Photograph



Figure 2: Existing Residence from Sycamore Road



Figure 3: Side View of Existing Residence from Sycamore Road

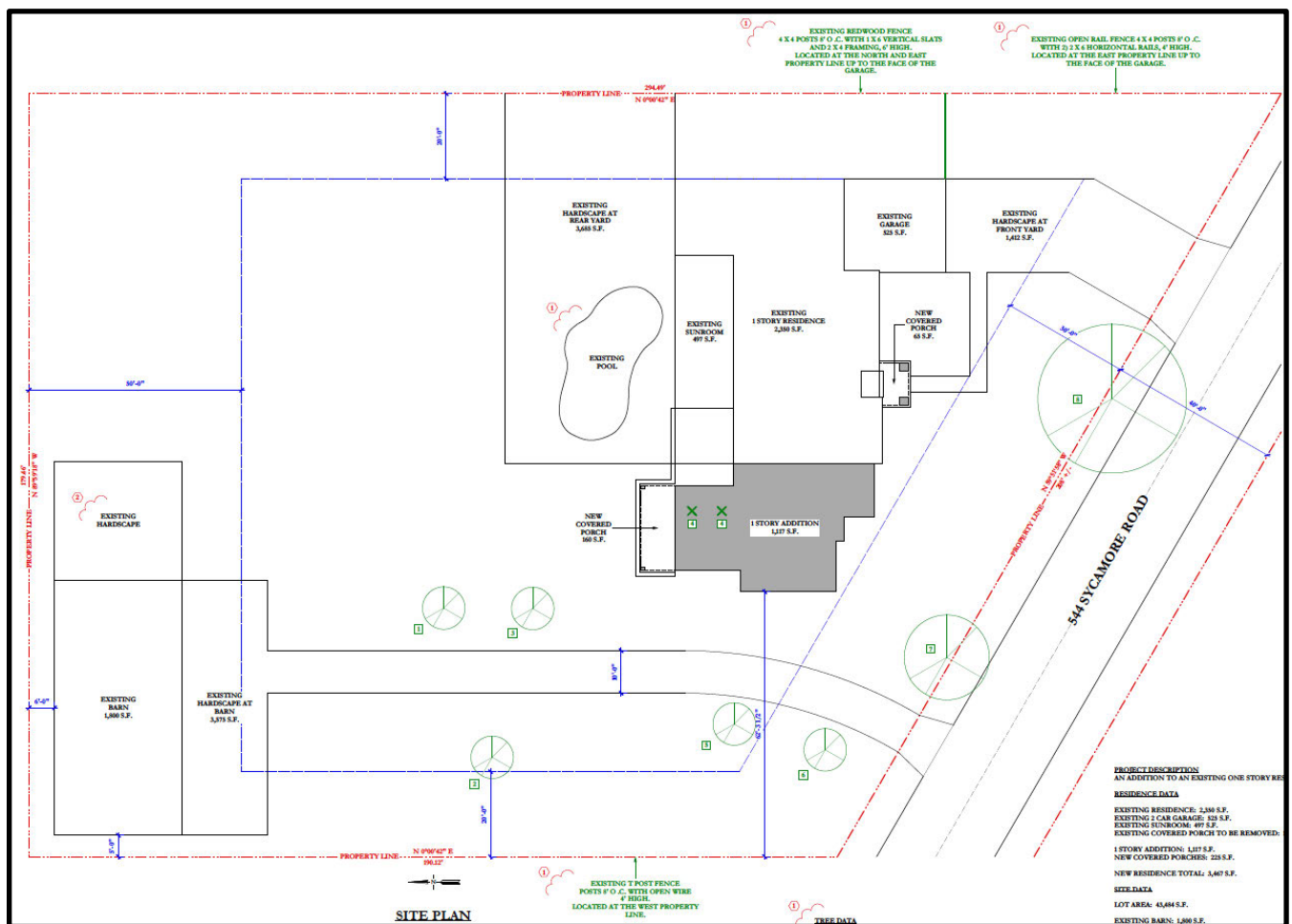


Proposed Project

The applicant proposes to establish development standards for the subject parcel consistent with those of the R-1-40,000 Zoning District for the existing residence and accessory structures. The applicant also proposes to construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to the existing single-family residence, as shown in Figure 4 below. There are eight trees on the property potentially impacted by construction activities. The proposal includes the removal of one non-heritage tree. The tree removal is further detailed in the attached arborist report, Exhibit C.

The proposed addition will be set back approximately 30 feet from the front property line and maintain generous setbacks on the remaining sides with approximately 62 feet 3 inches on the west (addition area) and approximately 20 feet on the east (side). In conjunction with the addition, the existing residence's exterior is proposed to be remodeled consistent with a traditional ranch architectural style, which can be further reviewed in the attached Project Plans, Exhibit B and discussed further in this report.

Figure 4: Site Plan



ANALYSIS

Consistency with General Plan Zoning District Regulations:

General Plan

The existing single-family dwelling unit and proposed development standards of the R-1-40,000 District would be consistent with the low-density designation.

The proposal is in keeping with the character of the low density residential and is consistent with the General Plan Land Use Policy and Programs listed below.

Land Use: Residential

Policy 8: Preserve and enhance the character of existing residential neighborhoods.

Program 8.1: Enforce the provisions of the City's Zoning Ordinance and related planning ordinances to maintain the character of existing residential neighborhoods.

Program 8.2: Use the City's development review procedures to minimize intrusions into existing neighborhoods.

Zoning

The NSSP indicates the PUD-A zoning district is intended to correspond "generally" to the Agricultural (A) District of the Pleasanton Municipal Code (PMC) as modified in the NSSP. As such, staff has analyzed the proposal in relation to the Agricultural district in the PMC. However, it should be noted that the PUD district allows flexibility in creating development standards, and the applicant proposes following the standards of the R-1-40,000 zoning district rather than the A-district. Additionally, as further detailed in the following sections, the proposed site and building design meet the NSSP guidelines.

The subject approximately 0.99-acre (43,484-square-foot) lot is substantially smaller than the lot minimum required in the PMC A-district (i.e., 5 acres), however, the PUD district allows for flexibility. The lot, which is existing based on prior subdivision of land, better conforms to the minimum lot size required in the PMC R-1-40,000-district (i.e., 40,000-square-feet). As such, staff recommends following the R-1-40,000 standards.

Table 1, below, is a comparison of the development standards in the A-district, proposed development standards (R-1-40,000), and the proposed project. The project meets the R-1-40,000-district standards in all respects.

Table 1: Site Development Conformance Table

Site Development Standards			
	A-District	R-1-40,000 Standards	(E) Residence with Proposed Addition
Minimum Lot Size	5-acres	40,000 sq. ft.	43,484 sq. ft
Front Yard Setback	30'	30'	☑ 30'
Side Yard Setbacks	One side 30' Combined 100'	One side 5' Combined 50'	☑ ~20' and ~62'-3" ☑ ~82' -3"
Rear Yard Setback	50'	30'	☑ ~142'
Floor Area Maximum	N/A	10,000 sq. ft. (25% of site area)	☑ 5,764 sq. ft. ¹ (~13.26%)
Height Maximum ²	30'	30'	☑ 17'-3"
Parking Minimum	Two Spaces	Two Spaces	☑ Two spaces

Building Design/Architecture

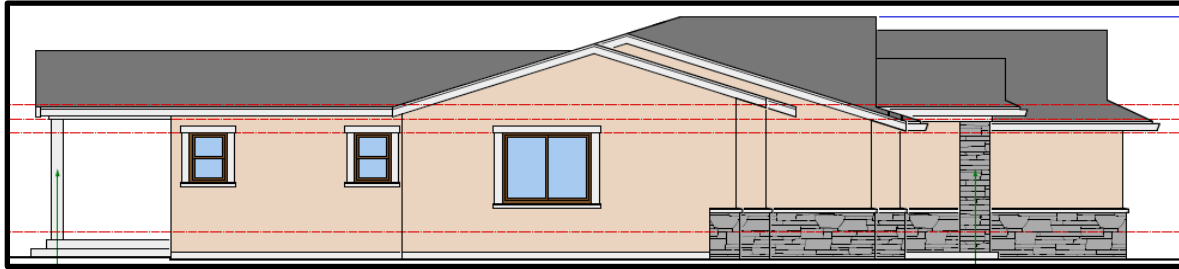
The proposed project includes construction of an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence. In conjunction with the addition, the existing residence's exterior is proposed to be remodeled consistent with a traditional ranch architectural style (see Figures 5 and 6 below). The proposed exterior materials include Malibu beige stucco siding, silver stone veneer, dark bronze vinyl-clad wood windows, and Swiss coffee wood gutter and flashing (see Exhibit B). New roof material is proposed to match the existing composition shingle. The proposed materials and color are consistent with the NSSP, which calls for materials and color schemes that blend with the natural landscape. Additionally, the proposed beige stucco conforms to the NSSP guideline that stucco color be muted earth tone.

Figure 5: Proposed Front Elevation

¹ Enclosed accessory structures are included in the calculation.

² Measured from the average elevation of the natural grade of the ground covered by the structure to the mean height between the eaves and ridges, as defined by the PMC.

Figure 6: Proposed Left Side Elevation



PROJECT SITE ALTERNATIVES

As outlined in the above analysis, staff believes the proposed development standards, as proposed and conditioned, would be compatible with the other parcels in the neighborhood and not create adverse impacts, and recommends the Planning Commission recommend approval of the PUD development plan to the City Council as proposed and conditioned. However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Recommend denial of the PUD development plan to the City Council.
2. Recommend approval of the PUD development plan, but with modifications, e.g., the Planning Commission can have more (or less) restrictive setbacks, height limits, etc., than those proposed by staff.

Staff believes the PUD development plan, as conditioned, will not adversely impact any surrounding properties or the surrounding neighborhood. Staff recommends none of the alternatives above be pursued.

PLANNED UNIT DEVELOPMENT CONSIDERATIONS

PMC Section 18.68.110 sets forth the purposes of the PUD District and considerations to be addressed in reviewing a PUD development plan. These purposes and considerations are set forth in the draft Resolution included as Exhibit A and includes whether the plan is in conformance with the City General Plan, in the best interest of public health, safety, and general welfare, and whether the plan would be compatible with developed properties in the vicinity. As described in Exhibit A and based on the information and analysis provided in this Agenda Report, staff recommends the Commission make the required findings to recommend approval of the project to the City Council.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site and published in the newspaper. At the time this report was published, staff had not received any public comments.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines (CEQA), California Environmental Quality Act (CEQA) pursuant to Section 15182, Projects Pursuant to a Specific Plan.

SUMMARY/CONCLUSION

Staff has reviewed the subject proposal in accordance with the General Plan, Zoning, and North Sycamore Specific Plan and believes the proposal is consistent with its regulations and design guidelines. Staff also believes the architectural style and design of the home are appropriate for the North Sycamore Specific Plan Area. Therefore, the project, as conditioned, merits a favorable recommendation by the Planning Commission.

Primary Author: Diego Mora, Associate Planner, 925-931-5618 or dmora@cityofpleasantonca.gov.

Reviewed/Approved By:

Julie Harryman, Assistant City Attorney

Melinda Denis, Planning and Permit Center Manager/Deputy Director of Community Development

Ellen Clark, Director of Community Development

RESOLUTION NO. PC-2024-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING THE CITY COUNCIL APPROVE AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT PLAN TO ESTABLISH DEVELOPMENT STANDARDS AND CONSTRUCT AN APPROXIMATELY 1,117-SQUARE-FOOT ADDITION TO THE FRONT, AN APPROXIMATELY 65-SQUARE-FOOT ATTACHED FRONT COVERED PORCH, AND AN APPROXIMATELY 160-SQUARE-FOOT ATTACHED REAR COVERED PORCH TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 544 SYCAMORE ROAD, AS FILED UNDER CASE NO. PUD-149

WHEREAS, on October 16, 2023, Douglas Harwood ("Applicant") applied for PUD development plan approval under case No. PUD-149 to establish development standards and construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence ("Project") located at 544 Sycamore Road ("Property"); and

WHEREAS, the Property is designated Low-Density Residential in the General Plan; and

WHEREAS, the Property is located in the North Sycamore Specific Plan area with a land use designation of PUD-A; and

WHEREAS, the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 15182, Projects Pursuant to a Specific Plan; and

WHEREAS, on March 27, 2024, the Planning Commission held a duly noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from the applicant and interested parties.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: Findings for PUD Development Plan Approval

With respect to the approval of the PUD development plan, the Planning Commission makes the following findings and determinations with respect to each of the considerations for approval of a PUD Development Plan as required by Section 18.68.110 of the Pleasanton Municipal Code (PMC):

- 1. Whether the proposed development plan is in the best interest of the public health, safety, and general welfare.**

The Planning Commission finds that the proposed project, as conditioned, meets all applicable City standards concerning public health, safety, and welfare. The project will not generate volumes of traffic that cannot be accommodated by existing City streets and intersections in the area. The proposed development plan is designed in conformance with the Pleasanton General Plan designation for this site and all other relevant policies and programs. Any additional development on the subject parcel will be designed to meet the requirements of this development plan, the California Building Code, California Fire Code, and other applicable codes. As such, the Planning Commission concludes this finding can be made.

2. Whether the proposed development plan is consistent with the Pleasanton General Plan and any applicable specific plan.

The proposed development plan includes establishing development standards of the R-1-40,000 District and construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence on an approximately 0.99-acre lot. The Planning Commission finds the existing single-family residence and lot size conforms to the General Plan Low-Density Residential land use designation with a maximum of two dwelling units per gross developable acre. The proposed development plan promotes General Plan Programs and Policies encouraging the preservation of the existing housing stock and preserving and enhancing the character of existing residential neighborhoods.

In addition to the General Plan, the proposed project is consistent with the intent of the North Sycamore Specific Plan (NSSP). There is no Planned Unit Development plan for the subject lot, but the NSSP details general guidelines that the subject lot should follow. The proposal is consistent with the guidelines including setbacks, density, and character of the subject lot.

The NSSP notes development should correspond generally to the Agricultural (A) district. The project proposes to conform to the R-1-40,000 District standards based on the fact that this existing, subdivided property is approximately 0.99 acres (i.e., approximately 43,124 square feet in size). Given the large proposed setbacks, and proposed building design, the scale meets the intent of the A-district. As such, the Planning Commission concludes that this finding can be made.

3. Whether the proposed development plan is compatible with the previously developed properties in the vicinity and the natural, topographic features of the site.

The neighborhood includes a mixture of one-and-two-story residences with a variety of architectural styles sited with large setbacks, reflecting the rural residential character of the NSSP area more generally. As such, the

Commission finds that the proposed single-story residences with generous setbacks are compatible with the land use pattern in the neighborhood and previously developed properties in the vicinity. The subject lot is relatively flat with mature existing vegetation. As such, the Planning Commission finds the residence is sensitive to the existing trees and vegetation on-site. The proposed site improvements relate well to the proposed residence as well as the existing residence on-site. The Planning Commission concludes that this finding can be made.

4. **Whether grading in conjunction with the proposed development plan takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooring, and to have as minimal an effect upon the environment as possible.**

The Planning Commission finds that grading is kept to a minimum and is only proposed for the proposed additions. The project would be in keeping the existing environmental characteristics of the of the property. In addition, the flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate the subject property is not located in a flood hazard zone. The subject parcel will drain to the face-of-curb and excess stormwater runoff would be directed into public street storm drains. As such, the Planning Commission concludes this finding can be made.

5. **Whether streets, buildings, and other manmade structures have been designed and located in such a manner to complement the natural terrain and landscape.**

The proposed development plan does not include the extension of any new public streets. The subject parcel is relatively flat and consists of an existing single-family residence and accessory structures; no significant changes or modifications to the site or natural terrain are proposed. The Planning Commission finds the proposed development plan is sensitive to existing landscaping, maintaining a majority of the mature vegetation on-site. Given the existing single-family residence's large setbacks, extensive landscaping, and articulated building design the scale is appropriate. The architectural style and detailing of the existing single-family residence are compatible with the existing neighborhood. As such, the Planning Commission concludes this finding can be made.

6. **Whether adequate public safety measures have been incorporated into the design or the proposed development plan.**

At this time, the proposed development plan does not propose a new site design or accessory structures, only attached additions consisting of new living space, deck, and patio. The existing residence received approval from Alameda County at the time of its construction and was designed to meet the requirements of the California Building Code and applicable County codes at

that time. The Planning Commission finds the subject parcel has adequate access to serve police, fire, and other emergency vehicles. All additional development on the subject parcel will be required to meet the requirements of the proposed development plan and all applicable City and State codes. As such, the Planning Commission concludes this finding can be made.

7. Whether the proposed development plan conforms to the purposes of the PUD district.

The Planning Commission finds the proposed development plan conforms to the purposes of the PUD district, including allowing residential uses on the lots. In addition, the intent is to maintain adequate light, air, privacy, and separation between dwellings and requires specific landscape, fencing, lighting, and other design requirements unique to the district. The project will help implement the intent of the district through large setbacks, extensive landscaping, and context sensitive building and site design. As such, the Commission concludes that this finding can be made.

Section 2: The Planning Commission hereby recommends the City Council approve the application for a PUD development plan (PUD-149) as reflected in the Conditions of Approval in Attachment 1 attached hereto and incorporated into this resolution by reference to establish development standards and construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to an existing single-family residence located 544 Sycamore Road.

Section 3: This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on March 27, 2024, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Melinda Denis
Secretary, Planning Commission

Matt Gaidos
Chairperson

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

DRAFT

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**PUD-149
544 Sycamore Road**

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project, whether or not specifically noted herein.

This approval is granted for a Planned Unit Development approval to establish development standards for an existing single-family residence zoned PUD (Planned Unit Development) - A (Agricultural) and construct an approximately 1,117-square-foot addition to the front, an approximately 65-square-foot attached front covered porch, and an approximately 160-square-foot attached rear covered porch to the existing single-family residence of the property at Assessor Parcel No. 948-17-3-2 at 544 Sycamore Road. Development shall be substantially as shown on the project materials listed below:

- a. Project plans, Exhibit B, prepared by Douglas J. Harwood for Varma Kottapali & Soujanya Vuppa, dated "Received" on January 29, 2024, and kept on file in the Planning Division of the Community Development Department.
- b. Arborist Report, prepared by Carol Randisi, Buena Vista Tree Service, dated "Received" on December 15, 2023, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Development Plan."

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** The proposed development shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits. Planning Division approval is required before any changes are implemented in site design, grading, architectural design, house colors or materials, green building measures, landscape material, etc.
2. **EXPIRATION - RESIDENTIAL PUD:** The PUD development plan shall lapse two years from the effective date of this ordinance if the applicant does not apply for a building permit.

3. CONDITIONS OF APPROVAL CHECKLIST: The applicant shall submit a “Conditions of Approval Checklist” indicating all conditions in Exhibit A have been satisfied, incorporated into the building permit plans or improvements plans, and/or addressed. Said checklist shall be attached to all building permit and engineering permit submittals for review by the City prior to issuance of permits.
4. PUD PERIOD: The building permit submittal will only be accepted after the ordinance approving the Planned Unit Development (PUD) development plan becomes effective, unless the applicant submits a signed statement acknowledging the plan check fees may be forfeited in the event the ordinance is overturned. In no case will a building permit be issued prior to the PUD ordinance being in effect.
5. LIABILITY AND INDEMNIFICATION: To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or 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.

PLANNING DIVISION – 925-931-5600

Site Development and Building Design

6. DEVELOPMENT STANDARDS: Unless otherwise specified in the Conditions of Approval, the site development standards shall be those of the R-1-40,000 Zoning District in the Pleasanton Municipal Code. **(Project Specific Condition)**
7. ACCESSORY DWELLING UNIT: Accessory Dwelling Unit (ADU) standards shall be those as specified in the Pleasanton Municipal Code. **(Project Specific Condition)**
8. NORTH SYCAMORE SPECIFIC PLAN: All regulations and guidelines in the North Sycamore Specific Plan and approved by Ordinance 1576 are still in effect except as modified by the Conditions of Approval and Development Plan. **(Project Specific Condition)**
9. BUILDING MATERIALS AND COLORS: The building materials and colors in the Approved Plans shall be stated on the building permit plans.
10. PAVING MATERIALS: The color, material, design, and product specifications for the paving materials used on-site shall be in conformance with the Approved Plans and included with the building permit submittal. Any proposed modifications to the final paving design details shall be subject to review and approval by the Planning Division prior to issuance of building permits.

11. **WINDOWS:** Manufacturer type, design, material, and installation details for all windows within the project shall be specified for each unit/building in conformance with the Approved Plans in the building permit submittal. Any proposed modifications shall be subject to review and approval by the Planning Division prior to issuance of building permits.
12. **FENCE/WALL:** All fencing and walls shall be shown on the construction plans with the building permit submittal. The design and location must be approved by the Planning Division and comply with all setback requirements.
13. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the building permit submittal. The plan shall include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring properties or streets. The photometrics shall be reviewed and approved by the City Traffic Engineer and Director of Community Development prior to building permit issuance. The type and location of all exterior light fixtures shall be reviewed and approved by the Director of Community Development prior to building permit issuance.
14. **BUILDING SURVEY:** The applicant shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the PMC. These plans shall be approved by the Chief Building Official prior to building permit issuance. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
15. **PAD AND SETBACK CERTIFICATION:** The applicant shall submit a pad elevation certification prepared by a California licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying the pad elevations and building locations (setbacks) are conforming to the approved plans, prior to receiving a foundation inspection for the structures.
16. **BUILDING HEIGHT CERTIFICATION:** The applicant shall submit a building height certification prepared by a California licensed land surveyor or civil engineer to the Director of Community Development before the first framing or structural inspection by the Building and Safety Division. The height of the structures shall be surveyed and verified as being in conformance to the approved building heights as shown on Exhibit B or as otherwise conditioned.
17. **FINAL INSPECTION:** Final inspection by the Planning Division is required prior to occupancy.
18. **FIREPLACES AND FIRE PITS:** Fireplaces and fire pits shall be gas fireplaces, pellet fueled wood heaters, or EPA certified wood-burning appliances. The fireplace types shall be indicated on the plan and/or specification sheet(s) submitted to for issuance of building permits.

Construction Practices and Noticing

19. **WORK HOURS:** All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8 a.m. to 5 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. All construction equipment shall meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
20. **CULTURAL RESOURCES:** If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work shall stop within 20-meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the State California Environmental Quality Act (CEQA) Guidelines. In the event that human remains are discovered during grading and construction of the project, work shall stop immediately. There shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5, Public Resources Section 5097.98, and Title 14 California Code of Regulations Section 15064.5. These code provisions require notification of the County Coroner, who may then notify the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains. A similar note shall appear on the building permit and/or improvement plans.

Fees

21. **FEES:** The applicant shall pay any and all fees to which the property may be subject, prior to issuance of grading and/or building permits, or prior to recordation of the final map, whichever is applicable. The type and amount of the fees shall be those in effect at the time the permit is issued.
22. **WATER FEES AND WATER METER CONNECTION FEES:** The applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters and irrigation meters, if applicable, prior to building permit issuance.
23. **SEWER FEES:** The applicant shall pay the applicable Dublin-San Ramon Services District (DSRSD) and City sewer permit fees prior to building permit issuance.

ENGINEERING DEPARTMENT – LAND DEVELOPMENT – 925-931-5650

24. Sewerage System – Applicant to confirm if property is on septic system or connected to the City of Pleasanton sewer system.
- a. If the property is on a septic system, the applicant shall provide an inspection report to show the existing septic system is in a safe and healthy manner per Pleasanton Municipal Code §15.16.020C
 - b. If there is a sewer lateral system connected to the main, provide a clean out per City of Pleasanton Standard Detail Drawing No. 409.
- (Project Specific Condition)**

LANDSCAPE ARCHITECTURE DIVISION – 925-931-5672

Trees

25. TREE REPORT: The applicant shall comply with the recommendations of the tree report prepared by Carol Randisi, Certified Arborist WE #6481A, Buena Vista Tree Service, dated December 2023. No tree trimming or pruning other than that specified in the tree report shall occur. The applicant shall arrange for the Project Arborist to conduct a field inspection prior to building permit issuance to ensure all recommendations have been properly implemented. The Project Arborist shall certify in writing all recommendations have been followed. **(Project Specific Condition)**
26. TREE BOND: Any tree affected by development/construction must be protected per the Municipal Code. The applicant shall post cash, letter of credit, or other security satisfactory to the Director of Engineering/City Engineer, for all Heritage Trees and any other significant tree as deemed by the City Landscape Architect. The bond amount shall be \$13,050, or the value of tree #7 per the arborist report. This bond or security will be for the value of the tree(s), up to a maximum of \$100,000, and shall be held for a minimum of 1 year following acceptance of public improvements or completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. An arborist shall be onsite during any tree work (i.e. root pruning, trimming, setting up tree protection, etc.). The bond or security may be released early with a certification letter by the arborist confirming he/she was present during said tree work and work was performed in accordance with the arborist's recommendations. **(Project Specific Condition)**
27. TREE PRUNING: Pruning shall be conducted by a certified arborist familiar with the International Society of Arboriculture (ISA) pruning guidelines and shall comply with the guidelines established by the ISA, Tree Pruning Guidelines, current edition, to maintain the health of the trees.
28. TREE PROTECTION FENCING: Prior to issuance of a grading or building permit, the applicant shall install temporary 6-foot-tall chain-link fencing (or other fence type acceptable to the Landscape Architecture Division) outside of the existing tree drip lines. The location of the tree protection fencing shall be shown on the demolition plans (if applicable), grading, building, and/or landscape plans. The fencing shall remain in place until final landscape inspection by the Landscape Architecture Division. Removal of such fencing prior to approval may result in a "stop work order."

END

EXTERIOR COLORS & FINISHES

ROOF: MATCH EXISTING COMPOSITION SHINGLE ROOF - AT 4 : 12 PITCHES



ALL WOOD, GUTTERS & FLASHING: KELLY-MOORE, SWISS COFFEE 23



STUCCO:
KELLY-MOORE, MALIBU BEIGE 216



STONE VENEER: NATURAL STONE RESOURCES - SILVER TRAVERTINE LEDGER PANEL.



DOORS & WINDOWS: ANDERSEN A SERIES, VINYL CLAD - WOOD WINDOWS
DARK BRONZE



THE ENTIRE HOUSE WILL UTILIZE THE COLOR AND MATERIAL BOARD ABOVE,
BOTH EXISTING AND NEW PORTIONS.

SHEET INDEX

CS: COVER SHEET & COLOR/MATERIAL BOARD
GHG: GHG EMISSION COMPLIANCE CHECKLIST
A-1: SITE PLAN
A-2: EXISTING FLOOR PLAN
A-3: EXISTING ELEVATIONS
A-4: NEW FLOOR PLAN
A-5: NEW ELEVATIONS

PROJECT DATA
FIRE SPRINKLERS: NO
CONSTRUCTION: VB
OCCUPANCY: R3 / U

RESIDENCE DATA

EXISTING RESIDENCE: 2,350 S.F.
EXISTING 2 CAR GARAGE: 525 S.F.
EXISTING SUNROOM: 497 S.F.
EXISTING COVERED PORCH TO BE REMOVED: 163 S.F.

1 STORY ADDITION: 1,117 S.F.
NEW COVERED PORCHES: 225 S.F.

NEW RESIDENCE TOTAL: 3,467 S.F.

SITE DATA

LOT AREA: 43,484 S.F.

EXISTING BARN: 1,800 S.F.

EXISTING FLOOR AREA RATIO: 4,647 S.F. / 43,484 S.F. = 10.69%
NEW FLOOR AREA RATIO: 5,764 S.F. / 43,484 S.F. = 13.26 %

EXISTING HARDSCAPE AT THE FRONT YARD: 1,412 S.F.
EXISTING HARDSCAPE AT THE REAR YARD: 3,685 S.F.
EXISTING HARDSCAPE AT THE BARN: 3,575 S.F.

EXHIBIT B

REVISIONS	
1	12/15/23
2	1/24/24
DOUGLAS J. HARWOOD CLASSIC HOME DESIGN 4361 TECHNOLOGY DRIVE, UNIT 1 LIVERMORE, CA 94551 (925) 787-4993	
COVER SHEET COLOR/MATERIAL BOARD	
AN ADDITION AND REMODEL FOR THE: KOTTAPALLI RESIDENCE 544 SYCAMORE ROAD PLEASANTON, CALIFORNIA 94566	
Date	1/24/24
Scale	
Drawn	DJH
Job	22-31
Sheet	CS

Regulation	Project Type	Requirements	Compliance	Required Explanation
Land Use				
Green Building Standards				
CALGreen Code	New Construction and Additions	3. Green Building. Will the Project comply with the latest version of mandatory measures in the CALGreen Code (non-residential and residential)? The CALGreen checklist is required at Building Permit submittal.	Yes ☒ No ☐ N/A ☐	
Municipal Code	Covered Projects ¹	4. Green Building. Will the Project comply with the Pleasanton Municipal Code Chapter 17.50 including achieving LEED certification or achieving a "green home" rating with Build It Green as detailed in 17.50?	Yes ☐ No ☐ N/A ☒	
CAP 2.0 (P11)	New Construction	5. LEED Neighborhood. If the project is neighborhood scale, does it incorporate elements of LEED ND ? Provide the LEED ND checklist indicating which elements of Smart Location & Linkage, Neighborhood Pattern & Design, Green Infrastructure & Building, and Innovation & Design Process are achieved.	Yes ☐ No ☐ N/A ☒	

1 Covered Projects include: 3) Construction of any City-Sponsored project; 2) Construction of any new commercial/Industrial building; 3) Construction of any new residential units); or mixed use project; 4) Rehabilitation of any existing building; 5) Addition to any residential project that is 2,000 gross square-foot or greater; and 6) Addition to any residential project of any size, if it has been less than five years from the date of certificate of occupancy for original structure.

Revised July 2022

Building Electrification			
CAP 2.0 (P1)	New Construction	10. All-Electric. Will the Project be all-electric (i.e., does not include any new gas infrastructure). Including lighting, heating, cooking, and water heating?	Yes ☐ No ☒ N/A ☐
CAP 2.0 (P2)	Additions and Renovations	11. All-Electric Existing Buildings. Will the Project upgrade existing residential and commercial buildings to be all-electric (e.g., air source heat pumps, heat pump water heaters, electric dryers, and induction stoves)? Rebates may be available. <i>Voluntary</i>	Yes ☐ No ☒ N/A ☐
CAP 2.0 (S1)	All Projects	12. Refrigerant Management. If new heating, ventilation, and air conditioning (HVAC) systems are being installed, does the Project incorporate the lowest global warming potential (GWP) refrigerants for HVAC systems? <i>Voluntary</i>	Yes ☐ No ☒ N/A ☐

Revised July 2022

Transportation			
Alternative Transportation			
CAP 2.0 (P10) and Municipal Code (17.26)	New Construction (Commercial and Multifamily)	14. Transit Connections. Will the project provide transit incentives as follows: - Multi-Family: Comply with Municipal Code Chapter 17.26, Mandatory - Non-residential: If not proximate to transit stops, connect to transit via shuttle service, bike share, or other provided amenity to increase transit ridership. <i>Voluntary</i>	Yes ☐ No ☐ N/A ☒
Municipal Code (18.88)	All Projects (Commercial and Multi-family)	15. Alternative Vehicle Parking. Will the Project comply with Pleasanton Municipal Code Chapter 18.88 related to parking spaces designed to accommodate carpool, vanpool, and car-share vehicles? Indicate the plan sheet(s) where alternative vehicle parking information is provided.	Yes ☐ No ☒ N/A ☐
Active Transportation			
CAP 2.0 (P8)	New Construction (Commercial and Multi-family)	18. Bicycle Amenities. Will the Project include bicycle parking and/or protected bicycle storage as follows: - Multi-Family: One short term bicycle parking space for every 3 units (minimum of two spaces); and one long-term space (e.g., lockers, shared/locked cages, etc.) for every 3 units. - Non-residential: Two short term bicycle parking spaces (e.g., bicycle racks) for each 9,000 square-feet of gross floor area (minimum of two spaces); and one long-term bicycle parking space (i.e., bicycle locker, enclosed storage, or racks within building) for each 9,000 square-foot of gross floor area	Yes ☐ No ☐ N/A ☒

Revised July 2022

Overall Sustainability			
Urban Forest			
SF Bay Region Requirements	All Projects	25. Stormwater Management. For projects creating and/or replacing more than 2,500 square-feet of impervious surface, will the Project incorporate on-site stormwater management consistent with the NPDES permit and City stormwater management requirements?	Yes ☐ No ☐ N/A ☒
CAP 2.0 (P13)	All Projects	26. Tree Planting. If planting is proposed, will the Project include climate-adapted plantings? If trees are removed, will the Project include replacement climate-adapted trees? Indicate the plan sheet(s) where tree information is provided.	Yes ☐ No ☐ N/A ☒
CAP 2.0 (S9)	All Projects	27. Wildfire Prevention and Preparation. Will the Project incorporate a wildfire-defensible space , fire hardening retrofits , and commit to fire prevention through site maintenance (e.g., regularly cleaning out rain gutters) and preparation? <i>Voluntary</i>	Yes ☐ No ☒ N/A ☐

Revised July 2022

Energy			
Energy Efficiency			
CAP 2.0 (S2)	Additions and Renovations	6. Energy Efficiency Upgrades. Will the Project install energy efficient window upgrades, LED lighting, and other efficiency upgrades. Rebates and financing may be available. <i>Voluntary</i>	Yes ☒ No ☐ N/A ☐
Renewable Energy			
CAP 2.0 (P4)	Covered Projects	7. Solar. Will the Project include installation of a solar PV system at time of new construction that meets the power needs of the new building? Indicate the plan sheet(s) where solar information is provided.	Yes ☐ No ☒ N/A ☐
CAP 2.0 (P4)	Covered Projects	8. Energy Storage System. When solar is being installed, will the Project include a battery storage back-up system? Indicate the plan sheet(s) where battery storage information is provided.	Yes ☐ No ☒ N/A ☐
CAP 2.0 (P4)	All Projects	9. Water Heater. If a new water heater is being installed, will the Project include installation of a solar water heater? <i>Voluntary</i>	Yes ☐ No ☒ N/A ☐

Revised July 2022

Vehicle Electrification			
CAP 2.0 (P5)	New Construction	13. EV Charging. Will the Project install electric vehicle charging infrastructure as follows: - SFR: One Level 2 EV Ready² space and one Level 1 EV Ready per unit. - ADU: One Level 1 EV Ready space per unit (where parking is provided). - Multi-family: 15-percent of dwelling units shall provide one Level 2 EVCS³ space, and 65-percent of dwelling units shall provide one Level 2 EV Ready⁴. - Offices: 20-percent of required parking spaces shall be Level 2 EVCS, and 30-percent shall be Level 2 EV Capable⁵. - All other non-residential: 10-percent of parking spaces shall be Level 2 EVCS, and 10-percent shall be Level 2 EV Capable. Indicate the plan sheet(s) where EV Charging information is provided.	Yes ☐ No ☐ N/A ☒

2 PV Ready includes: installation of in-rack, adequate panel capacity, dedicated branch circuit, circuit breaker, and electrical components (e.g., 240-volt outlets). Level 2 must be capable of 6.3 kVA (208/240 volt, 48 amp). Level 1 must be capable of 4.1 kVA (208/240 volt, 20 amp), and Level 1 must a minimum of 2.2 kVA (110/120 volt, 28 amp).

3 EVCS includes: Installation of in-rack, adequate panel capacity, dedicated branch circuit, circuit breaker, and electrical components (e.g., 240-volt outlets) and vehicle supply equipment.

4 Five Level 2 and/or Level 1 spaces can be substituted for each direct current fast charging (DCFC) station provided (i.e., a DCFC is a minimum of 48 kVA- 480 volt, 100 amp).

5 EV Capable includes: Conduct installed and adequate panel capacity installed to accommodate future installation of a dedicated circuit and charging station.

Revised July 2022

Waste			
Materials Recycling & Composting			
Municipal Code (9.21)	New Construction and Additions/ Alterations ⁶	19. Landfill Diversion. Will the Project comply with Municipal Code Chapter 9.21 and achieve recycling or reuse of at least 90 percent of Portland cement concrete and asphalt concrete and at least 75 percent of the remaining construction and demolition debris, or the percentage established by the compliance official for a project pursuant to an exemption, of the total construction and demolition debris?	Yes ☒ No ☐ N/A ☒
Pleasanton CAP 2.0 (Strategy MC-1) and Municipal Code (9.20)	New Construction	20. Waste Requirements. Will the Project provide adequate recycling, compost, and landfill containers to meet SB 1363 and comply with Municipal Code Chapter 9.20 ? Indicate the plan sheet(s) where waste container information is provided.	Yes ☐ No ☐ N/A ☒

6 All residential additions that create an increase in conditioned area, non-residential additions greater than 1,000 square-feet, demolition with a total value of \$25,000 or greater, and/or non-residential alterations/renovations with a total value of \$125,000 or greater.

Revised July 2022

Green Materials			
CAP 2.0 (S6)	All Projects	21. Embodied Carbon. Will the Project include low carbon building materials (e.g., recycled concrete and metals) as part of construction? <i>Voluntary</i>	Yes ☐ No ☒ N/A ☐
Water			
Water Use Efficiency			
CAP 2.0 (P15)	All Projects	22. Water Conservation. Will the Project incorporate water-efficiency measures, including efficient water fixtures and climate adapted plantings? Rebates may be available. <i>Voluntary</i>	Yes ☒ No ☐ N/A ☐
Municipal Code (17.14) and State WELO	All Projects	23. Water Efficient Landscape. If the project includes new landscape areas of greater than 500 square-feet or rehabilitated landscape areas of greater than 2,500 square-feet, will the Project comply with Municipal Code Chapter 17.14 and implement the City's Water Efficient Landscape Ordinance (VELO)?	Yes ☐ No ☐ N/A ☒
Water Recycling			
CAP 2.0 (S8)	All Projects	24. Green Stormwater Infrastructure. Will the Project incorporate green roofs, rainwater catchment, permeable pavement, bioretention areas, and/or other green stormwater infrastructure? <i>Voluntary</i>	Yes ☐ No ☒ N/A ☐

Revised July 2022

GHG

Sheet

Job22-31

DrawnDJH

Scale

Date1/24/24

AN ADDITION AND REMODEL FOR THE:

KOTTAPALLI RESIDENCE

544 SYCAMORE ROAD

PLEASANTON, CALIFORNIA 94566

GHG EMISSION COMPLIANCE CHECKLIST

DOUGLAS J. HARWOOD

CLASSIC HOME DESIGN

4361 TECHNOLOGY DRIVE, UNIT 1

LIVERMORE, CA 94551

(925) 787-4993

REVISIONS

112/15/23

21/24/24

DOUGLAS J. HARWOOD
CLASSIC HOME DESIGN
 4361 TECHNOLOGY DRIVE, UNIT I
 LIVERMORE, CA 94551
(925) 787-4993

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EXISTING FLOOR PLAN

AN ADDITION AND REMODEL FOR THE:
KOTTAPALLI RESIDENCE
544 SYCAMORE ROAD
PLEASANTON, CALIFORNIA
94566

Date 1/24/24

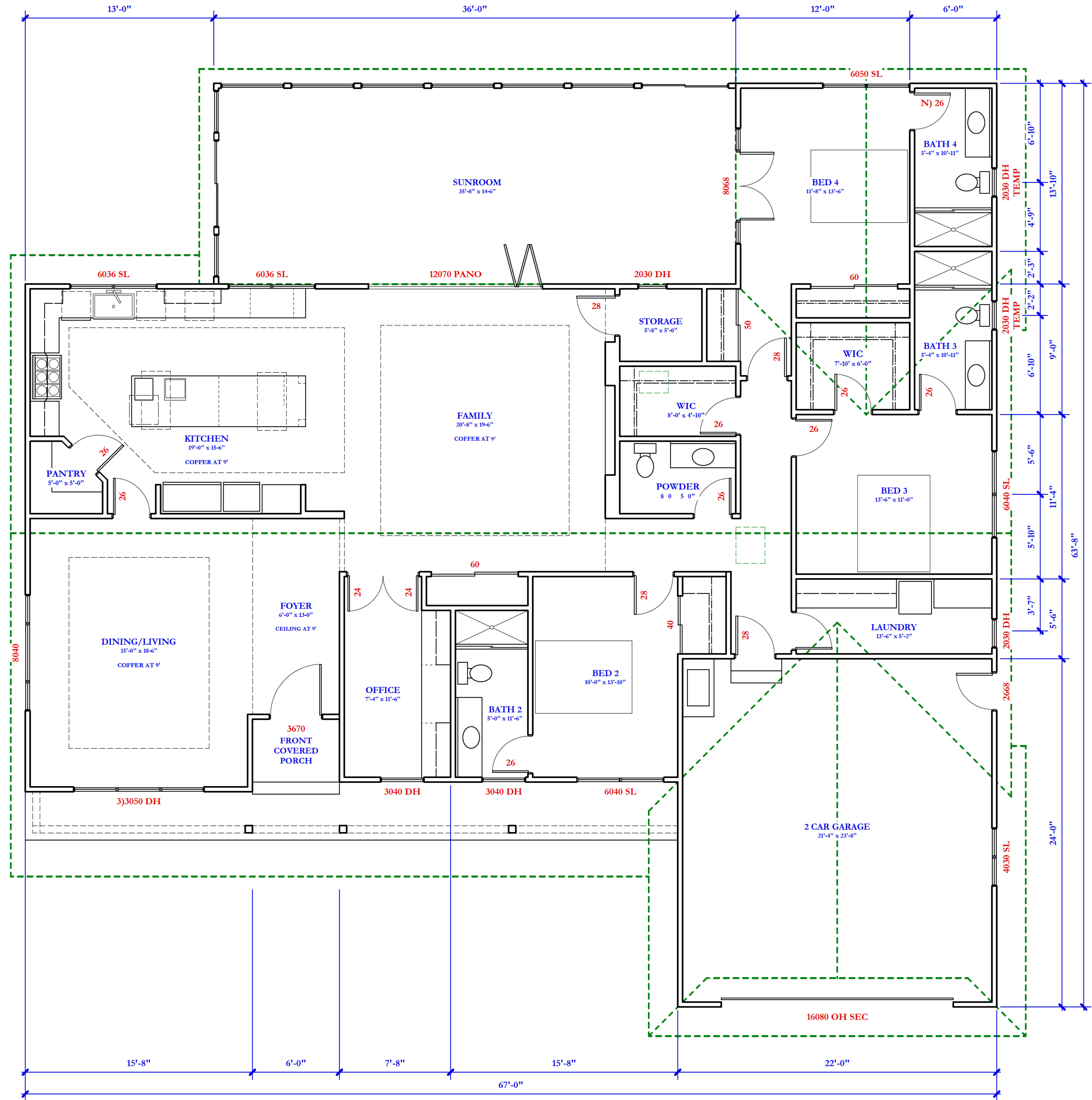
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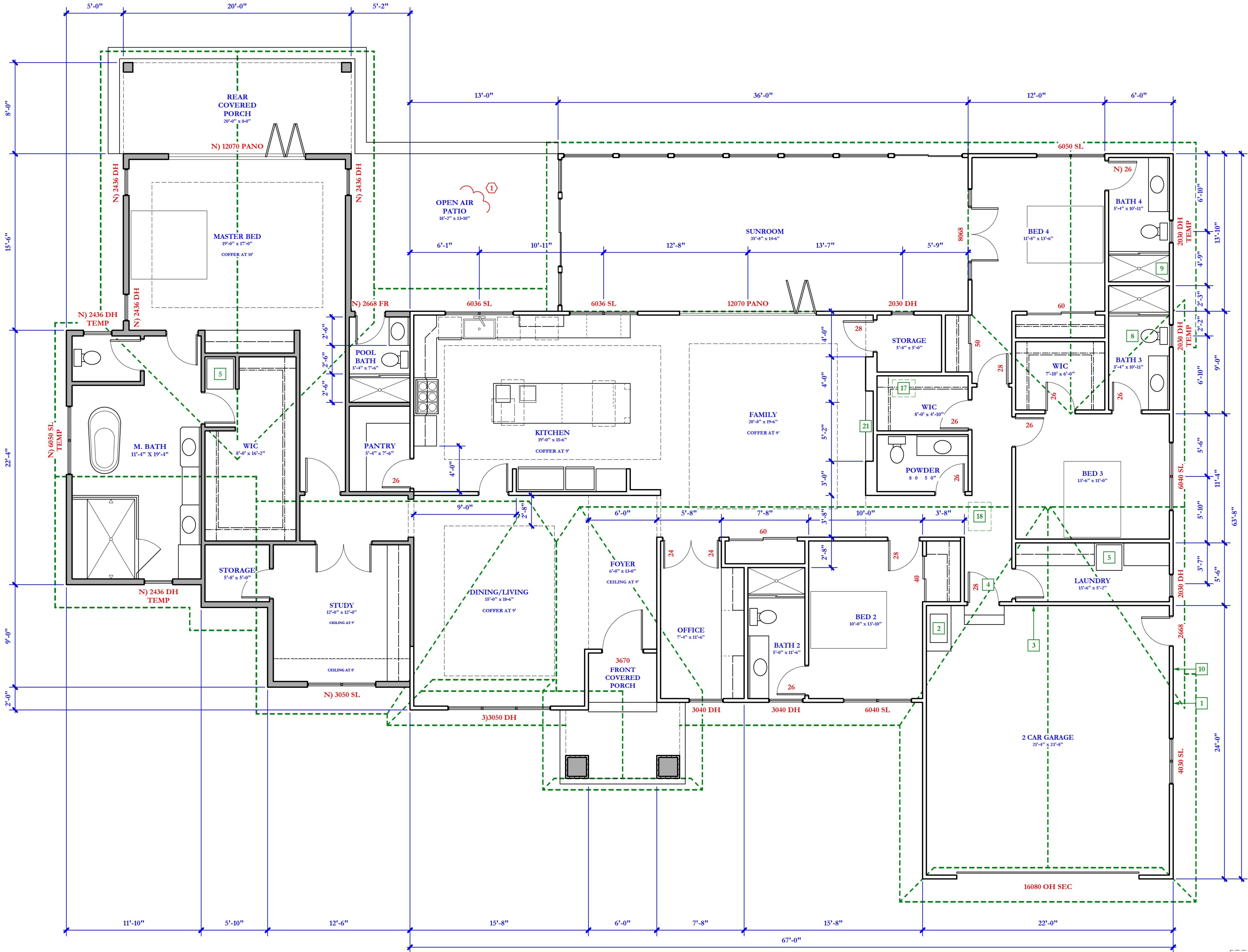
Drawn DJH

Job 22-31

Sheet

A2





NEW FLOOR PLAN

1/4" = 1'-0"

HEAVY DASHED LINE IS THE NEW ROOF PLAN. THE ROOF PITCH IS 4 : 12 IN ALL LOCATIONS OTHER THAN THE SUNROOM WHICH IS .5 : 12 AND THE GABLES OVER THE DINING/ENTRY AND GARAGE WHICH ARE 6 : 12. PLEASE SEE SHEET A5.

EXISTING STUD WALLS
REMOVED WALLS
NEW STUD WALLS

COFFERED CEILING
OR 9' CEILING

REVISIONS

①	12/15/23
②	1/24/24

DOUGLAS J. HARWOOD
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NEW FLOOR PLAN

AN ADDITION AND REMODEL FOR THE:
KOTTAPALLI RESIDENCE
544 SYCAMORE ROAD
PLEASANTON, CALIFORNIA 94566

Date 1/24/24

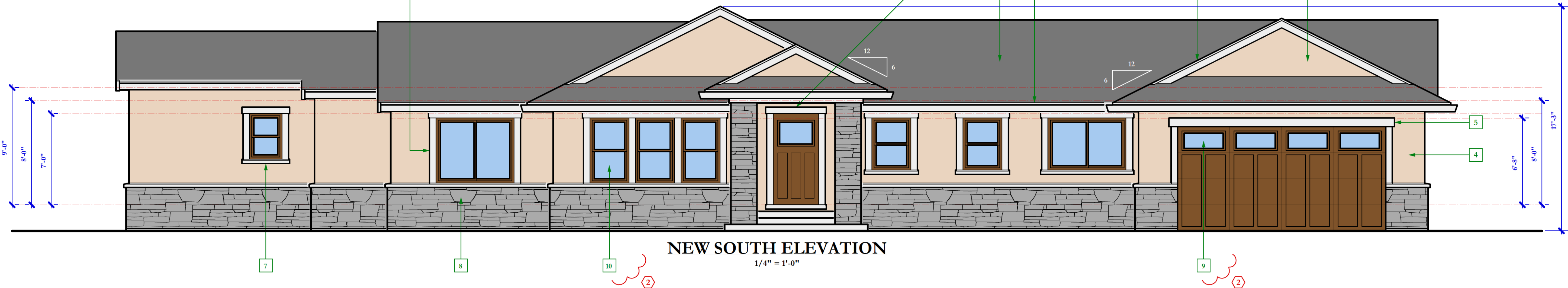
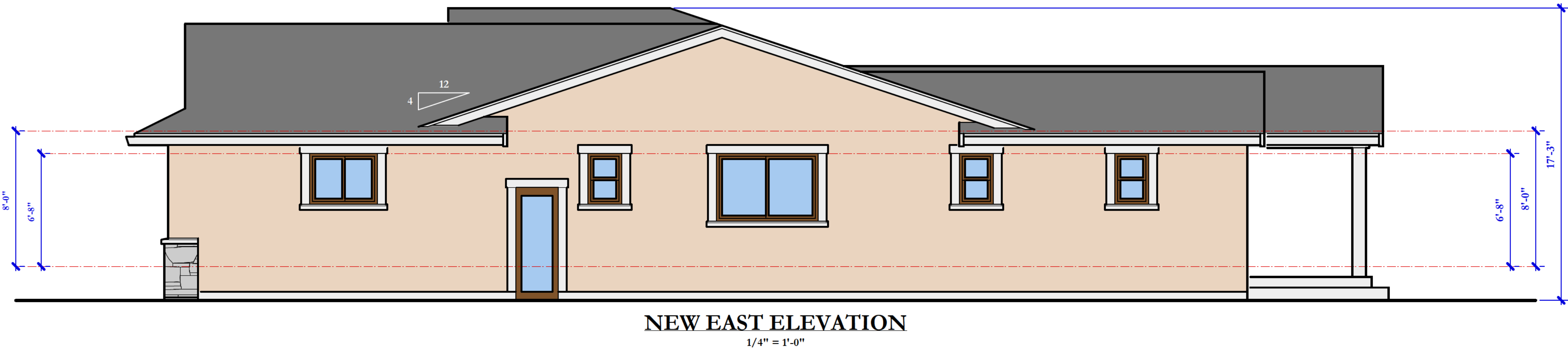
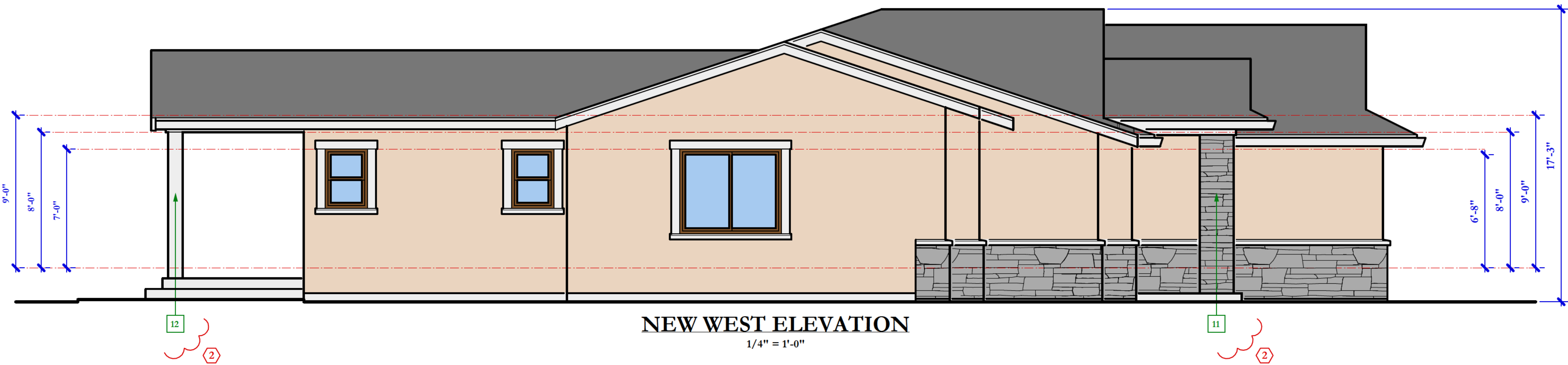
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Drawn DJH

Job 22-31

Sheet

A4



ELEVATION NOTES

VERIFY ALL PLATE AND HEADER HEIGHTS, ROOF PITCH AND DIMENSIONING PRIOR TO CONSTRUCTION. INFORM DESIGNER OF DISCREPANCIES.

1. Composition shingle roof CertainTeed Landmark TL, Class "A". Install per manufacturer's requirements.
2. 1 x 2 over 3 x 8 barge rafter.
3. 6" seamless gutter over 2 x 8 fascia.
4. 3 coat, 7/8" min. thick exterior stucco o/ 2 layers grade D paper. 26 gauge galvanized weep screed at foundation line at least 4" above grade or 2" above concrete or paving. Kelly Moore - 216 Malibu Beige
5. Header: Smooth stucco finish over 2 x 6. 2 x 8 at garage.
6. Jamb: Smooth stucco finish over 2 x 6.
7. Sill Trim: Smooth stucco finish over 2.5" x 3.5" sloped sill.
8. Stone sill trim over stone veneer, Natural Stone Resources - Silver Travertine Ledger Panel. Install per manufacturer's requirements.
9. Garage windows to be opaque or tinted.
10. Anderson A-Series windows and doors - Vinyl clad - wood core - Dark Bronze.
11. Columns: stone veneer, Natural Stone Resources - Silver Travertine Ledger Panel. Install per manufacturer's requirements.
12. Columns: Wood 10 x 10. Painted Kelly Moore - Swiss Coffee.

REVISIONS

①	12/15/23
②	1/24/24

DOUGLAS J. HARWOOD
CLASSIC HOME DESIGN
4361 TECHNOLOGY DRIVE, UNIT 1
LIVERMORE, CA 94551
(925) 787-4993

NEW ELEVATIONS

AN ADDITION AND REMODEL FOR THE:
KOTTAPALLI RESIDENCE
544 SYCAMORE ROAD
PLEASANTON, CALIFORNIA 94566

Date 1/24/24
Scale
Drawn DJH
Job 22-31

Sheet
A5



SUBJECT: ARBORIST REPORT
Soujanya Varma
544 Sycamore Road
Pleasanton, CA 94566

Background

You reside at 544 Sycamore Road in the Pleasanton (photo 1). You plan to develop the property with the construction of an addition to the existing residence. There are eight (8) trees on the property potentially impacted by construction activities.

The City of Pleasanton Municipal Code Chapter 17.16.050 Tree Preservation requires a tree report by a certified arborist to determine the health of the trees, the effects of proposed development, tree suitability for preservation, precautions necessary for protection, and an appraisal of value of the assessed tree resource.



Photo 1. The property was located on Sycamore Road, a quiet street in the Happy Valley neighborhood within the southeastern portion of the city.

BUENA VISTA TREE SERVICE was asked to comply with city requirements. This report includes the following:

1. Assessment of the health and condition of eight (8) trees from a visual inspection from the ground.
2. Determination of tree suitability for preservation, and potential impacts to the trees from construction activity including equipment and material staging and access.
3. Tree preservation measures prior to, during, and after construction.
4. Appraisal value of the subject trees utilizing the methods set forth in the *Guide for Plant Appraisal*, 10th Edition, and Species Classification and Group Assignment, Western Chapter International Society of Arboriculture, 9th Edition.
5. Summary of methodologies applied, findings, and recommended actions.

Assessment

I conducted a site and tree assessment on November 28, 2023. The property was located in the southeastern portion of the city in the Happy Valley neighborhood along a quiet rural road. The lot had a quadrilateral form with the longest side along Ohana Place to the south, and the second longest side along Sycamore Road to the west. The residence was located in the western portion of the site with a driveway to the north that led to a barn in the northwestern corner of the lot. The residential addition was proposed on the western side of the structure with the subject trees planted to the northwest, west, and south. The tree assessment process involved the following activities:

1. Identify tree species.
2. Measure trunk diameter at four and one-half feet above ground level (dbh).
3. Measure tree height utilizing a rangefinder.
4. Assess tree health and structural condition within a range from healthy and vigorous to severe decline on a scale of 5-1, respectively (table 1). No tree tags were used.

Table 1. Tree health and structural condition

Rating:

5	A healthy, vigorous tree with good form and structure.
4	Slight decline in vigor with minor dieback and defects.
3	Moderate vigor, defects, and dieback.
2	Tree in decline, epicormic shoots, significant defects.
1	Severe decline, dieback of branches and/or trunk.

Description of trees

A total of nine (9) trees were assessed, one (1) of which was reported to have failed after the assessment. The remaining eight (8) trees were represented by four (4) species:

- Coast redwood (*Sequoia sempervirens*) #3, and 5
- Crape myrtle (*Lagerstroemia indica*) #4
- Canary Island pine (*Pinus canariensis*) #6
- Valley oak (*Quercus lobata*) #7 and 8.

For detailed descriptions, driplines, and tree locations, see **Tree Assessment and Tree Assessment Map** at the end of this report.

Coast redwoods #1-3 were large specimens comparable in size at 23", 22", and 22" DBH, respectively. Redwoods #1, 3 and 5 (12") were in 3.5 good-fair to 3.0 fair condition with dark green foliage and good-moderate vigor. The canopies were thinning so that the trunk was visible through the foliage (photo 2). Redwood #2 was in 2.0 poor condition with low vigor. Dead branches were present at the apex and within the canopy (photo 3).



Photo 2 (left). Redwood #1 was in 3.5 good-fair condition with thinning foliage.

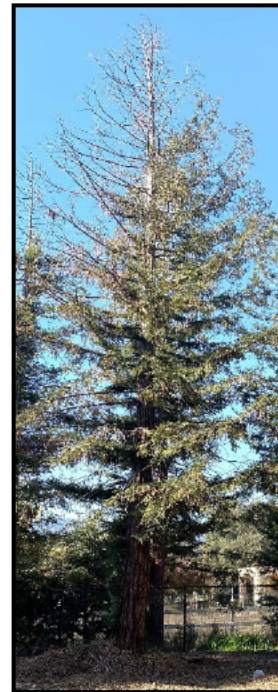


Photo 3 (right). Redwood #2 was in 2.0 poor condition with dieback in the leader and lateral branches, and browning foliage throughout the canopy.

Crape myrtle #4 (6") was a semi-mature specimen located on the east side of the existing sunroom, and north of a second crape myrtle too small to assess at <6" DBH (photo 4). It was characterized as semi-mature with structural defects including multiple attachments at 5' and an asymmetrical canopy.

The location of the crape myrtles on the Tree Assessment Map is not exact, but the trees were within the footprint of the new addition and will require relocation or removal.

Canary Island pine #6 (16, 15") was planted at the northwestern frontage. A semi-mature specimen, it had poor structure with codominant branching of the large stems at 4' with upward-sweeping branch form. The mid-canopy was thinning and the foliage was browning. The canopy extended over the driveway to the east. Redwood #5 was growing close by to the northeast, Overall, it was in 3.0 fair condition with moderate vigor.

Two valley oaks were planted along the western frontage: #7 (26") and #8 (29"). They were mature specimens with poor structure including trunk leans, codominant branching, multiple attachments, and asymmetrical canopies. The trees were pruned with directional cuts to provide clearance for utility power lines which ran through the tree crowns. Topping cuts were also performed which resulted in vertical epicormic shoots or watersprouts that arose from the activation of latent buds at branch wounds. The trees were in 2.5 fair-poor condition with low-moderate vigor.

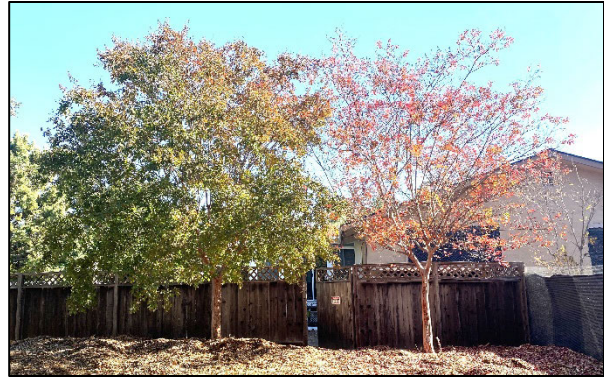


Photo 4. Crape myrtle #4 was located to the west of the existing sunroom, and to the north of a crape myrtle <6" DBH too small to assess.



Photo 5 (right, above). Canary Island pine #6 was located at the edge of the property in the northwestern corner. Redwood #5 was growing into the tree from the northeast.

Photo 6 (right). Valley oaks #7 and 8 were planted along the western frontage. They both had poor structure with trunk leans, codominant branching, multiple attachments, and asymmetrical canopies which resulted from response growth from directional pruning cuts. Epicormic shoots sprouted from large topping cuts at the top of the canopies.



Heritage Tree Status

In part, City of Pleasanton Municipal Code, Chapter 17.16.006 defines “Heritage tree” as:

- (a) Any single-trunked tree with a trunk circumference of 55 inches (approx. 17 ½” in diameter) or more measured four and one-half feet above ground level.
- (b) Any tree 35 feet or more in height.

According to these criteria, six (6) trees qualified as a “Heritage tree” (table 2)

Table 2. Heritage Trees
544 Sycamore Road, Pleasanton

Tree No.	Scientific Name	Common Name	Trunk Diameter (in.)	Calculated Circum. (in.)	Height (ft.)
1	<i>Sequoia sempervirens</i>	Coast redwood	23	72	37
2	<i>Sequoia sempervirens</i>	Coast redwood	22	69	42
3	<i>Sequoia sempervirens</i>	Coast redwood	22	69	43
6	<i>Pinus canariensis</i>	Canary Island pine	16, 15	97	50
7	<i>Quercus lobata</i>	Valley oak	26	82	47
8	<i>Quercus lobata</i>	Valley oak	29	91	36

Appraisal of value

Four (4) factors were considered in determining tree value, which were:

1. The *size* of the tree in trunk diameter measured at four and one-half feet from ground level.
1. Tree *species* factoring the tree’s ability to thrive in the East Bay area.
2. The *condition* or health and structural integrity of the tree.
3. The *location* reflecting the site, placement, and contribution of the tree in its surroundings.

I applied the methodology as prescribed in the *Guide for Plant Appraisal*, 10th Edition, by the Council of Tree & Landscape Appraisers (CTLA), and companion *Species Classification and Group Assignment* by the Western Chapter International Society of Arboriculture (2004).

I utilized the cost approach to calculate the cost of replacing the trees by applying the trunk formula technique. This process calculates the cost to produce a tree of the same size as a subject tree by overlaying multiples of the largest, normally available nursery tree and average cost. This is common practice recommended by the CLTA. Based on the above calculations, the appraised value of eight (8) protected trees is **\$54,150** (see **Appraisal of Value and Tree Disposition Table**, attached).

Suitability for preservation

The evaluation of suitability for preservation considers tree health, species response, structural stability, tree age, and species invasiveness.

The suitability for preservation rating of **High** represented trees in good health, **Moderate** trees were somewhat declining in health or with structural defects that can be treated and, **Low** were trees in poor health with structural defects that cannot be abated with treatment (table 3).

Therefore, the following apply:

- **Tree health.** Healthy trees are generally more tolerant of root injury from root pruning during excavation, soil disturbance, and compaction. Coast redwood #2 and valley oaks #7 and 8 were in 2.5 fair-poor to 2.0 poor condition, which reduced in their tolerance to root pruning, soil disturbance, and compaction.
- **Species response.** Species vary in response to root injury from root pruning, grading, and soil compaction that occurs during construction. Canary Island pine as a species have a moderate tolerance to root pruning, soil disturbance, grade changes, and compaction.
- **Structural stability.** Trees with significant amounts of decay and structural defects that cannot be abated with treatment are generally not good candidates for preservation and require strict adherence to tree protection measures if they are to be retained, with a greater likelihood of decline or tree failure following construction. Valley oaks #7 and 8 were compromised in structural stability evidenced by trunk leans and poor branching structure, defects that cannot be abated with treatment.
- **Tree age.** Young trees are more vigorous and better able to heal wounding and generate new tissue in response to root pruning than older, mature specimens. Valley oaks #7 and 8 were mature trees, less vigorous, and thereby less able to heal wounds from pruning and damage from compaction.
- **Species invasiveness.** The California Invasive Plant Council maintains an inventory of plants that are not native to the environment, establish and spread quickly, and can cause harm to the environment and human health. The California Invasive Plant Inventory Database <http://www.cal-ipc.org/plants/inventory/> is a listing of species categorized as invasive within the Central West Floristic Province, of which Pleasanton is incorporated. None of the trees in the assessment were currently listed as invasive.

Table 3. Suitability for preservation

Rating:

High	Trees with good health and structural stability that have the potential for longevity at the site.
Moderate	Trees with somewhat declining health and/or structural defects that can be abated with treatment.
Low	Trees in poor health or with significant structural defects that cannot be mitigated and are expected to decline regardless of treatment.

Considering the above criteria, proximity to and extent of construction activities including grading, the staging of equipment and materials, access routes and subsequent damage potential, the following suitability for preservation ratings apply:

High – None.
Moderate – Coast redwoods #1, 3, and 5, Canary Island pine #6.
Low – Coast redwood #2, valley oaks #7 and 8.

Crape myrtle #4 will require removal or relocation as it is within the construction footprint.

Evaluation of construction impacts based on preliminary plan set

I referenced the Kottapalli Residence plan set (10/9/23) by Douglas J. Harwood Classic Home Design sheets A1, A2, and A4 to determine impacts to the subject trees from development. Construction plans and detail drawings were not available.

Tree removal

Crape myrtle #4 is within the construction footprint and will require removal. Stump treatment includes removal of the interior core by grinding or other suitable method to sever the roots from the stem. Herbicides such as Roundup are not to be used to kill the stump as the chemical could translocate to live roots of nearby trees causing damage and potentially killing the plant. Tree roots and roots from other plantings are intertwined and welded together within the soil and provide a conduit and transport system for systemic herbicides.

Tree pruning

It is recommended that selective pruning reduction cuts be utilized for valley oaks #7 and 8 as required to allow for equipment and construction access, and to balance the canopies and remove dead wood. All pruning must be performed by an International Society of Arboriculture Certified Arborist in compliance with *ANSI A-300 Standard Practices for Pruning (2017)*, and companion *Best Management Practices – Tree Pruning*, third edition.

Trunk wrapping

Trees #1-3, and 5-8 shall be trunk-wrapped with straw wattle to 6' or the lowest branch to prevent damage to the bark. Wrap straw wattle around the trunk from the base at ground level and place the root buffer up to the straw wattle at the base of the tree (see illustration 1, following page).

Mulching

The bark chips on site shall be placed up to (not beneath) the straw wattle, to avoid covering the base of the trunk.

Tree protection fencing

The creation of four (4) tree protection zones (TPZ) will be required for trees #1-3, and 5-8 to prevent soil compaction and root damage within the dripline of the tree and provide for worker and equipment access, and for the staging of equipment and materials. (see illustration 1, following page).

Root buffer installation

A root buffer is required to create an air cushion for the root system trees #1-3, and 5-8 of and provide a stable walking surface for workers and the transport of materials and equipment. Prior to the installation of the root buffer, all materials within the construction zone will need to be removed including tools, wood from prior tree removals, construction materials, and all other debris. The root buffer shall be constructed of $\frac{3}{4}$ " bark chips to a depth of 4-6", capped with a layer of gravel to stabilize a layer of $\frac{3}{4}$ " plywood on top (see illustration 1, following page). The wood chips on site can be utilized to configure the root buffer.

Access route

Access routes will primarily enter from the western frontage northern portion of the site between Sycamore Road and the barn. The access routes will be covered with the root buffer as

described above to prevent compaction of tree routes and provide a stable and serviceable walking surface (see illustration 1, following page).

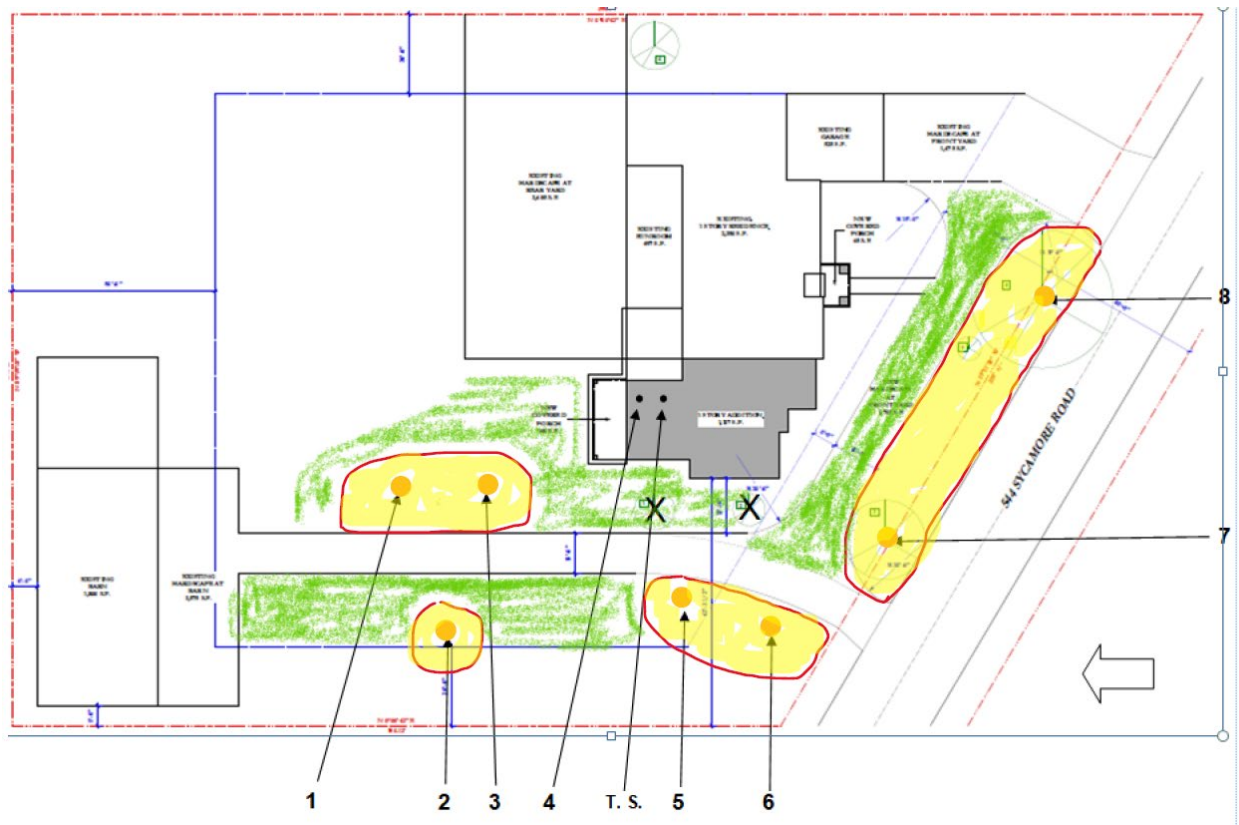


Illustration 1. Tree Protection Measures

The trunks of trees #1-3 and 5-8 will require trunk wrapping (orange) from the ground at the base of the trunk up to 6', or to the lowest branch.

Mulch shall be placed within the driplines of trees #1-3 and 5-8 (yellow) to a depth of 3-4".

Tree protection fencing to enclose the tree protection zone (TPZ) shall be placed at or near the driplines of #1-3 and 5-8 (red). See table 4 in tree preservation measures section for fencing dimensions.

A root buffer shall be installed for worker access, and equipment and material staging.

It is anticipated that the greatest impact from construction will be from the excavation for the new hardscape in the front yard which will be within the driplines of valley oaks #7 and 8. It is recommended that the consulting arborist be present during excavation to document roots encountered and advise on impacts and appropriate remedies.

Tree preservation measures

Impacts to trees on site during development activities can be minimized by coordinating activities and storage of materials outside and monitoring work within the TPZ. Tree protection measures are designed to prevent damage to trees during construction, thereby promoting tree health and adding beauty, value, and environmental benefits to the property for years to come. The following recommendations will help to reduce impacts to trees during the construction of the residential addition and new hardscape.

Design recommendations and activities prior to construction

1. The contractor and consulting arborist shall meet to map the TPZ for all trees to be retained (see illustration 1).
2. Fencing materials shall be 6' chain link fencing or other sturdy material, which shall remain in place for the duration of the project. No work shall be performed within the TPZ without consulting arborist approval and monitoring as needed to prevent damage to tree trunks and tree roots, and to document impacts. Post signs in visible locations along the fencing stating TREE PROTECTION ZONE – NO ENTRY with the contractor's name, consulting arborist's name, and contact phone numbers.
3. No equipment or materials should be stored within the TPZ. in compliance with the American National Standard ANSI A300 Management of Tree and Shrubs During Site Planning, Site Development, and Construction (2014). The TPZ plan shall be incorporated into final construction plan sets and applied to all trees on site prior to, during, and post construction. The use of lime treatments to dry the soil, and concrete rinsates or disposal of any kind within the dripline is potentially harmful to the trees must be removed from the site and properly disposed.
4. Fully enclose the TPZ as indicated in table 4.

Table 4. Tree Protection Zones
544 Sycamore Road, Pleasanton

Tree #	N	S	E	W
Fence together 1 and 2	11'	11'	11'	11'
3	9'	9'	9'	9'
Fence together 5 and 6	7'	Property line	Driveway	Property line
Fence together 7 and 8	Hardscape	Property line	Property line	Driveway
Tree protection fencing must remain in place for the duration of the project.				

5. To avoid damage to tree trunks, wrap the trunks of #1-3 and 5-8 from the base to 6', or the lowest branch with straw wattle.

6. Utilize the smallest equipment possible to do the work required.
7. Utilize hand tools when excavating within the TPZ.
8. Underground utilities and irrigation lines shall be routed outside the TPZ.
9. Develop a storage plan for materials and equipment outside of the TPZ.
10. The use of lime treatments to stabilize soils is toxic to tree roots and must be restricted for use outside the TPZ and any drainage swale or areas that may lead to tree driplines as materials could percolate or otherwise be carried into the tree root zones.
11. Perform reduction pruning to raise branches of trees #1-3 and 5-8 to avoid injury during construction. Remove branches outside the natural form of the crown to balance tree canopies and avoid both the breaking of tree branches during construction and potential limb failure from heavy end weights. All tree pruning work shall be performed by a certified Arborist or Tree Worker and comply with *ANSI Standard Practices – Pruning (2017)*, and companion *Best Management Practices – Pruning (third edition)*, and comply with the Migratory Bird Treaty Act and California Fish and Wildlife Code 3503-3513 to avoid nesting bird disturbance.
12. No wires, signs, or ropes shall be attached to any heritage tree.
13. Tree preservation notes shall be included on all construction drawings.

During construction

1. All demolition, grading, and excavation work within the TPZ shall be monitored by the consulting arborist.
2. If any injury should occur to any tree, contact the consulting arborist for evaluation and appropriate treatment.
3. TPZ fencing is to remain in place for the duration of the project.
4. If any roots are encountered outside the TPZ, cut perpendicular to the root with a sharp saw or loppers. Do not tear the root or rip it from the soil. If roots larger than 2" are encountered, contact the consulting arborist for proper treatment.
5. No storage of materials, equipment, soil, waste, oil, gasoline, rinsates, etc. should be deposited in the TPZ.
6. Avoid idling of any equipment as the exhaust may damage foliage and branches of subject trees and other landscape plants in the area.

Post-construction

The subject tree resource will experience a change in environment from the development on site. The health, structural stability, and vitality of the trees should be documented post-construction by the consulting arborist and monitored for changes in condition.

With site disturbance, soil compaction, and root loss, tree decline is possible for #1-3 and 5-8. Photo documentation is effective in monitoring any visible changes in tree health.

Employing best management practices including proper irrigation management, occasional pruning, and maintaining a dripline clear of materials and activities that cause root disturbance and compaction will promote tree health.

Please let me know if you have any questions or concerns regarding this report.

Prepared by

A handwritten signature in black ink that reads "Carol Randisi". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Carol Randisi
Certified Arborist WE #6481A
Buena Vista Tree Service
925.525.7708

Attachments:

Tree Assessment

Tree Assessment Map

Appraisal of Value and Tree Disposition Plan



925 449-1203 • 415 531-1247

Fully Insured/Lic. # 815538 - ISA# WE-7723A
PO Box 847, Livermore, CA 94551

Tree Assessment

544 Sycamore Road
Pleasanton, CA 94588
November 28, 2023 (revised)

Tree No. (no tags)	Scientific Name	Common Name	Trunk Dia. (in.)	Calculated Circum. (in.)	Height (ft.)	Condition 1-poor 5-excellent	Heritage Tree? Y/N	Driplines (ft.)				Comments	Recommendations
								N	S	E	W		
1	<i>Sequoia sempervirens</i>	Coast redwood	23	72	37	3.5	Y	11	11	11	11	Semi-mature specimen, symmetrical form; thinning foliage mid-canopy; dark green needle color; good-moderate vigor; deep mulch at base of tree.	Retain with tree protection measures.
2	<i>Sequoia sempervirens</i>	Coast redwood	22	69	42	2.0	Y	8	7	9	7	Semi-mature; thinning, browning foliage; top of tree dead; drought stressed; low vigor.	Retain with tree protection measures.
3	<i>Sequoia sempervirens</i>	Coast redwood	22	69	43	3.5	Y	11	11	11	11	Semi-mature specimen, symmetrical form; thinning foliage mid-canopy; dark green needle color; good-moderate vigor; deep mulch at base of tree.	Retain with tree protection measures.
4	<i>Lagerstroemia indica</i>	Crape myrtle	6	19	22	3.0	N	14	7	7	9	Semi-mature specimen; poor structure; multiple attachments at 5'; asymmetrical canopy; moderate vigor; deep mulch at base.	Remove or relocate; within construction footprint.
5	<i>Sequoia sempervirens</i>	Coast redwood	12	38	34	3.0	N	7	6	7	7	Young tree; poor structure; one-sided to NW; growing into #7 to SE; moderate vigor.	Retain with tree protection measures.



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Tree Assessment

544 Sycamore Road
Pleasanton, CA 94588
November 28, 2023 (revised)

Tree No. (no tags)	Scientific Name	Common Name	Trunk Dia. (in.)	Calculated Circum. (in.)	Height (ft.)	Condition 1-poor 5-excellent	Heritage Tree? Y/N	Driplines (ft.) N S E W	Comments	Recommendations
6	<i>Pinus canariensis</i>	Canary Island pine	16,15	97	50	3.0	Y	15 16 16 16	Semi-mature specimen; poor structure; codominant at 4'; upright stems; growing into #6; browning foliage; dripline over driveway; moderate vigor.	Retain with tree protection measures.
7	<i>Quercus lobata</i>	Valley oak	26	82	47	2.5	Y	30 25 32 31	Mature specimen; poor structure; trunk lean to E; multiple attachments at 9'; lower laterals removed; directional prune for overhead utility lines; topped; low-moderate vigor.	Retain with tree protection measures.
8	<i>Quercus lobata</i>	Valley oak	29	91	36	2.5	Y	34 29 27 35	Mature specimen; poor structure; trunk lean to E; codominant at 9'; lower laterals removed; directional prune for overhead utility lines; topped; low-moderate vigor.	Retain with tree protection measures.



Tree Assessment Map

544 Sycamore Road
Pleasanton, CA 94566
November 28, 2023 (revised)

925 449-1203 • 415 531-1247

Fully Insured/Lic. # 815538 - ISA# WE-7723A
PO Box 847, Livermore, CA 94551

Notes:

Site map provided by
Douglas J. Harwood,
Classic Home Design
Kottapalli Residence.

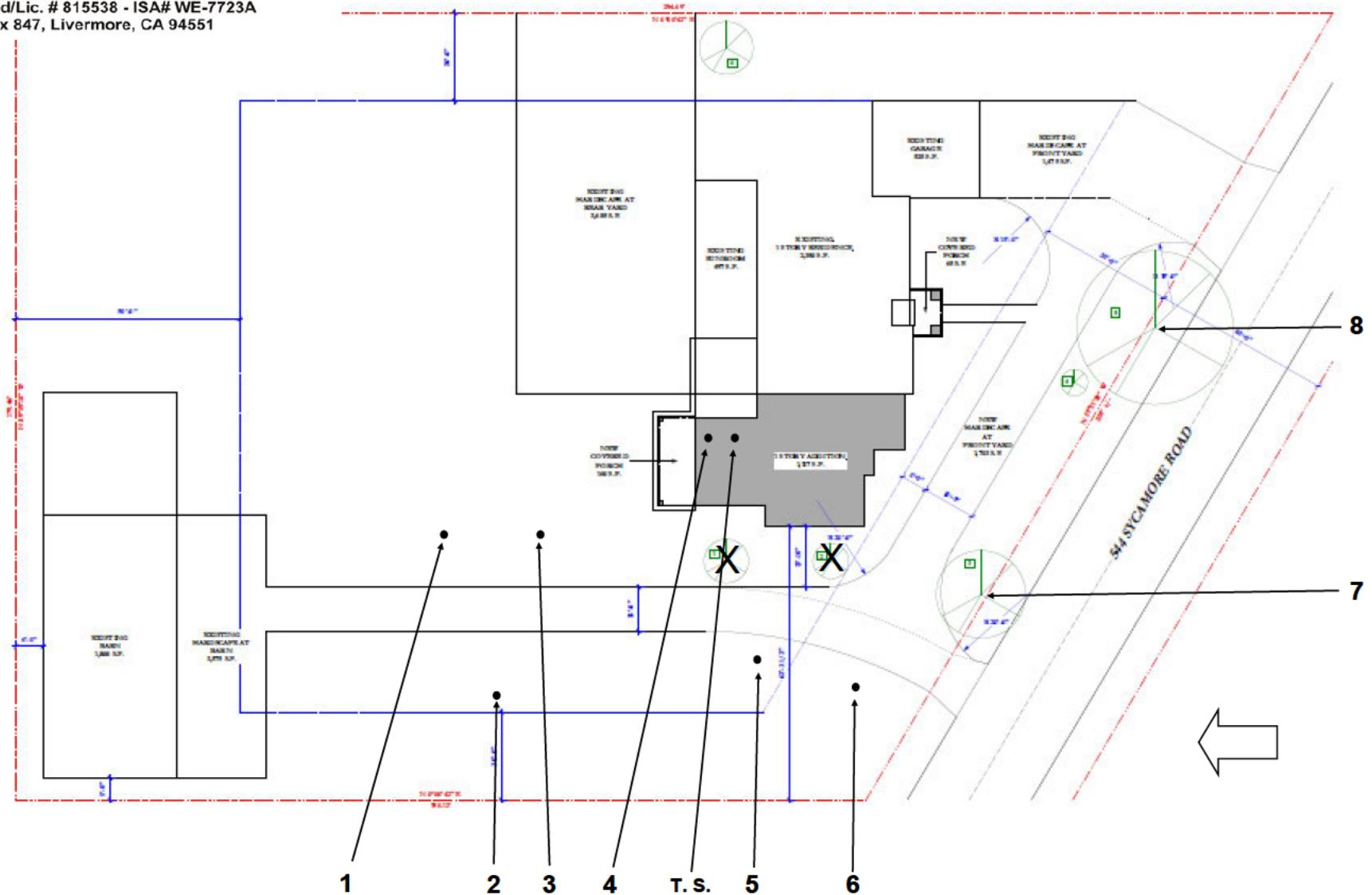
Sheet A1 Site Plan,
10/9/23.

See **Tree Assessment**
for canopy radius
dimensions.

Locations for trees
#1-6 are approximate.

X Tree removed.

T. S. Too small.



Appraisal of Value and Tree Disposition Plan

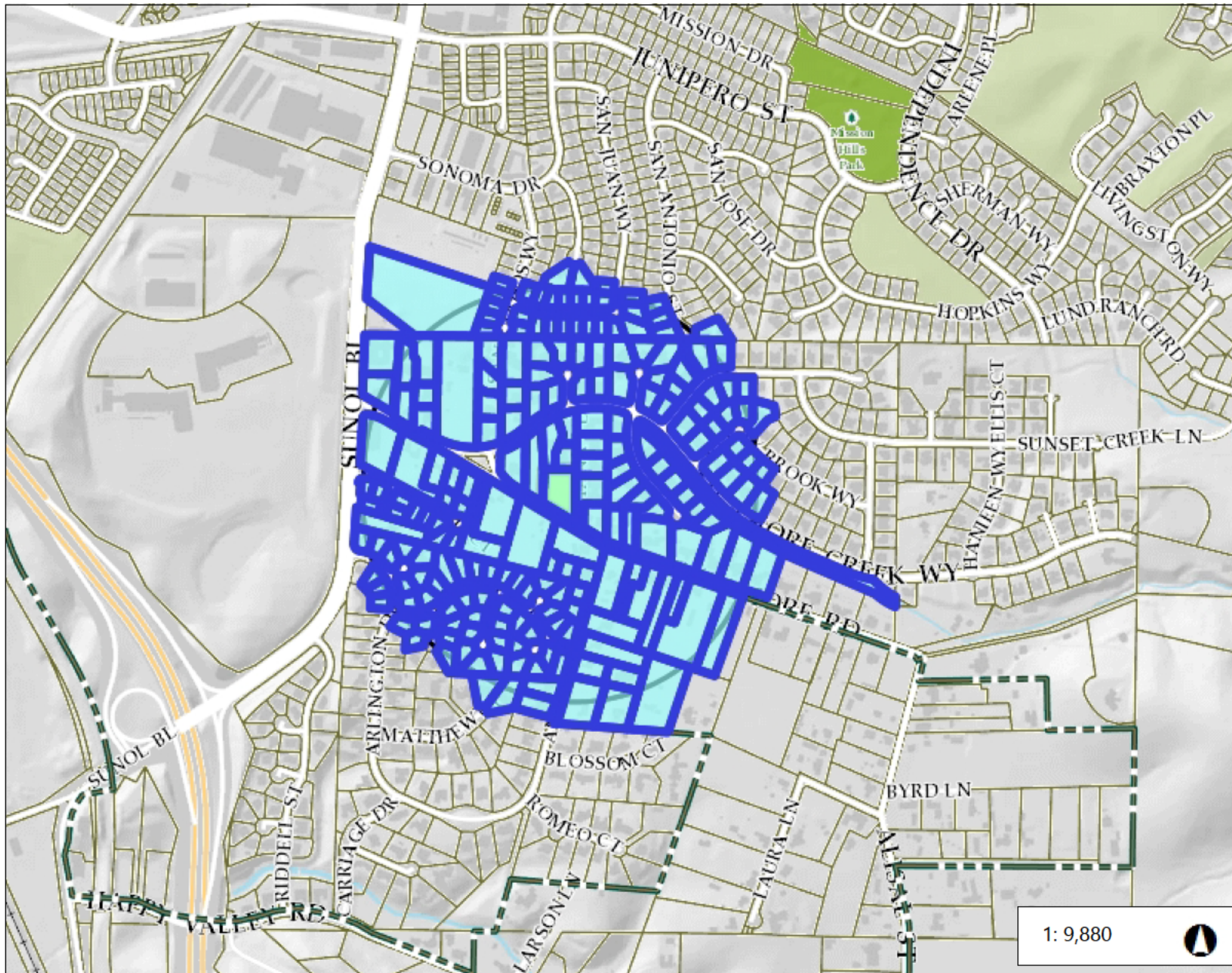
544 Sycamore Road, Pleasanton, CA 94566

November 28, 2023 (revised)

Tree No.	Scientific name	Common Name	Trunk Dia. (in.)	Heritage Tree (Y/N)	Appraised Value	Tree Disposition
1	<i>Sequoia sempervirens</i>	Coast redwood	23	Y	\$6,100	Retain.
2	<i>Sequoia sempervirens</i>	Coast redwood	22	Y	\$3,200	Retain.
3	<i>Sequoia sempervirens</i>	Coast redwood	22	Y	\$5,500	Retain.
4	<i>Lagerstroemia indica</i>	Crape myrtle	6	N	\$900	Retain.
5	<i>Sequoia sempervirens</i>	Coast redwood	12	N	\$1,300	Retain.
6	<i>Pinus canariensis</i>	Canary Island pine	16,15	Y	\$7,900	Retain.
7	<i>Quercus lobata</i>	Valley oak	26	Y	\$13,050	Retain.
8	<i>Quercus lobata</i>	Valley oak	29	Y	\$16,200	Retain.
					\$54,150	

PUD-149, 544 Sycamore Road

EXHIBIT D



Legend

- Fire Station
- School
- Park
- Parcels

Notes

Notes

1,646.7 0 823.34 1,646.7 Feet

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© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Wednesday, March 13, 2024

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Chair Gaidos called the regular meeting of the Planning Commission to order at 7:03 p.m. from the City Council Chambers located at 200 Old Bernal Avenue and via teleconference at 3529 Knollwood Drive, Carlsbad, CA 92010.

Chair Gaidos led the Pledge of Allegiance.

Commissioners Present: Commissioners Vivek Mohan, Ken Morgan, Brandon Pace via teleconference, Stephanie Wedge, and Chair Matt Gaidos

Commissioners Absent: Commissioner Anurag Jain

AGENDA AMENDMENTS

CONSENT CALENDAR

1. Actions of the Zoning Administrator

Recommendation: Receive report.

2. Approve the meeting minutes of February 28, 2024

Recommendation: Approve the meeting minutes.

MOTION: It was m/s by Pace/Mohan to approve the Consent Calendar, as recommended. Motion passed by the following roll call vote:

Ayes: Commissioners Mohan, Morgan, Pace, Wedge, and Chair Gaidos
Noes: None
Absent: Commissioner Jain

MEETING OPEN TO THE PUBLIC

3. Public comment regarding items not listed on the agenda.

Chair Gaidos opened the public comment. There being no speakers, Chair Gaidos closed the public comment.

PUBLIC HEARING AND OTHER MATTERS

4. ***Continued from February 28, 2024 - P23-0177, Bruce Myers, Catalyst Development Partners LLC, Tract 8672, 3200 Hopyard*** – Applications for Design Review (P23-0177) and Vesting Tentative Tract Map 8672 approval pursuant to SB 330 to: 1) demolish an existing church and daycare facility; 2) construct a housing development consisting of 57 attached condominium units

including 48 three-story townhomes ranging in size from approximately 1,691 to 2,738 square feet, and nine apartment units; and related site improvements; and 3) Vesting Tentative Map.

Original Design: Construct a housing development consisting of 57 attached condominium units comprised of 48 three-story townhomes ranging in size from approximately 1,691 to 2,738 square feet and nine apartments.

Alternative Design: Construct a housing development consisting of 55 attached condominium units comprised of 47 three-story townhomes ranging in size from approximately 1,691 to 2,738 square feet and eight apartments.

Recommendation: Adopt Resolution No. PC-2024-03 approving the Application for Design Review (P23-0177) for both designs and Vesting Tentative Map 8672.

Associate Planner Diego Mora presented the item followed by presentations by Traffic Engineer/Deputy Director Mike Tassano and Assistant City Attorney Larissa Seto.

Chair Gaidos opened the public comment. Public comments were received by: Ed Broome, Rich Martinetti, Kenneth Hamm, Dan Lacy, Diana Schleason, John Conroy, Phil Sayre, Christine Sagan, Sandi Fisher, David Pastor, Dave Marell, Kaveh Nikpour, Larry Kriegbaum, Bob Rycerski, Lynn Kriegbaum, Kristin Springer, Arne Olson, Dave Dickinson, Parisa Bayati, AJ Jahadakbar, David Gozum, Vincent Jiang, Anissa Li, Richard Li, and Connie Cox.

Chair Gaidos closed the public comment.

Chair Gaidos opened the public comment. A public comment was received by: Bruce Myers, applicant.

Chair Gaidos closed the public comment.

MOTION: It was m/s by Mohan/Wedge to adopt Resolution No. PC-2024-03 with modifications, approving the Design Review application for the alternate design only, and approving the associated vesting tentative map. Motion defeated by the following roll call vote:

Ayes:	Commissioners Mohan, Wedge
Noes:	Commissioners Morgan, Pace, and Chair Gaidos
Absent:	Commissioner Jain

MOTION: It was m/s by Pace/Gaidos to adopt Resolution No. PC-2024-03 approving:

1. The Design Review (DR) application, filed as P23-0177, for both the original and alternative design, based on the required findings, and subject to the draft conditions of approval in Exhibit A and:

- a. Approval of the alternative design contingent on approval of the Affordable Housing Agreement (AHA) by the City Council, and further recommended the City Council consider providing funds from the Low-Income Housing Fund to convert the eight moderate-income affordable apartment units to low-income affordable apartment units.

2. The Vesting Tentative Tract map (VTM) 8672, based on the required findings, and subject to the draft conditions of approval in Exhibit A; and

3. Find the CEQA Guidelines Section 15183 Consistency Checklist for the project is adequate to serve as the environmental documentation for the project and satisfies all the requirements of CEQA.

Motion passed by the following roll call vote:

Ayes:	Commissioners Mohan, Pace, Wedge, and Chair Gaidos
Noes:	Commissioners Morgan
Absent:	Commissioner Jain

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

5. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)

Commissioner Wedge reported attending the League of California Cities 2024 Planning Commissioners Academy.

6. Actions of the City Council

Director Ellen Clark provided a brief overview of the items listed in the report.

7. Future Planning Calendar

Planning Manager Melinda Denis provided a brief overview of the items listed in the report.

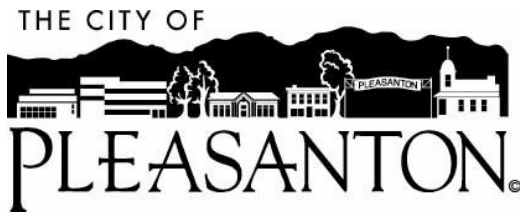
MATTERS INITIATED BY COMMISSION MEMBERS

None.

ADJOURNMENT

Chair Gaidos adjourned the meeting at 11:00 p.m.

Estela Ramirez, Recording Secretary



Planning Commission Agenda Report

March 27, 2024
Item 5

SUBJECT: P23-0906

APPLICANT: Laura Melchionne, 3132 Tokay Court

APPELLANT: Rick and Katrina Montesanti, 3145 Tokay Court

PURPOSE: Appeal of the Zoning Administrator's approval of a beekeeping application to maintain two beehives.

LOCATION: 3132 Tokay Court

GENERAL PLAN: Low Density Residential

ZONING: PUD-LDR (Planned Unit Development Low Density Residential)

EXHIBITS:

- A. Draft Resolution Denying Appeal
- B. Zoning Administrator Approval Letter dated February 8, 2024
- C. Appeal Letter dated "Received February 21, 2024"
- D. Application materials
- E. Vintage Hills HOA letter dated March 6, 2024
- F. Location and Notification Map
- G. City Council Agenda Report on Beekeeping dated February 17, 2015
- H. Ordinance 2133, adopting PMC Section 18.103- Beekeeping

STAFF RECOMMENDATION

Staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's decision, based on the findings in Exhibit A.

EXECUTIVE SUMMARY

The appellant is appealing the Zoning Administrator's February 7, 2024, decision approving a retroactive application for beekeeping to maintain two beehives on the property located at 3132 Tokay Court. The approval was based on the applications' conformance with Pleasanton Municipal Code (PMC) Section 18.103 which governs beekeeping in residential zoning districts.

Pleasanton Municipal Code (PMC) Section 18.144 outlines the procedures for appeals; specifically, PMC Section 18.144.050 describes the administrative appeal procedure. An appeal may be made to the Planning Commission by any interested party of any administrative

determination or interpretation made under Title 18, Zoning. The appellant filed an appeal on February 21, 2024, during the applicable appeal period, and therefore, the item is before the Planning Commission for consideration and determination.

BACKGROUND

The subject site is zoned PUD-LDR (Planned Unit Development Low Density Residential) as adopted under Ordinance Number 879.

In November 2023, the City received a complaint regarding unpermitted beekeeping at 3132 Tokay Court. Subsequently, on January 10, 2024, the applicant submitted a beekeeping application for the keeping of two hives to legalize the beekeeping operation.

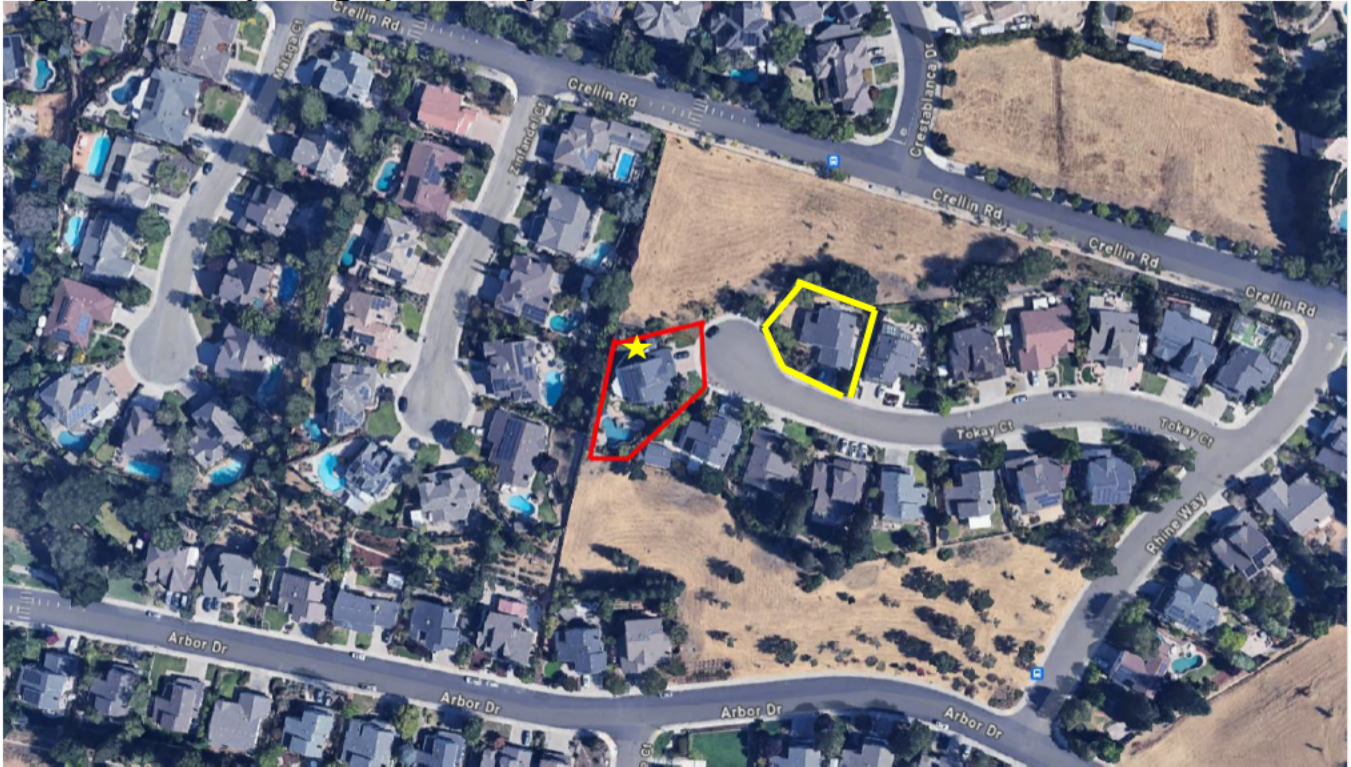
Per PMC Section 18.103.050, notice of the proposal was sent to neighbors within a 100-foot-radius of the subject site. A request for a hearing was made by the appellant. On February 7, 2024, the Zoning Administrator approved the applicant's permit based on the application's conformance to the standards listed in PMC 18.103.080. The appellants filed an appeal of this decision on February 21, 2024.

SITE AND AREA DESCRIPTION

The subject site, 3132 Tokay Court, is an approximately 11,420-square-foot lot at the end of a cul-de-sac in the Vintage Hills neighborhood. The site abuts two open spaces. The appellant is located at 3145 Tokay Court.

Figure 1 below shows an aerial photograph of the subject site. The star indicates the location of the proposed beehives. The yellow outline shows the location of the appellants property. The closest point of the subject property, and the appellants property is approximately 76 feet, at the Tokay Court frontage of the two.

Figure 1: Aerial photograph of subject site



PROJECT DESCRIPTION & ANALYSIS

The applicants propose to keep two beehives in conformance with the provisions outlined in PMC Section 18.103 – Beekeeping. These provisions regulate the location and orientation of the hives as well as provisions for management of the hives, including inspection and re-queening. The applicant's proposal conforms with the PMC requirements and is further conditioned to require inspection by the Code Enforcement officer upon re-installation to ensure conformance with the PMC including but not limited to on-going maintenance, re-queening, and making available a convenient water source. If reinstalled, the applicant will continue to be subject to PMC Section 18.103.090 which dictates that should the hives swarm or abscond, the application is subject to suspension, modification or revocation. See Exhibit D for the application materials.

As described above, the application was approved by the Zoning Administrator at a hearing on February 7, 2024 (see Exhibit B). Before and during the hearing the appellants raised concerns with the number of bees in their yard and on their flowering plants impeding their general enjoyment of their property as well as health, safety and welfare, which they attribute to the hives at 3132 Tokay Court, which were originally installed prior to the applicant obtaining a permit (see Exhibit C). The basis of the appeal is that the hives are a source of annoyance and nuisance and do not conform to the CC&Rs (see Exhibit C). Note that the appellant's concern regarding conformance to the CC&Rs is a matter between the homeowners, and the HOA, since the City is not a party to and does not enforce the CC&Rs.

The proposed hives conform to all PMC standards outlined in Section 18.103.080. Should the hives swarm or abscond, the PMC allows enforcement action to be taken by the City.

The standards included in the PMC are intended to protect the public health, safety and welfare, by ensuring best practices to mitigate swarming, pests and impact bee flight patterns. See Exhibit G, City Council Agenda Report dated February 17, 2015, for a detailed explanation of all the performance standards.

HOA APPROVAL

The applicant did not submit approval of the Vintage Hills II Homeowners Association at the time of the original application. While the City is not a party to and does not enforce an HOA's CC&Rs, following the Zoning Administrator decision, the HOA did submit a letter approving the beehives, dated March 8, 2024. The letter is attached as Exhibit E.

PUBLIC NOTICE

Notices of this application were sent to surrounding property owners and tenants within a 100-foot radius of the site. Staff has provided the location and noticing map as Exhibit F for reference. At the time this report was published, staff had not received any public comments about the project.

ENVIRONMENTAL ASSESSMENT

The denial of a project is not an action subject to the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

As described above, the proposed beekeeping operation meets the criteria outlined in PMC Section 18.103.080. Staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's decision.

Primary Author:

Emily Carroll, Associate Planner, 925-931-5608 or ecarroll@cityofpleasantonca.gov

Reviewed/Approved By:

Ellen Clark, Director of Community Development
Wes Chung, Deputy City Attorney

RESOLUTION NO. PC-2024-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON DENYING THE APPEAL OF RICK AND KATRINA MONTESANTI, THEREBY UPHOLDING THE ZONING ADMINISTRATOR'S DECISION APPROVING AN APPLICATION FOR BEEKEEPING TO MAINTAIN TWO HIVES LOCATED AT 3132 TOKAY COURT, AS FILED UNDER CASE NO. P23-0906

WHEREAS, on January 10, 2024, Laura Melchionne ("Applicant"), owner of 3132 Tokay Court, applied for a Beekeeping application for the keeping of two beehives at 3132 Tokay Court, filed under case number P23-0906; and

WHEREAS, on January 26, 2024, notice of the proposal was sent to neighbors within a 100-foot radius of the subject site; and

WHEREAS, on February 7, 2024, at a public hearing P23-0906 was approved by the Zoning Administrator, finding that the application conforms to the requirements of Pleasanton Municipal Code Section 18.105 -Beekeeping; and

WHEREAS, on February 21, 2024, Rick and Katrina Montesanti ("Appellants"), owners of 3145 Tokay Court filed an appeal of the Zoning Administrator's decision; and

WHEREAS, on March 27, 2024, the Planning Commission held a duly noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this appeal, and received testimony from the applicant and interested parties; and

WHEREAS, denial of a project is not an action subject to the California Environmental Quality Act (CEQA).

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1:

The Planning Commission hereby denies the appeal of P23-0906 and upholds the Zoning Administrator's decision approving Case No. P23-0906, an application for the keeping of two beehives at 3132 Tokay Court.

Section 2:

This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on March 27, 2024, by the following vote:

Ayes: Commissioners
Noes: Commissioners

Absent: Commissioners
Abstain: Commissioners

ATTEST:

Melinda Denis
Secretary, Planning Commission

Matthew Gaidos
Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney



February 8, 2024

Laura Melchionne
3132 Tokay Court
Pleasanton, CA
94566

Subject: P24-0027, Addition
Effective Date: March 6, 2024

Dear Ms. Melchionne,

The City of Pleasanton Planning Division has completed its review of your application for the keeping of two beehives at 3132 Tokay Court. The proposal meets all the necessary requirements as outlined in the Pleasanton Zoning Ordinance and has been reviewed and found to be in accordance with the criteria set forth in Pleasanton Municipal Code (PMC) Section 18.103.

In accordance with Section 18.103.050 of the Pleasanton Municipal Code, notice of your proposal was sent to your adjacent neighbors on January 26, 2024. A Zoning Administrator hearing was conducted on February 7, 2024. The Zoning Administrator approved subject to the following conditions:

1. The beehives and related equipment shall conform substantially to the approved elevations, site plans, and other materials, Exhibit B, marked "Received January 10, 2024," 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 applicant shall rotate the hive so that the hive entrance is parallel to or facing away from the nearest property line as required by section 18.103.80.H of the City of Pleasanton municipal code."
3. This approval is for two beehives with removable frames/combs only.
4. The bees shall have a convenient water source at all times and the applicant shall inspect the hives at least three times between March 1 and October 1 of each year to ensure that the hives are operational and to prevent natural requeening and swarming.
5. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. The applicant shall ensure that no burr comb,

COMMUNITY DEVELOPMENT
www.cityofpleasantonca.gov

P. O. BOX 520 · 200 Old Bernal Avenue
Pleasanton, CA 94566-0802

Planning
(925) 931-5600
Fax: 931-5483

Building & Safety
(925) 931-5300
Fax: 931-5478

Code Enforcement
(925) 931-5620
Fax: 931-5478

Permit Center
(925) 931-5630
Fax: 931-5478

Traffic Engineering
(925) 931-5677
Fax: 931-5487

honey or related materials are dropped and/or left on the subject site such that they would attract pests.

6. The applicant shall requeen each hive at least once every two years.
7. The applicant shall contact the City's Code Enforcement Officer for an inspection of the site and hives at least one week, but no later than three weeks, after bringing the bees on-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 attorney 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 attorney 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.

Any interested party may file an appeal of this approval within 15 days of the date of approval. Further, per Pleasanton Municipal Code section 18.144.010, the City Council may elect to review this action within 15 days following the date of approval, or at its next regular meeting (March 5, 2024), whichever is later. Therefore, approval of the Beekeeping Permit will become effective on **March 6, 2024**, unless appealed prior to that time.

If you have any questions, please feel free to contact me at 925.931.5608 or ecarroll@cityofpleasantonca.gov.

Sincerely,



Emily Carroll
Associate Planner

HANNA & VAN ATTA

ATTORNEYS AT LAW

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

**525 MIDDLEFIELD ROAD, SUITE 210
MENLO PARK, CALIFORNIA 94025**

www.hanvan.com

JOHN PAUL HANNA
A PROFESSIONAL CORPORATION

DAVID M. VAN ATTA
A PROFESSIONAL CORPORATION

WILLIAM R. GARRETT
A PROFESSIONAL CORPORATION

TELEPHONE
(650) 321-5700

FACSIMILE
(650) 321-5639

Email: jhanna@hanvan.com

February 21, 2024

Chairman and Members of the Planning Commission
City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

**Re: Appeal from Pleasanton Zoning Administration Hearing to Planning Commission
Case #P23-0906**

Dear Chair and Members of the Planning Commission:

Please accept this Appeal filed by Katrina Stacey Montesanti and Rick C. Montesanti from the February 7, 2024, decision by the Zone Administrator allowing the issuance of a beekeeping permit to the owner of the property at 3132 Tokay Court, Pleasanton, California 94566. Attached is a copy of the application form. Our clients were informed that the form for Appeal referred to in Section 18.144.020 of the City ordinances does not exist and that the proper procedure for filing the Appeal is to file a copy of the same form used by the Applicant (Application For Development Review), accompanied by a letter (this letter) and the Appeal fee in the amount of \$347.

The Appellants live in the property located at 3145 Tokay Court, which property is close to the Applicant's property at 3132 Tokay Court. When Applicant first acquired and installed her beehive, prior to receiving a permit from the City, the bees quickly became a major source of annoyance and nuisance by invading Appellants' yard and garden.

We note that Municipal Code Section 18.103.080 provides that no beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety and welfare. In this particular case, the bee invasion experienced shortly after the introduction of the bee colony to the Applicant's property dramatically affected the welfare of the residents at 3145 Tokay Court.

It should also be noted that the Vintage Hills II Homeowners Association is subject to recorded CC&Rs which provide in Section 4.04 that no "animals...of any kind shall be raised, bred or kept on any lot or portion of the property..." There are exceptions for usual and ordinary pets, provided they do not result in an annoyance or nuisance to other owners. Bees are insects which are part of the group of animals known as arthropods, which are animals with exo skeletons, which is a hard outer covering and jointed legs. Bees belong to the order of insects called

hymenoptera, which includes ants, wasps and hornets. Bees are classified as livestock/food-producing animals by the U.S. Department of Agriculture.

The Association CC&Rs further provide in Section 4.16 that nothing shall be done within any lot that may be or may become an annoyance or a nuisance to or which may in anyway interfere with the quiet enjoyment of each owner's unit. Municipal Code section 18.103.030 requires that an application for a permit to keep bees shall include a statement of whether any applicable covenants, conditions and restrictions applicable to the property allow beekeeping. Clearly, the CC&Rs of Vintage Hills II Homeowners Association do not allow beekeeping. For that to change would require the CC&Rs to be amended by a procedure required under the Davis-Stirling Common Interest Development Act, which means a secret written ballot, which, if approved by 51% of the voting power of the Association, approving an amendment to the CC&Rs would then have to be recorded.

In this Appeal, the Appellants request that the Planning Commission overrule the decision of the Zoning Administrator in Case #P23-0906 and deny the Application for a beekeeping permit for the property at 3132 Tokay Court.

Respectfully,

A handwritten signature in blue ink, appearing to be 'JPH', is written above the typed name.

John Paul Hanna
JPH:sm

Fong & Fong

ATTORNEYS AT LAW

1 KAUFER PLAZA, SUITE 786

Oakland, CA 94612

Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder



145.00

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INDEX TO THE

CC&R'S

OF

VINTAGE HILLS II HOMEOWNERS ASSOCIATION

SECTION 1: RECITALS

1.01	DESCRIPTION OF REAL PROPERTY
1.02	OWNERSHIP INTEREST
1.03	COMMON PLAN FOR PROJECT

PAGE

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SECTION 2: DEFINITIONS

2.01	Articles
2.02	ASSESSMENTS
2.03	Association
2.04	ASSOCIATION RULES
2.05	BOARD OF DIRECTORS
2.06	BYLAWS
2.07	COMMON AREA
2.08	COMMON EXPENSES
2.09	DECLARATION
2.10	FINAL PUBLIC REPORT
2.11	IMPROVEMENTS
2.12	LOTS
2.13	MAP
2.14	MEMBER
2.15	MORTGAGE
2.16	OWNER
2.17	PROJECT
2.18	PROJECT DOCUMENTS
2.19	PROPERTY OR PROPERTIES
2.20	QUORUM
2.21	SUBDIVIDER
2.22	UNIT

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4.04 Animals. p 7

4.16 Nuisances. p 10.

SECTION 4: USE RESTRICTIONS

- 4.01. Use of Lots.** No Lot, or any portion thereof, shall be occupied and used except for single family residential purposes by the Owners, their contract purchasers, lessees, tenants, or social guests. No trade or business or commercial activity shall be carried on or conducted upon any lot.
- 4.02. Garages and Parking.** Each Owner shall keep his garage area in a neat and orderly condition with any storage areas completely enclosed. Garage doors shall be kept closed when not in use. No commercial vehicles primarily and currently used for transportation of persons for hire shall be parked in excess of one night on any street within the Project. No motor homes, trailers or boats of any type or size shall be kept or stored nearer than 25 feet from any street property line for a period of time exceeding 48 hours, unless within a garage or behind a fence. No trailers, boats or motor homes may be parked or kept on any street in excess of one night in said Project. Each Owner shall be entitled to the exclusive use of the driveway serving his garage and shall keep said driveway clean and free of debris.
- 4.03. Signs.** No sign of any kind shall be displayed to the public view on or from any Unit or any portion of the Property without the approval of the Association, except as follows:
- a. One sign of customary and reasonable dimensions advertising a Lot for sale, lease, rent or exchange displayed from a Lot; and
 - b. Such other signs or notices as are required by law or as are otherwise necessary to perfect a right provided for in law.
- 4.04. Animals.** No animals, or birds of any kind shall be raised, bred, or kept on any Lot or portion of the Property; except that no more than two usual and ordinary household pets such as dogs, cats, or birds may be kept, provided that they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the Property which result in an annoyance or nuisance to other Owners. No pets shall be allowed on the Common Area except as may be permitted by rules of the Board. No dog shall enter the Common Area except while on a leash which is held by a person capable of controlling it. Any Owner may cause any unleashed dog found within the Common Area to be removed to a pound or animal shelter under the jurisdiction of the appropriate governmental agency, by calling the appropriate authorities, whereupon the Owner may, upon payment of all expenses connected therewith, repossess the dog. No dog whose barking disturbs other Owners shall be permitted to remain on the Property. Owners shall prevent their pets from soiling any portions of the Common Area. Owners shall be liable to the

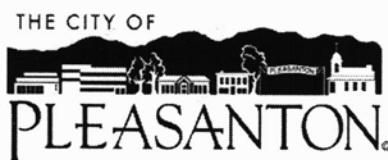
4.14. Recreational Facilities.

- a. Every member of the Association shall have a right to use the recreational facilities situated on the Common Area, subject to the following provisions:
 - (1) The right of the Association to charge reasonable fees for the use of any recreational facility by non-members.
 - (2) The right of the Association to deny use after hearing for infringement of rules or nonpayment of dues.
- b. Any Owner may delegate, in accordance with the Bylaws, rights of enjoyment to the recreational facilities to family members, tenants or contract purchasers who reside on the Property.

4.15. Sports Fixtures. Basketball standards, hoops, backboards or other sports equipment shall not be attached to any part of a unit or placed, erected or stood on any area within the Vintage Hills II PUD, whether on a Lot, or common area. Portable basketball backboards and other sporting equipment are allowed only if they are stored when not in use. The storage area must be wholly within the garage or backyard of a unit.

4.16. Nuisances. No noxious, illegal, or offensive activities shall be carried on within any Lot, or in any other part of the Property, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to or which may in any way interfere with the quiet enjoyment of each Owner's Unit or Common Area, or which shall in any way increase the rate of insurance for the Project or for any other Lot, or cause any insurance policy to be cancelled or to cause a refusal to renew the same, or which will impair the structural integrity of any building.

4.17. Compliance with Project Documents. Each Owner, contract purchaser, lessee, tenant, guest, invitee or other occupant of a Lot or user of the Common Area shall comply with the provisions of the Project Documents.



Community Development Department | Planning Division
200 Old Bernal Avenue | P.O. Box 520, Pleasanton, CA 94566
925-931-5600 | pod@cityofpleasantonca.gov

2023 APPLICATION FOR DEVELOPMENT REVIEW

Application No(s): _____ Date Filed: _____

I. CHECK TYPE OF APPLICATION(S):

- | | | |
|--|---|--|
| ☐ Administrative Design Review (\$339)
☐ Appeal (of Case _____) (\$339)
☒ Beekeeping (\$204)
☐ Condominium Conversion (\$3,746)
<u>Design Review</u>
☐ Minor up to \$25,000 value (\$339)
☐ Major over \$25,000 value (\$2,240)
<u>Environmental (CEQA) Fees</u>
☐ Staff review of Consultant Work (25% of consultant costs)
☐ EIR (\$3,839.25)
☐ Env. Doc - CRP (\$1,305.25)
☐ Mit./Negative Declaration (\$2,764.00)
☐ County Clerk Processing Fee (\$50)
☐ General Plan Amendment (\$20,814)
☐ Growth Management (\$1,085)
<u>Home Occupation/Cottage Foods</u>
☐ Non-exempt – no hearing (\$136)
☐ Non-exempt – with hearing (\$339)
☐ Lot-Line Adjustment (\$584)
☐ Outdoor Dining/Display (\$190)
☐ Over-height Fence Permit (\$34) | ☐ PC Determination (\$2,036)
<u>Preliminary Review</u>
☐ No Hearing (\$0)
☐ With Hearing (\$1,968)
SB 330 (\$0)
<u>PUD (Planned Unit Development)</u>
<u>Residential</u>
☐ 1 unit (\$4,072)
☐ 2-5 units (\$10,180)
☐ 6-15 units (\$20,360)
☐ 16+ units (\$27,147)
<u>Commercial</u>
☐ 0-20,000 sq ft (\$4,072)
☐ 20,001-60,000 sq ft (\$10,180)
☐ 60,001-100,000 sq ft (\$20,360)
☐ 100,001+ sq ft (\$27,147)
<u>PUD Modifications</u>
☒ Minor existing residential (\$136)
☐ Minor (\$679)
☐ Major (\$2,715)
☐ Reasonable Accommodation (\$34) | <u>Rezoning</u>
☐ without PUD (\$16,682)
☐ with PUD (\$2,715)
☐ Sign Design Review (\$475)
☐ Specific Plan/Specific Plan Amend. (25% of consultant costs – min. \$2,592)
<u>Small Wireless Facility</u>
☐ Public ROW (\$3,779)
☐ Private Property (\$3,552)
☐ Pole Lic. Agreement (\$286)
<u>Subdivision Map</u>
☐ Tentative Tract Map (\$6,298)
☐ Minor Subdivision (\$679)
<u>Use Permits</u>
☐ Conditional (\$1,018)
☐ Minor Conditional (\$679)
☐ Pets (\$271)
☐ Temporary Conditional (\$190)
☐ Administrative Temporary (\$34)
<u>Variance</u>
☐ General (\$3,068)
☐ Developed Res. Lot (\$679)
☐ Williamson Act (\$2,388)
☐ Other _____ |
|--|---|--|

II. GENERAL DATA REQUIRED

- A. Name of Applicant (Please Print): Laura Melchionne
- B. Address or Location of Property: 3132 Tokay Ct, Pleasanton, CA
- C. Assessor's Parcel Number(s): 946-4559-35
- D. Site Area (acres/sq. ft.): _____
- E. Current Zoning: _____ F. Proposed Zoning: _____
- G. * Existing Use of Property: _____
- H. Description of Proposal: Beehive permit
- _____
- _____

(Continue on separate sheet if necessary)

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

(Continued on reverse)

(1/3/2023)

III. AUTHORIZATION OF PROPERTY OWNER AND OWNERS ASSOCIATION

- J. **PROPERTY OWNER:** In signing this application, I, as the property owner, have full legal capacity to, and hereby do, authorize the filing of this application. I understand that conditions of approval are binding and agree to be bound by those conditions, subject only to the right to object at the hearings or during the appeal period. I certify that the information and exhibits submitted are true and correct.

Name: Laura Melchionne Telephone: [REDACTED]
Company: _____ E-mail: [REDACTED]
Address: 3132 TOKAY CT PLEASANTON
Signature: [REDACTED] Date: Dec 1, 2023

- K. **OWNERS ASSOCIATION:** Is the property subject to the rules or guidelines of a homeowners association (HOA) or a business owners association?

- ☐ Yes (attach a copy of the associations response).
☐ No
☐ The HOA/business owners association does not review any proposed construction projects or use changes.

Association Contact: Candy Wilson Telephone: [REDACTED]
Association Name: Vintage Hills II Email: [REDACTED]
Address: 5510 SUNOL BLVD PLEASANTON CA 94566

- L. **APPLICANT OTHER THAN PROPERTY OWNER:** In signing this application, I, as the applicant, represent to have obtained authorization from the property owner to file this application. I agree to be bound by conditions of approval, subject only to the right to object at the hearings on the application or during the appeal period. If this application has not been signed by the property owner, I have attached separate documentation of full legal capacity to file the application. I certify that the information and exhibits submitted are true and correct.

Name: _____ Telephone: _____
Company: _____ E-mail: _____
Address: _____
Signature: _____ Date: _____

- M. **NOTE ANY OTHER PARTY(IES) WHO SHOULD RECEIVE STAFF REPORTS AND NOTICE OF APPLICATION ON A SEPARATE SHEET AND ATTACH TO APPLICATION.**

Name: _____ Name: _____
Address: _____ Address: _____
Email: _____ Email: _____

IV. SCHOOL FEE AGREEMENT (If a residential project, answer the question below)

Have you signed a School Fee Agreement with the Pleasanton Unified School District? ☐ Yes ☐ No
If yes, please attach a copy of the signed agreement.





18.103.080 Standards

A. Hives shall only be allowed and maintained on land in the A zoning district, on properties with detached, single-family homes located in an R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.

B. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area zoning district, the beekeeper shall reside at the property where the hive is located.

Melchionne Ott resides at 3132 Tokay Ct, Pleasanton, CA. This is an R-1 zoning district

C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.

D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area; and no more than 10 hives shall be maintained within the A zoning district.

Melchionne Ott is applying for 2 Langstroth bee hives on their property.

E. All bee colonies shall:

1. Be kept in inspectable hives, as determined by the city's code enforcement officer, animal services officer, and/or designee;
2. Have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and

Melchionne Ott has a black trough with rocks and clay trays set in the water to allow bees to land and get water. The trough is fed by a sprinkler hose set on an automatic timer with our garden watering system. The trough is approximately 5 feet from the hive. (see attached photo)

3. Have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.

Melchionne Ott hives are placed 5 feet from a 6 ft solid wood fence, Entrance of hive faces the open field (on Crellin Rd and at the end of Tokay Ct). Hive runs parallel to the back fence of neighbors on Zinfandel and to complainant that is 135 ft across the open field.

F. All hives shall:

1. Be kept in a usable condition at all times, as determined by the city's code enforcement officer, animal services officer, or designee;
2. Have removable frames/combs;

Melchionne Ott has an 8 frame Langstroth hive with removable frames set on an aluminum stand 8 inches off the ground, sitting on a cement pad. We would like to add a 2nd Langstroth hive in the spring of 2024

3. Be kept off the ground to prevent wood rot; and
4. Be inspected by the beekeeper no less than three times between March 1st and October 1st of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.

Melchionne Ott plan to inspect their hives a minimum of once a month with the possibility of inspection every week.

G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.

Melchionne Ott – no burr comb, honey or related materials will be allowed at the hive site. Hive materials and equipment are stored in the shed next to the hives and/or in the garage.

H. Hive entrances shall face away from or be parallel to the nearest property line(s).

Melchionne Ott hives face the open field and run parallel to the nearest property line, that is located directly behind our property. Hive is 5 ft from the solid wood fence that is 6 ft high and 8 ft from front fence, fence is 43 ft from sidewalk. **The complainant's property is 87 ft from our property and 138 ft from the entrance of current hive.

I. The maximum height of a hive, including the stand, shall not exceed four feet.

J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.

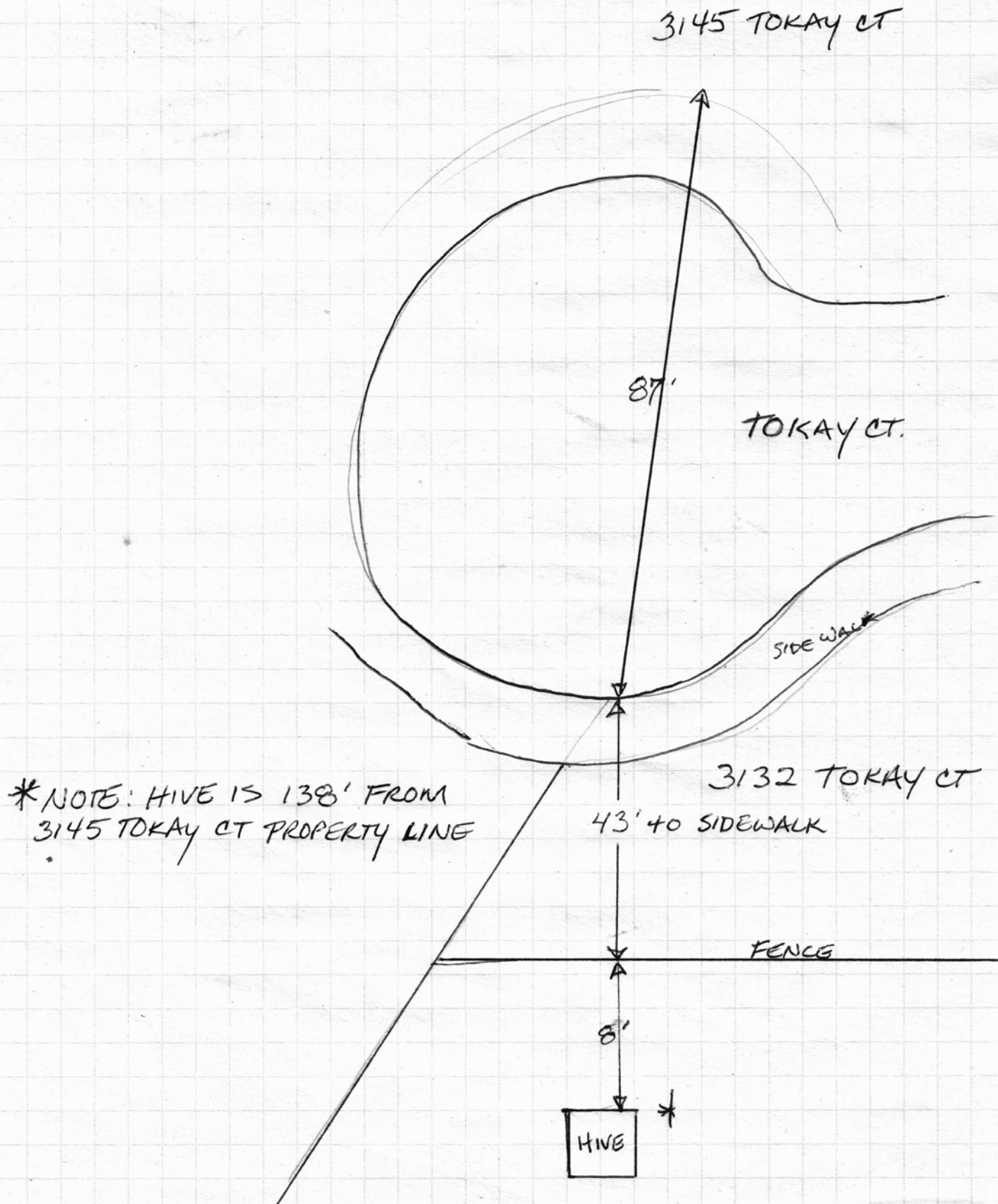
Melchionne Ott – that is our plan

K. No beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety, and welfare.

L. Notwithstanding the standards set forth above, the zoning administrator (or designee) has discretion to approve additional hives and/or hives in excess of four feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives.

JAN 5, 2024

3132 TOKAY CT IN RELATIONSHIP TO
3145 TOKAY CT.



We, the undersigned residents of Vintage Hills, Pleasanton, hereby express our strong support for the local beekeeping initiatives at 3132 Tokay Ct. Our support is grounded in the recognition of the vital role that bees play in maintaining the health of our floral and plant ecosystems. These pollinators are not only essential for the well-being of our gardens and fruit trees, but they also contribute significantly to our broader public health and environment. Contrary to any concerns, we affirm that the presence of bees has not posed any risk to our safety or welfare. On the contrary, their role in our environment is both beneficial and necessary. Therefore, we advocate for the continued and responsible keeping of bee hives at 3132 Tokay Ct. as a step towards preserving and enhancing our natural surroundings.

Name	Address
Cynthia Paradiso	Tokay Ct. Pleasanton
Paul Paradiso	Tokay Ct. Pleasanton
Toni Chapelas	Tokay Ct. Pleasanton
Nore Chapelas	Tokay Ct. Pleasanton
Louise Lund	Tokay Ct. Pleasanton
Alex Lawrence	Tokay Ct. Pleasanton
Becky Lawrence	Tokay Ct. Pleasanton
Dianne Lawrence	Tokay Ct. Pleasanton
Brian Lawrence	Tokay Ct. Pleasanton
Larry Annis	Tokay Ct.
Carolyn Annis	Tokay Ct.
Mattie Holger	Nine Way
Greg Holger	Nine Way
Jaya Sundar	Tokay Ct.
K.K. Sundar	Tokay Ct.
Dave Biddle	Tokay Ct.
Patricia Athenour	Tokay Ct 925
Dan Dourzand	Tokay Ct 925
Mary Dourzand	" " " "

We, the undersigned residents of Vintage Hills, Pleasanton, hereby express our strong support for the local beekeeping initiatives at 3132 Tokay Ct. Our support is grounded in the recognition of the vital role that bees play in maintaining the health of our floral and plant ecosystems. These pollinators are not only essential for the well-being of our gardens and fruit trees, but they also contribute significantly to our broader public health and environment. Contrary to any concerns, we affirm that the presence of bees has not posed any risk to our safety or welfare. On the contrary, their role in our environment is both beneficial and necessary. Therefore, we advocate for the continued and responsible keeping of bee hives at 3132 Tokay Ct. as a step towards preserving and enhancing our natural surroundings.

[illegible]

CELL #

page 2 of 2

November 20, 2023

Mark Dennis
Senior Code Enforcement Officer
The City of Pleasanton
200 Old Bernal Avenue P.O. Box 520
Pleasanton, CA 94566

Dear Mark,

The owners of the property at 3132 Tokay Court ("3132") established a bee box and colony on that property which has created a problem at our property and home at 3145 Tokay Court ("3145"). Both properties are in the Vintage Hills II Homeowners Association ("HOA"), which has Covenants, Conditions, and Restrictions ("CC&Rs") applicable to the keeping of bees.

1. Groups of several hundred honey bees have recently established themselves in the year-round flowering gardens in the front and back yards of our property, and along the walkways in those areas.
2. Those bees on our property are an annoyance and nuisance during peaceful enjoyment of our outdoor living areas, pose a hazard to us and others on our property, and make our yards unsafe for children.
3. We discussed this issue with the owners of 3132. They dismissed our concerns and made clear their expectation that we accommodate their new bee-keeping hobby; doing so would require significantly changing our long-established drought-tolerant gardens and reasonable use of our property.
4. The owners of 3132 first told us in April 2023 of their intent to keep bees, and that a bee box and colony was arriving the next day. We checked with the Pleasanton Planning Office on April 14, 2023 and learned that a beekeeping permit had not been applied for.
5. Instead of initiating action in April 2023 based on Pleasanton Municipal Code and the HOA's CC&Rs, we chose to see if the bees would be a problem, and they are.

Upon determination of just cause, please initiate removal of the bee box and colony at 3132 Tokay Court.

Sincerely,

Rick and Katrina Montesanti
3145 Tokay Court
Pleasanton, CA 94566

CC&Rs excerpt: "4.04. Animals. No animals, or birds of any kind shall be raised, bred, or kept on any Lot or portion of the Property; except that no more than two usual and ordinary household pets such as dogs, cats, or birds may be kept, provided that they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the Property which result in an annoyance or nuisance to other Owners."

Attachments

1. Pleasanton Municipal Code Chapter 18.103 Beekeeping.
2. Vintage Hills II Homeowners Association CC&R's excerpt: Section 4.04 Use Restrictions; Animals.
3. Google Earth image showing proximity of 3132 and 3145 Tokay Court, Pleasanton CA.

RECEIVED 11/20/23
LMD
CODE ENFORCEMENT

RECEIVED

NOV 20 2023
CITY OF PLEASANTON
PLANNING DIVISION

9/25/23
Spoke w/ MZ-OTT
11/20 will be applying for
permit - Give 30 days
to 200 email address

Chapter 18.103 BEEKEEPING

18.103.010 Policy and purpose.

18.103.020 Definitions.

18.103.030 Application—Required information and plans.

18.103.040 Application—Fee.

18.103.050 Notice.

18.103.060 Public hearing.

18.103.070 Action of zoning administrator.

18.103.080 Standards.

18.103.090 Nuisance and enforcement.

18.103.100 Additional procedures.

18.103.010 Policy and purpose.

Beekeeping is beneficial for society as bees are essential for pollination, gardening, and food production. The purpose of this chapter is to promote public health, safety and welfare and to establish reasonable and uniform regulations for beekeeping: on land in the A (Agricultural) zoning district; for properties with detached, single-family homes located in the R-1 (OneFamily Residential) zoning district and RM (Multi-Family Residential) zoning district; and for properties with detached, single-family homes located in the Downtown Specific Plan Area. (Ord. 2113 § 1, 2015)

18.103.020 Definitions.

For the purposes of this chapter, certain words and terms used are defined as follows:

- A. "Absconding" or "abscond" means the permanent departure of the majority of the bees within a colony.
- B. "Bee" means any stage of the common domestic honey bee, *Apis Mellifera* species.
- C. "Beekeeper" means a person who keeps bees.
- D. "Beekeeping" means the maintenance of bee colonies in hives.
- E. "Brood" means immature bees, in various stages of development, before they emerge from their honeycomb cell.
- F. "Flyway barrier" means the barrier used adjacent to the hive opening that forces bees to fly upwards.
- G. "Hive" means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.

4. Be inspected by the beekeeper no less than three times between March 1st and October 1st of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.
- G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.
- H. Hive entrances shall face away from or be parallel to the nearest property line(s).
- I. The maximum height of a hive, including the stand, shall not exceed four feet.
- J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.
- K. No beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety, and welfare.
- L. Notwithstanding the standards set forth above, the zoning administrator (or designee) has discretion to approve additional hives and/or hives in excess of four feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives.
- M. Upon securing a beekeeping permit, an inspection of the site and hives by the city's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees onsite. For such inspections, beekeeper shall be at the site to meet inspector. (Ord. 2113 § 1, 2015)

18.103.090 Nuisance and enforcement.

Bees or hives shall be considered a public nuisance when the beekeeper's bees swarm, the bees abscond, or the beekeeping does not conform to this code, or hives are abandoned by the beekeeper.

Where there is reasonable cause to believe that there exists a violation of this chapter which may cause health or safety hazards to residents and/or visitors, the city's code enforcement officer, or animal services officer, or their designee, is authorized to enter upon the property to inspect or to perform duties authorized by this chapter.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 18.140.

In addition, when there is reasonable cause to believe that there exists a violation of this chapter, or, if application is approved subject to conditions, upon failure to comply with conditions, an approved application shall be subject to suspension, modification or revocation. The zoning administrator shall hold a public hearing to consider any suspension, modification or revocation of an approved application. (Ord. 2113 § 1, 2015)

18.103.100 Additional procedures.

The regulations concerning effective date of the beekeeping permit, review or appeal, suspension and revocation, and new applications shall be those contained in this chapter.

Modifications requested by the beekeeper for a previously approved application shall be handled by the zoning administrator pursuant to the procedures set forth in this chapter for new applications. (Ord. 2113 § 1, 2015)

Font-eFont

ATTORNEYS AT LAW

1 KAUFER PLAZA, Suite 786

Oakland, CA 94612

Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder



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CC&R'S

OF

VINTAGE HILLS II HOMEOWNERS ASSOCIATION

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Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between multiple points on the ground

Length: 87.29 Feet

Show Elevation Profile

✓ Mouse Navigation

Save

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3132 Tokay Court

3145 Tokay Court

November 27, 2023

Ellen Clark
Director of Community Development
The City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

CITY OF PLEASANTON BLDG
NOV 27 2023
RECEIVED

Dear Ellen,

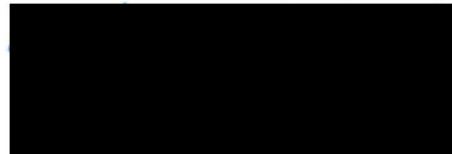
The owners of the property at 3132 Tokay Court ("3132") established a bee box and colony on that property which has created a problem at our property and home at 3145 Tokay Court ("3145"). Both properties are in the Vintage Hills II Homeowners Association ("HOA"), which has Covenants, Conditions, and Restrictions ("CC&Rs") applicable to the keeping of bees (see excerpt below). The two properties are within 100 feet of each other.

1. Groups of several hundred honey bees have established themselves in the year-round flowering gardens in the front and back yards of our property (3145), and along the walkways in those areas.
2. The bees on our property are an annoyance and nuisance during peaceful enjoyment of our outdoor living areas, pose a hazard to us and others on our property, and make our yards unsafe.
3. The owners of 3132 first told us in April 2023 of their intent to keep bees, and that a bee box and colony were arriving the next day. We checked with the Pleasanton Planning Office on April 14, 2023 and learned that a beekeeping permit had not been applied for as is required by Pleasanton Municipal Code. We understand that the owners of 3132 may have recently begun the permitting process.
4. Instead of initiating action in April 2023 based on the CC&Rs and Pleasanton Municipal Code, we chose to see if the bees would be a problem, and they are.
5. We discussed this issue with the owners of 3132. They dismissed our concerns and made clear their expectation that we accommodate their new bee-keeping hobby; doing so would require significantly changing our long-established drought-tolerant gardens and reasonable use of our property. Moreover, trying to accommodate the 3132 bee colony may not return our yards to their former safe condition.
6. We have brought this matter to the attention of the Property Manager for the HOA and await action. One of the owners of 3132 is the President of the HOA.

Upon determination of just cause, please initiate removal of the bee box and colony at 3132 Tokay Court.

Sincerely,

Rick and Katrina Montesanti
3145 Tokay Court
Pleasanton, CA 94566



t.net

CC&Rs excerpt: "4.04. Animals. No animals, or birds of any kind shall be raised, bred, or kept on any Lot or portion of the Property; except that no more than two usual and ordinary household pets such as dogs, cats, or birds may be kept, provided that they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the Property which result in an annoyance or nuisance to other Owners."

Attachments

1. Google Earth image showing proximity of 3132 and 3145 Tokay Court, Pleasanton CA.
2. Vintage Hills II Homeowners Association CC&R's excerpt: Section 4.04 Use Restrictions; Animals.
3. Pleasanton Municipal Code Chapter 18.103 Beekeeping.



SECTION 4: USE RESTRICTIONS

- 4.01. Use of Lots. No Lot, or any portion thereof, shall be occupied and used except for single family residential purposes by the Owners, their contract purchasers, lessees, tenants, or social guests. No trade or business or commercial activity shall be carried on or conducted upon any lot.
- 4.02. Garages and Parking. Each Owner shall keep his garage area in a neat and orderly condition with any storage areas completely enclosed. Garage doors shall be kept closed when not in use. No commercial vehicles primarily and currently used for transportation of persons for hire shall be parked in excess of one night on any street within the Project. No motor homes, trailers or boats of any type or size shall be kept or stored nearer than 25 feet from any street property line for a period of time exceeding 48 hours, unless within a garage or behind a fence. No trailers, boats or motor homes may be parked or kept on any street in excess of one night in said Project. Each Owner shall be entitled to the exclusive use of the driveway serving his garage and shall keep said driveway clean and free of debris.
- 4.03. Signs. No sign of any kind shall be displayed to the public view on or from any Unit or any portion of the Property without the approval of the Association, except as follows:
- One sign of customary and reasonable dimensions advertising a Lot for sale, lease, rent or exchange displayed from a Lot; and
 - Such other signs or notices as are required by law or as are otherwise necessary to perfect a right provided for in law.
- 4.04. Animals. No animals, or birds of any kind shall be raised, bred, or kept on any Lot or portion of the Property; except that no more than two usual and ordinary household pets such as dogs, cats, or birds may be kept, provided that they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the Property which result in an annoyance or nuisance to other Owners. No pets shall be allowed on the Common Area except as may be permitted by rules of the Board. No dog shall enter the Common Area except while on a leash which is held by a person capable of controlling it. Any Owner may cause any unleashed dog found within the Common Area to be removed to a pound or animal shelter under the jurisdiction of the appropriate governmental agency, by calling the appropriate authorities, whereupon the Owner may, upon payment of all expenses connected therewith, repossess the dog. No dog whose barking disturbs other Owners shall be permitted to remain on the Property. Owners shall prevent their pets from soiling any portions of the Common Area. Owners shall be liable to the

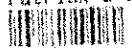
Fong & Fong

ATTORNEYS AT LAW

1 Kaiser Plaza, Suite 755

Oakland, CA 94612

Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder



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Chapter 18.103 BEEKEEPING

18.103.010 Policy and purpose.

18.103.020 Definitions.

18.103.030 Application—Required information and plans.

18.103.040 Application—Fee.

18.103.050 Notice.

18.103.060 Public hearing.

18.103.070 Action of zoning administrator.

18.103.080 Standards.

18.103.090 Nuisance and enforcement.

18.103.100 Additional procedures.

18.103.010 Policy and purpose.

Beekeeping is beneficial for society as bees are essential for pollination, gardening, and food production. The purpose of this chapter is to promote public health, safety and welfare and to establish reasonable and uniform regulations for beekeeping, on land in the A (Agricultural) zoning district, for properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district, and for properties with detached, single-family homes located in the Downtown Specific Plan Area. (Ord. 2113 § 1, 2015)

18.103.020 Definitions.

For the purposes of this chapter, certain words and terms used are defined as follows:

- A. "Absconding" or "abscond" means the permanent departure of the majority of the bees within a colony.
- B. "Bee" means any stage of the common domestic honey bee, *Apis Mellifera* species.
- C. "Beekeeper" means a person who keeps bees.
- D. "Beekeeping" means the maintenance of bee colonies in hives.
- E. "Brood" means immature bees, in various stages of development, before they emerge from their honeycomb cell.
- F. "Flyway barrier" means the barrier used adjacent to the hive opening that forces bees to fly upwards.
- G. "Hive" means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.

- H. "Requeen" means to replace the queen bee in a colony with a younger and more productive queen.
- I. "Robbing" means the taking of honey from a colony by other bees or insects.
- J. "Swarming" or "swarm" means the movement of at least several hundred bees in a group from a colony. (Ord. 2113 § 1, 2015)

18.103.030 Application—Required information and plans.

An application for a permit to keep bees shall be filed with the zoning administrator on a form prescribed by the city and shall include the following information and maps:

- A. Name and address of the applicant, who must be the proposed beekeeper;
- B. Statement of whether the applicant is the owner or a tenant of the property on which the beekeeping is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the application;
- C. Address or description of the property on which the beekeeping is proposed to be located;
- D. Statement of whether any applicable covenants, conditions or restrictions applicable to the property allow beekeeping.
- E. Statement indicating the precise manner of compliance with each of the applicable provisions in Section 18.103.030, together with any other data pertinent to the granting of a permit.
- F. Description and drawings of the proposed: (1) hive; (2) water source for bees; (3) flyway barrier;
- G. An accurately scaled drawing of the parcel showing existing and proposed locations of streets, property lines, existing structures, landscaped areas, fences, walls, trees on-site and off-site that are located within close proximity of the proposed location of the hive, driveways, pedestrian walks, and the footprint drawing of the proposed location of the hive, water source, and flyway barrier.
- H. The zoning administrator may require additional information, plans and drawings if necessary to determine whether the proposed beekeeping will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any of the plans and drawings required by this section if he or she determines the information is not necessary. (Ord. 2113 § 1, 2015)

18.103.040 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application. (Ord. 2113 § 1, 2015)

18.103.050 Notice.

No less than seven days prior to the date on which the decision will be made on the application, the city shall give notice of the proposed beekeeping by mail to all tenants and owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the parcel where beekeeping is proposed. (Ord. 2113 § 1, 2015)

18.103.060 Public hearing.

After the notice period runs, and if no administrative public hearing is requested (as described below), the zoning administrator (or designee) shall review the application and issue a decision to approve, approve with conditions, or deny the application. If, however, an administrative hearing is requested by the applicant or any interested person, the zoning administrator shall hold an administrative hearing. Subsequent to the hearing, the zoning administrator shall render a decision to approve, approve with conditions, or deny the application. (Ord. 2113 § 1, 2015)

18.103.070 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. An application, if approved, is applicable only to the named beekeeper and parcel and does not run with the land. (Ord. 2113 § 1, 2015)

18.103.080 Standards.

Beekeeping shall only be allowed when the following regulations are met:

- A. Hives shall only be allowed and maintained on land in the A zoning district, on properties with detached, single-family homes located in an R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.
- B. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area zoning district, the beekeeper shall reside at the property where the hive is located.
- C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.
- D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area; and no more than 10 hives shall be maintained within the A zoning district.
- E. All bee colonies shall:
 - 1. Be kept in inspectable hives, as determined by the city's code enforcement officer, animal services officer, and/or designee;
 - 2. Have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and
 - 3. Have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.
- F. All hives shall:
 - 1. Be kept in a usable condition at all times, as determined by the city's code enforcement officer, animal services officer, or designee;
 - 2. Have removable frames/combs;
 - 3. Be kept off the ground to prevent wood rot; and

4. Be inspected by the beekeeper no less than three times between March 1st and October 1st of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.
- G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.
- H. Hive entrances shall face away from or be parallel to the nearest property line(s).
- I. The maximum height of a hive, including the stand, shall not exceed four feet.
- J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.
- K. No beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety, and welfare.
- L. Notwithstanding the standards set forth above, the zoning administrator (or designee) has discretion to approve additional hives and/or hives in excess of four feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives.
- M. Upon securing a beekeeping permit, an inspection of the site and hives by the city's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees onsite. For such inspections, beekeeper shall be at the site to meet inspector. (Ord. 2113 § 1, 2015)

18.103.090 Nuisance and enforcement.

Bees or hives shall be considered a public nuisance when the beekeeper's bees swarm, the bees abscond, or the beekeeping does not conform to this code, or hives are abandoned by the beekeeper.

Where there is reasonable cause to believe that there exists a violation of this chapter which may cause health or safety hazards to residents and/or visitors, the city's code enforcement officer, or animal services officer, or their designee, is authorized to enter upon the property to inspect or to perform duties authorized by this chapter.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 18.140.

In addition, when there is reasonable cause to believe that there exists a violation of this chapter, or, if application is approved subject to conditions, upon failure to comply with conditions, an approved application shall be subject to suspension, modification or revocation. The zoning administrator shall hold a public hearing to consider any suspension, modification or revocation of an approved application. (Ord. 2113 § 1, 2015)

18.103.100 Additional procedures.

The regulations concerning effective date of the beekeeping permit, review or appeal, suspension and revocation, and new applications shall be those contained in this chapter.

Modifications requested by the beekeeper for a previously approved application shall be handled by the zoning administrator pursuant to the procedures set forth in this chapter for new applications. (Ord. 2113 § 1, 2015)

RECEIVED

January 2, 2024

Ellen Clark
Director of Community Development
The City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

JAN 02 2024
CITY OF PLEASANTON
PLANNING DIVISION

Subject: Bee box and bee colony at 3132 Tokay Court.

Dear Ellen,

The bee box and bee colony on the property at 3132 Tokay Court ("3132") continues to be a problem for us at our property and home at 3145 Tokay Court ("3145"), which is within 100 feet of 3132. ("the Matter")

Beekeeping at 3132 began in April 2023, without a permit as is required by the City of Pleasanton. Since that time, groups of several hundred honey bees established themselves in our long-established, year-round flowering gardens in the front and back yards of our property (3145), and along the walkways in those areas.

Both properties are in the Vintage Hills II Homeowners Association ("the HOA"), which has Covenants, Conditions, and Restrictions ("CC&Rs") that prohibit raising, breeding, or keeping animals of any kind except for usual and ordinary household pets such as dogs, cats, or birds.

1. One of the owners of 3132 is the President of the HOA and on its board of directors ("the HOA Board").
2. We were told by the City of Pleasanton on November 20, 2023 that the owners of 3132 need to apply for a beekeeping permit and that HOAs usually decide what is allowed.
3. We brought the Matter to the attention of the property manager for the HOA ("the HOA Manager") on November 22, 2023, and asked to be present if it was reviewed by the HOA Board.
4. The HOA Manager told us On December 1, 2023 that the Matter would be forwarded to the HOA Board for discussion and approval to engage the HOA's attorney. We were excluded from that discussion.
5. The President of the HOA Board approached us on December 9, 2023 seeking a compromise that would allow retaining her new beekeeping "hobby", invoking "the bees are good for the environment" while dismissing the nuisance and safety hazard the bees pose to us and others on our property (3145).
6. We were informed by the City of Pleasanton on December 26, 2023 that the owners of 3132 are pursuing a beekeeping permit, and upon completion of their application the City of Pleasanton will schedule a hearing.
7. We asked the HOA Manager on December 28, 2023 if the HOA Board had discussed beekeeping at 3132. We were told the HOA Board did discuss it, chose to not engage the HOA's attorney, discussed ways that the owners of 3132 might retain their beekeeping hobby, and would let the Matter be settled by the City of Pleasanton.

Please advise us if the application for a beekeeping permit at 3132 will be proceeding to a hearing. Given the HOA's treatment of the Matter, we are compelled to refer it to our attorney.

Sincerely,

Rick and Katrina Montesanti
3145 Tokay Court
Pleasanton, CA 94566

Attachment: November 27, 2023 letter to Ellen Clark, Pleasanton Community Development, stamped "NOV 27 2023"; with site map, CC&Rs excerpt, and Pleasanton Municipal code on beekeeping.

November 27, 2023

Ellen Clark
Director of Community Development
The City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

CITY OF PLEASANTON BLDG

NOV 27 2023

RECEIVED

Dear Ellen,

The owners of the property at 3132 Tokay Court ("3132") established a bee box and colony on that property which has created a problem at our property and home at 3145 Tokay Court ("3145"). Both properties are in the Vintage Hills II Homeowners Association ("HOA"), which has Covenants, Conditions, and Restrictions ("CC&Rs") applicable to the keeping of bees (see excerpt below). The two properties are within 100 feet of each other.

1. Groups of several hundred honey bees have established themselves in the year-round flowering gardens in the front and back yards of our property (3145), and along the walkways in those areas.
2. The bees on our property are an annoyance and nuisance during peaceful enjoyment of our outdoor living areas, pose a hazard to us and others on our property, and make our yards unsafe.
3. The owners of 3132 first told us in April 2023 of their intent to keep bees, and that a bee box and colony were arriving the next day. We checked with the Pleasanton Planning Office on April 14, 2023 and learned that a beekeeping permit had not been applied for as is required by Pleasanton Municipal Code. We understand that the owners of 3132 may have recently begun the permitting process.
4. Instead of initiating action in April 2023 based on the CC&Rs and Pleasanton Municipal Code, we chose to see if the bees would be a problem, and they are.
5. We discussed this issue with the owners of 3132. They dismissed our concerns and made clear their expectation that we accommodate their new bee-keeping hobby; doing so would require significantly changing our long-established drought-tolerant gardens and reasonable use of our property. Moreover, trying to accommodate the 3132 bee colony may not return our yards to their former safe condition.
6. We have brought this matter to the attention of the Property Manager for the HOA and await action. One of the owners of 3132 is the President of the HOA.

Upon determination of just cause, please initiate removal of the bee box and colony at 3132 Tokay Court.

Sincerely,

Rick and Katrina Montesanti
3145 Tokay Court
Pleasanton, CA 94566

(email address and phone number redacted)

CC&Rs excerpt: "4.04. Animals. No animals, or birds of any kind shall be raised, bred, or kept on any Lot or portion of the Property; except that no more than two usual and ordinary household pets such as dogs, cats, or birds may be kept, provided that they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the Property which result in an annoyance or nuisance to other Owners."

Attachments

1. Google Earth image showing proximity of 3132 and 3145 Tokay Court, Pleasanton CA.
2. Vintage Hills II Homeowners Association CC&R's excerpt: Section 4.04 Use Restrictions; Animals.
3. Pleasanton Municipal Code Chapter 18.103 Beekeeping.

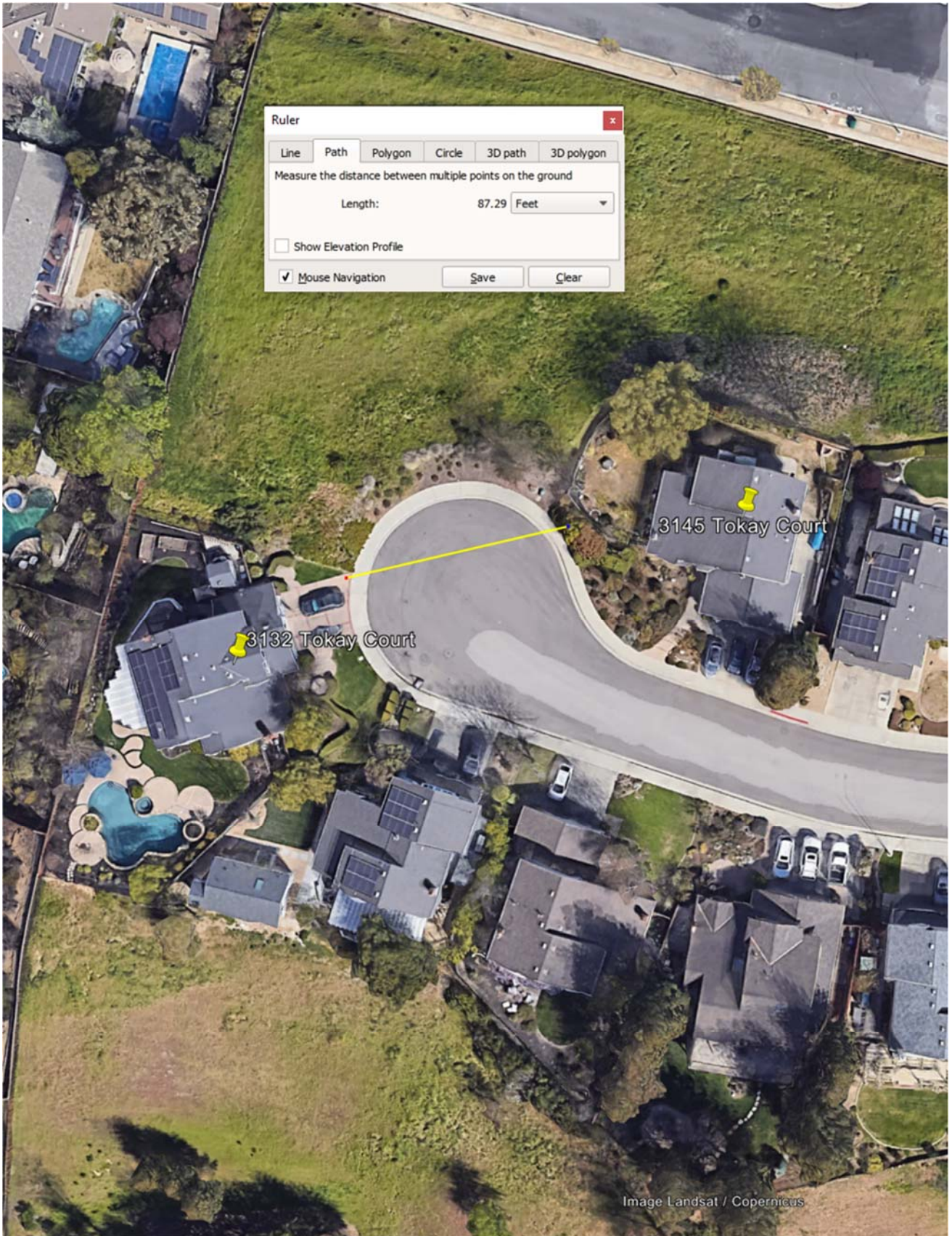


Image Landsat / Copernicus

SECTION 4: USE RESTRICTIONS

- 4.01. Use of Lots.** No Lot, or any portion thereof, shall be occupied and used except for single family residential purposes by the Owners, their contract purchasers, lessees, tenants, or social guests. No trade or business or commercial activity shall be carried on or conducted upon any lot.
- 4.02. Garages and Parking.** Each Owner shall keep his garage area in a neat and orderly condition with any storage areas completely enclosed. Garage doors shall be kept closed when not in use. No commercial vehicles primarily and currently used for transportation of persons for hire shall be parked in excess of one night on any street within the Project. No motor homes, trailers or boats of any type or size shall be kept or stored nearer than 25 feet from any street property line for a period of time exceeding 48 hours, unless within a garage or behind a fence. No trailers, boats or motor homes may be parked or kept on any street in excess of one night in said Project. Each Owner shall be entitled to the exclusive use of the driveway serving his garage and shall keep said driveway clean and free of debris.
- 4.03. Signs.** No sign of any kind shall be displayed to the public view on or from any Unit or any portion of the Property without the approval of the Association, except as follows:
- a. One sign of customary and reasonable dimensions advertising a Lot for sale, lease, rent or exchange displayed from a Lot; and
 - b. Such other signs or notices as are required by law or as are otherwise necessary to perfect a right provided for in law.
- 4.04. Animals.** No animals, or birds of any kind shall be raised, bred, or kept on any Lot or portion of the Property; except that no more than two usual and ordinary household pets such as dogs, cats, or birds may be kept, provided that they are kept under reasonable control at all times. Notwithstanding the foregoing, no pets may be kept on the Property which result in an annoyance or nuisance to other Owners. No pets shall be allowed on the Common Area except as may be permitted by rules of the Board. No dog shall enter the Common Area except while on a leash which is held by a person capable of controlling it. Any Owner may cause any unleashed dog found within the Common Area to be removed to a pound or animal shelter under the jurisdiction of the appropriate governmental agency, by calling the appropriate authorities, whereupon the Owner may, upon payment of all expenses connected therewith, repossess the dog. No dog whose barking disturbs other Owners shall be permitted to remain on the Property. Owners shall prevent their pets from soiling any portions of the Common Area. Owners shall be liable to the

Fong & Fong

ATTORNEYS AT LAW

1 KAUFER PLAZA, Suite 785

Oakland, CA 94612

Recorded in Official Records, Alameda County
Patrick O'Connell, Clerk-Recorder



145.00

98395860 11:47am 11/10/98

005 26053457 26 10
A23 47 7.00 138.00 0.00 0.00 0.00 0.00 0.00
0.00

INDEX TO THE
CC&R'S
OF

VINTAGE HILLS II HOMEOWNERS ASSOCIATION

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Chapter 18.103 BEEKEEPING

18.103.010 Policy and purpose.

18.103.020 Definitions.

18.103.030 Application—Required information and plans.

18.103.040 Application—Fee.

18.103.050 Notice.

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18.103.070 Action of zoning administrator.

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18.103.090 Nuisance and enforcement.

18.103.100 Additional procedures.

18.103.010 Policy and purpose.

Beekeeping is beneficial for society as bees are essential for pollination, gardening, and food production. The purpose of this chapter is to promote public health, safety and welfare and to establish reasonable and uniform regulations for beekeeping: on land in the A (Agricultural) zoning district; for properties with detached, single-family homes located in the R-1 (OneFamily Residential) zoning district and RM (Multi-Family Residential) zoning district; and for properties with detached, single-family homes located in the Downtown Specific Plan Area. (Ord. 2113 § 1, 2015)

18.103.020 Definitions.

For the purposes of this chapter, certain words and terms used are defined as follows:

- A. "Absconding" or "abscond" means the permanent departure of the majority of the bees within a colony.
- B. "Bee" means any stage of the common domestic honey bee, *Apis Mellifera* species.
- C. "Beekeeper" means a person who keeps bees.
- D. "Beekeeping" means the maintenance of bee colonies in hives.
- E. "Brood" means immature bees, in various stages of development, before they emerge from their honeycomb cell.
- F. "Flyway barrier" means the barrier used adjacent to the hive opening that forces bees to fly upwards.
- G. "Hive" means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.

- H. "Requeen" means to replace the queen bee in a colony with a younger and more productive queen.
- I. "Robbing" means the taking of honey from a colony by other bees or insects.
- J. "Swarming" or "swarm" means the movement of at least several hundred bees in a group from a colony. (Ord. 2113 § 1, 2015)

18.103.030 Application—Required information and plans.

An application for a permit to keep bees shall be filed with the zoning administrator on a form prescribed by the city and shall include the following information and maps:

- A. Name and address of the applicant, who must be the proposed beekeeper;
- B. Statement of whether the applicant is the owner or a tenant of the property on which the beekeeping is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the application;
- C. Address or description of the property on which the beekeeping is proposed to be located;
- D. Statement of whether any applicable covenants, conditions or restrictions applicable to the property allow beekeeping;
- E. Statement indicating the precise manner of compliance with each of the applicable provisions in Section 18.103.080, together with any other data pertinent to the granting of a permit;
- F. Description and drawings of the proposed: (1) hive; (2) water source for bees; (3) flyway barrier;
- G. An accurately scaled drawing of the parcel showing existing and proposed locations of streets, property lines, existing structures, landscaped areas, fences, walls, trees on-site and off-site that are located within close proximity of the proposed location of the hive, driveways, pedestrian walks, and the footprint drawing of the proposed location of the hive, water source, and flyway barrier;
- H. The zoning administrator may require additional information, plans and drawings if necessary to determine whether the proposed beekeeping will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any of the plans and drawings required by this section if he or she determines the information is not necessary. (Ord. 2113 § 1, 2015)

18.103.040 Application—Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application. (Ord. 2113 § 1, 2015)

18.103.050 Notice.

No less than seven days prior to the date on which the decision will be made on the application, the city shall give notice of the proposed beekeeping by mail to all tenants and owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the parcel where beekeeping is proposed. (Ord. 2113 § 1, 2015)

18.103.060 Public hearing.

After the notice period runs, and if no administrative public hearing is requested (as described below), the zoning administrator (or designee) shall review the application and issue a decision to approve, approve with conditions, or deny the application. If, however, an administrative hearing is requested by the applicant or any interested person, the zoning administrator shall hold an administrative hearing. Subsequent to the hearing, the zoning administrator shall render a decision to approve, approve with conditions, or deny the application. (Ord. 2113 § 1, 2015)

18.103.070 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. An application, if approved, is applicable only to the named beekeeper and parcel and does not run with the land. (Ord. 2113 § 1, 2015)

18.103.080 Standards.

Beekeeping shall only be allowed when the following regulations are met:

- A. Hives shall only be allowed and maintained on land in the A zoning district, on properties with detached, single-family homes located in an R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.
- B. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area zoning district, the beekeeper shall reside at the property where the hive is located.
- C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.
- D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area; and no more than 10 hives shall be maintained within the A zoning district.
- E. All bee colonies shall:
 - 1. Be kept in inspectable hives, as determined by the city's code enforcement officer, animal services officer, and/or designee;
 - 2. Have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and
 - 3. Have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.
- F. All hives shall:
 - 1. Be kept in a usable condition at all times, as determined by the city's code enforcement officer, animal services officer, or designee;
 - 2. Have removable frames/combs;
 - 3. Be kept off the ground to prevent wood rot; and

4. Be inspected by the beekeeper no less than three times between March 1st and October 1st of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.
- G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.
- H. Hive entrances shall face away from or be parallel to the nearest property line(s).
- I. The maximum height of a hive, including the stand, shall not exceed four feet.
- J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.
- K. No beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety, and welfare.
- L. Notwithstanding the standards set forth above, the zoning administrator (or designee) has discretion to approve additional hives and/or hives in excess of four feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives.
- M. Upon securing a beekeeping permit, an inspection of the site and hives by the city's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees onsite. For such inspections, beekeeper shall be at the site to meet inspector. (Ord. 2113 § 1, 2015)

18.103.090 Nuisance and enforcement.

Bees or hives shall be considered a public nuisance when the beekeeper's bees swarm, the bees abscond, or the beekeeping does not conform to this code, or hives are abandoned by the beekeeper.

Where there is reasonable cause to believe that there exists a violation of this chapter which may cause health or safety hazards to residents and/or visitors, the city's code enforcement officer, or animal services officer, or their designee, is authorized to enter upon the property to inspect or to perform duties authorized by this chapter.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 18.140.

In addition, when there is reasonable cause to believe that there exists a violation of this chapter, or, if application is approved subject to conditions, upon failure to comply with conditions, an approved application shall be subject to suspension, modification or revocation. The zoning administrator shall hold a public hearing to consider any suspension, modification or revocation of an approved application. (Ord. 2113 § 1, 2015)

18.103.100 Additional procedures.

The regulations concerning effective date of the beekeeping permit, review or appeal, suspension and revocation, and new applications shall be those contained in this chapter.

Modifications requested by the beekeeper for a previously approved application shall be handled by the zoning administrator pursuant to the procedures set forth in this chapter for new applications. (Ord. 2113 § 1, 2015)

Re: P23-0906, Bee Keeping Permit

KATRINA MONTESANTI [REDACTED]

Wed 1/10/2024 8:10 PM

To: Emily Carroll <ecarroll@cityofpleasantonca.gov>

Cc: Ellen Clark <elclark@cityofpleasantonca.gov>; Rick Montesanti [REDACTED]

*** [EXTERNAL] This message comes from an external organization. Exercise caution when opening attachments or clicking links, especially from unknown senders. ***

Date: January 10, 2024

Subject: P23-0906, Bee Keeping Permit

To: Emily Carroll <ecarroll@cityofpleasantonca.gov>

Cc: Ellen Clark <elclark@cityofpleasantonca.gov> [REDACTED]

Dear Emily,

Let me begin by establishing my credibility on understanding the value, importance, and impact of bees on our environment. I hold a Master's degree in Environmental Education and a CA Teachers Credential in Life Science (expired). I taught Life Science at Lincoln Middle School in Alameda and was a senior naturalist for the County of San Mateo Outdoor Education Program.

Our next-door neighbor, Laura Melchionne, began a new hobby in April 2023: beekeeping. I appreciate that she enjoys the process of keeping the bees and harvesting the honey they produce. Beekeeping has become more popular lately and is generally regarded as "good for the environment". Bees are vital for the reproduction of field and orchard crops, but can be a nuisance and safety hazard in a residential neighborhood where people live and kids play. Our yards at 3145 Tokay Court have been over-run by several hundreds of Laura's honey bees, and this is a problem.

Fourteen years ago, I set out to develop a drought tolerant habitat on our property that would attract, feed, and provide shelter for a diversity of birds and other small animals, and that we could peacefully enjoy. With the endorsements of the City of Pleasanton and Zone 7 Water District, I replaced water-thirsty lawns with drought and heat tolerant plants, many of which flower abundantly year long. Today the garden is a beautiful habitat with mature plants that provide food and shelter for several species of birds, lizards, and insects.

We have enjoyed our mature gardens at 3145 Tokay Court for years, and prior to Laura's beekeeping hobby we could sit, work, and play in our yard. Now, on a warm sunny day the honey bees can carpet the gardens in our front, back, and side yards, from ankle-high to above our heads, preventing us from relaxing, working in, and enjoying our environmentally-friendly garden.

With so many honey bees there is also an increased threat of being harmed by them. Anyone walking out our front door or along our front sidewalk, or around or through our gardens, risks an encounter with the honey bees. This seriously impacts my mother as she is severely allergic to bee stings (could be fatal), so she can no longer enjoy our gardens.

We appreciate that Laura and her husband David Ott made financial and emotional investments in her new beekeeping hobby, but that ought not release them from their obligation to consider the full impact to their neighbors. Especially since she neglected to obtain the necessary permits from the City of Pleasanton and permissions from the Vintage Hills HOA (for which she is president) to keep honey bees at 3132 Tokay Court prior to installing the bee colony and hive.

We are now confronted with a conundrum. Which case has priority: an established garden designed to be environmentally beneficial and enjoyed safely by the residents and guests of 3145 Tokay Court, or Laura's recently new beekeeping hobby?

Please let me know that you received this letter and if there are any clarifications needed and add it to file P23-0906.

Thank you for your time and patience as we navigate through this situation.

Sincerely,

Katrina Montesanti

On 01/09/2024 3:11 PM PST Emily Carroll <ecarroll@cityofpleasantonca.gov> wrote:

Hello Mr. and Mrs. Montesanti,

I am the planner processing your neighbors' Bee Permit application.

I am reviewing the application materials submitted and have been forwarded your letters as well.

Per the municipal code, you will be notified of the Zoning Administrator action on the item by mail.

Please let me know if you have any questions about the process.

Thank you,

Emily Carroll

Associate Planner, Community Development Department

925-931-5608

ecarroll@cityofpleasantonca.gov

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



January 29, 2024

Emily Carroll
Associate Planner, Community Development Department
The City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

RECEIVED

JAN 29 2024

CITY OF PLEASANTON
PLANNING DIVISION

Subject: Project Application P23-0906, Beekeeping at 3132 Tokay Court

Dear Emily,

We received the notice dated January 25, 2024 indicating that the owners/occupants of 3132 Tokay Court seek approval to maintain two beehives on that property. We were surprised to learn that the ongoing beekeeping operation had been expanded to two hives, one was bad enough. We request a Zoning Administrator hearing.

As requested, please find enclosed photos showing the conditions that we have described at our property and home at 3145 Tokay Court and the impact of beekeeping at 3132 Tokay Court that began in April 2023.

Please note that most of the photos were taken during the current seasonally cold weather and attendant lower bee activity. During the previous warm season, recording bee activity was not a priority when we were shooing them away from our faces, necks, and arms and keeping them from crawling up our pant legs, while we were going in and out of our house, relaxing in our gardens, or working in our yards and on our house (while on ladders). At those times, it was not prudent to stay in the area and attempt to capture the situation with a mobile phone camera that requires getting closer than is comfortable without wearing bee-protective clothing.

Fourteen years ago, we set out to develop a drought tolerant habitat on our property that would attract, feed, and provide shelter for a diversity of birds and other small animals, and that we could peacefully enjoy. With the endorsements of the City of Pleasanton and Zone 7 Water District, we replaced water-thirsty lawns with drought and heat tolerant plants, many of which flower abundantly all year long. Today the garden is a beautiful habitat with mature plants that provide food and shelter for many species of birds, lizards, and insects.

Beekeeping has become popular lately and is generally regarded as "good for the environment". Bees are vital for the reproduction of field and orchard crops, but can be a nuisance and safety hazard in a residential area where people live and enjoy outdoor activities around their home. One of the owners/occupants of 3132 Tokay Court had mentioned to us that they have few (if any) bee-attracting flowering plants; and it appears that many of our neighbors have the same situation. The acres of naturally occurring grass-covered rolling fields adjacent to the properties in our neighborhood are in keeping with the hills surrounding Tokay Court, and have thrived for decades with the support of naturally occurring insects and birds, and without artificial irrigation.

We have enjoyed our mature gardens at 3145 Tokay Court for years, and prior to the new beekeeping activity at 3132 Tokay Court, we could peacefully sit, work, and play in our yard. Now, on a warm sunny day, groups of hundreds of honey bees carpet the gardens in our front, back, and side yards, from ankle-high to above our heads, preventing us from relaxing, enjoying, and safely working in our environmentally-friendly garden.

The properties at 3132 and 3145 Tokay Court are in a Homeowners Association with CC&Rs that prohibit raising, breeding, or keeping animals of any kind except for usual and ordinary household pets such as dogs, cats, or birds [section 4.04]. One of the owners/occupants of 3132 Tokay Court is the President of the HOA, which circumvented the HOA rules on the keeping of animals, and excluded us from discussions with the HOA Board of Directors on the keeping of bees and its impact on us despite our request in writing to be included.

In April 2023, the HOA President announced to us that she was starting a new beekeeping hobby and that a bee box and bee colony were arriving in a few days, expressed her desire that we accommodate the bees, and did not ask if we had any concerns or leave room for discussion. We checked with the Pleasanton Planning Office on April 14, 2023 and learned that a beekeeping permit had not been applied for. Instead of immediately initiating action against beekeeping at 3132 Tokay Court, in the spirit of trying to have a positive relationship with those neighbors we chose to see if the bees would be a problem, and they are.

The keeping of bees at 3132 Tokay Court should have never been allowed in the first place by the HOA based on its CC&Rs, and should have been stopped by the HOA due to the negative impact of the honey bees on an HOA member. The expectation placed on us by the owners/occupants of 3132 Tokay Court is to accommodate their new beekeeping hobby, which would require making significant changes to our property at 3145 Tokay Court and the manner in which we peacefully enjoy it. That expectation is unreasonable and unfair.

The honey bee colonies (2 boxes) that were established at 3132 Tokay Court have found an ample supply of nearby food – the year-round flowering gardens at 3145 Tokay Court – amid the acres of natural grass fields surrounding our neighborhood. Those honey bees will likely continue to forage on our property, even if the bee boxes are moved to another location on the lot at 3132 Tokay Court or additional bee-attracting flowers are added to the neighborhood.

So now the matter is in the hands of the City of Pleasanton, which has an opportunity to protect our rights, as its citizens, to preserve the reasonable expectation for peaceful enjoyment of our property and home.

We ask for the removal of the bee boxes and bee colonies at 3132 Tokay Court.

Please add this letter and photos to the file for P23-0906, and include them in the Zoning Administrator hearing.

Sincerely,

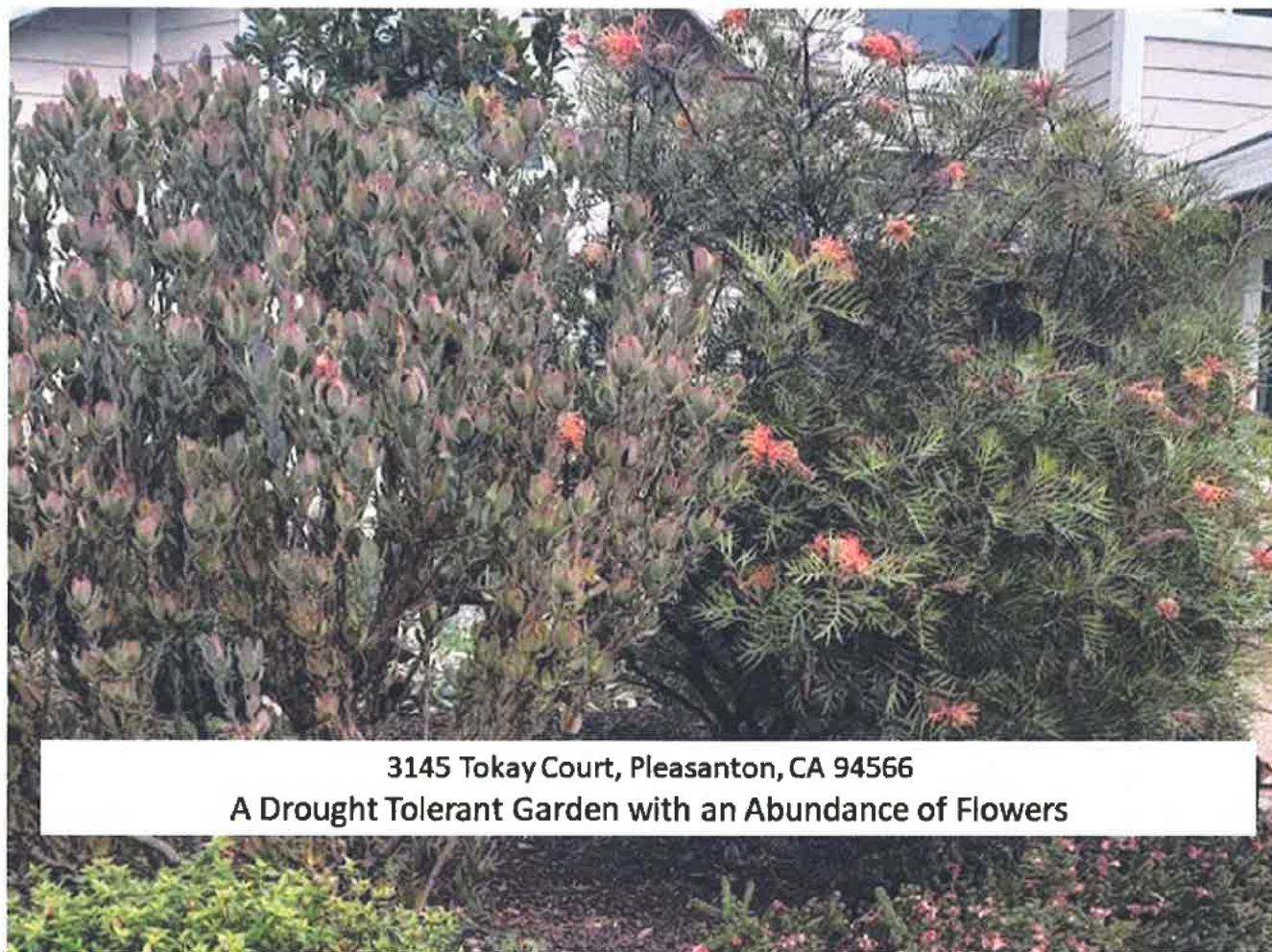
Katrina and Rick Montesanti
3145 Tokay Court
Pleasanton, CA 94566





3145 Tokay Court

January 27, 2024



3145 Tokay Court, Pleasanton, CA 94566
A Drought Tolerant Garden with an Abundance of Flowers



January 27, 2024



Grevillea Supreme

January 27, 2024

Three bushes on 3145 property: two in front yard, one in the back.

This one has over 75 flower cones, each with approximately 95 flowers = 7,125 flowers.



January 27, 2024

Grevillea Supreme, Flower Cone Dissection

95 flowers per flower cone
times 75 plus flower cones per bush
equals **7,125-plus flowers per bush**



On November 9, 2023 there were 6 honey bees on this Grevillea Supreme flower cone. Many other flower cones on this bush hosted groups of honey bees.



This Grevillea Supreme often presents at least 75 flower cones, so readily accommodates 450-plus bees (75 x 6).



January 27, 2024



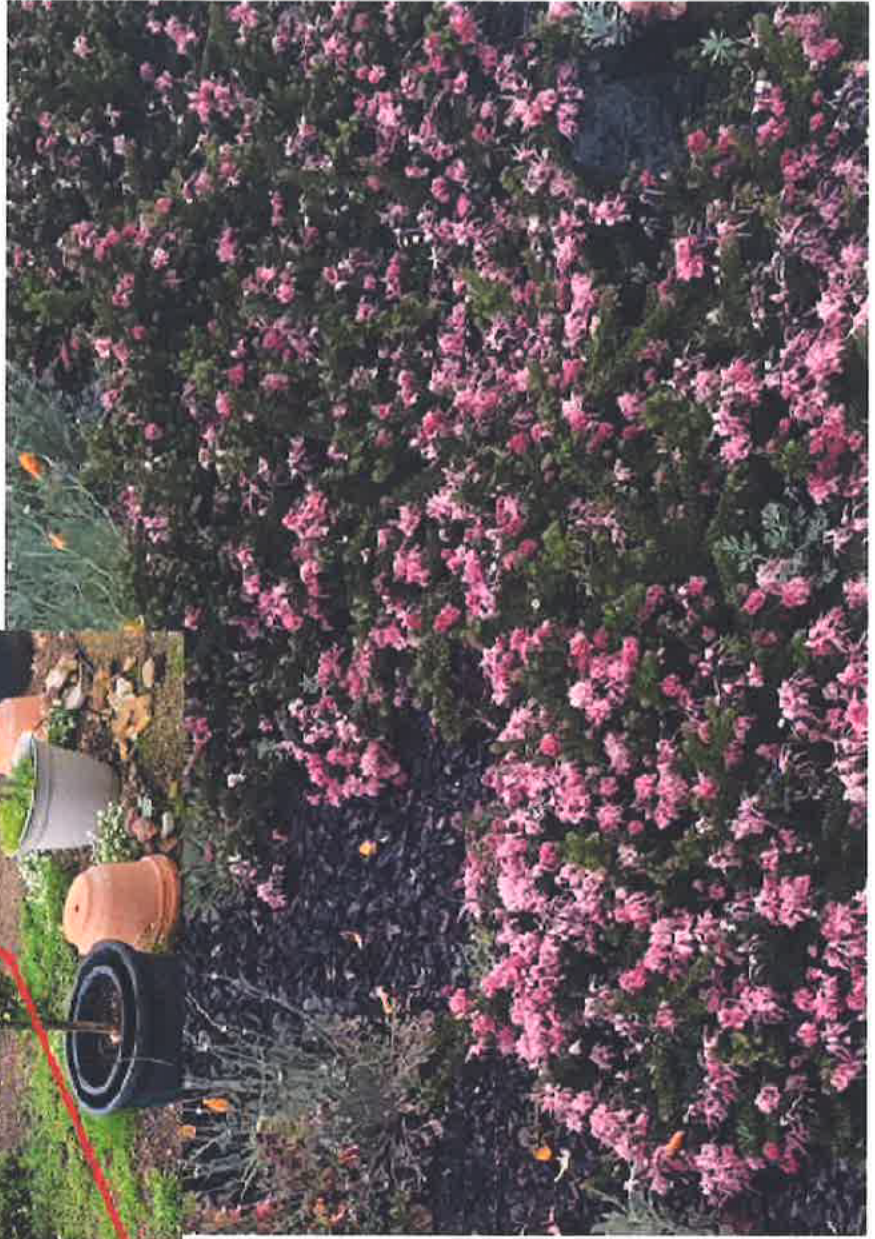
Grevillea Coastal Gem & Mt Tamboritha plants wrap around the front of the garden, line both sides of the front steps, And are in the middle of the front garden.

November 2023: I removed a thriving 3ft by 4ft Grevillea Coastal Gem, and trimmed back another, because honey bees were crawling up our pant legs.

Box-outline shows area where Grevillea Gem was removed or trimmed back.

Grevillea Coastal Gem & Mt Tamboritha have masses of flowers all year long giving the bees several hundreds of flowers to visit.

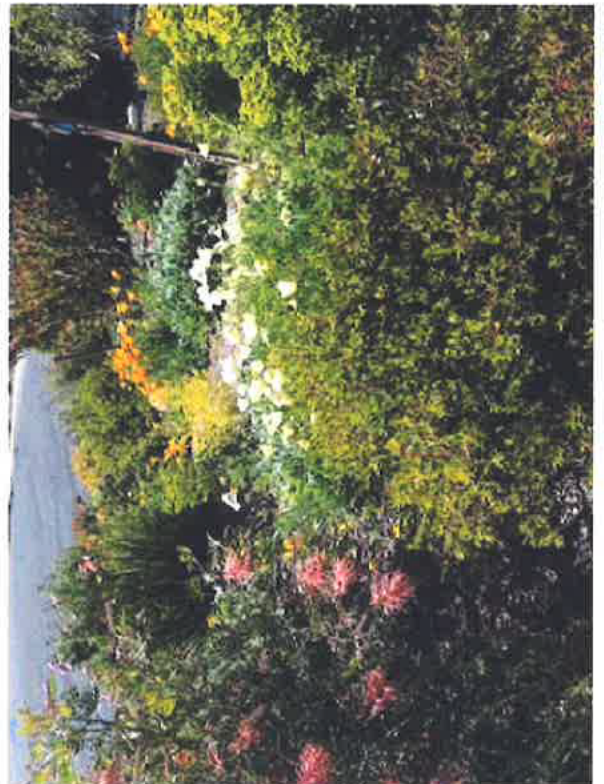
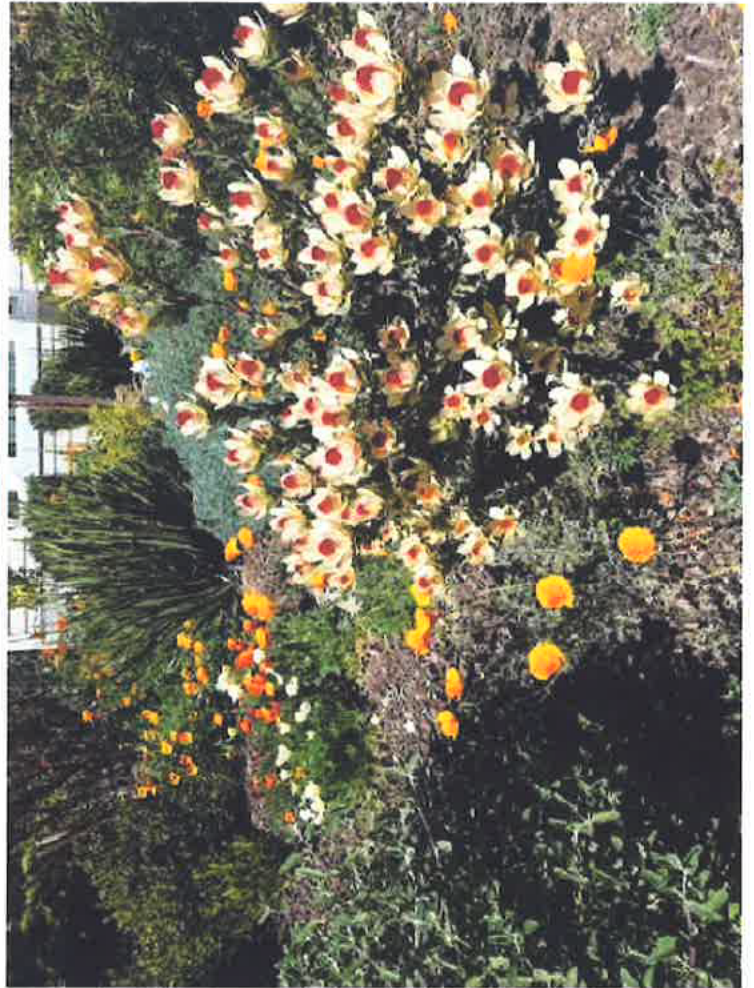
January 27, 2024





Photos
from
previous
years.

Front yard
garden.

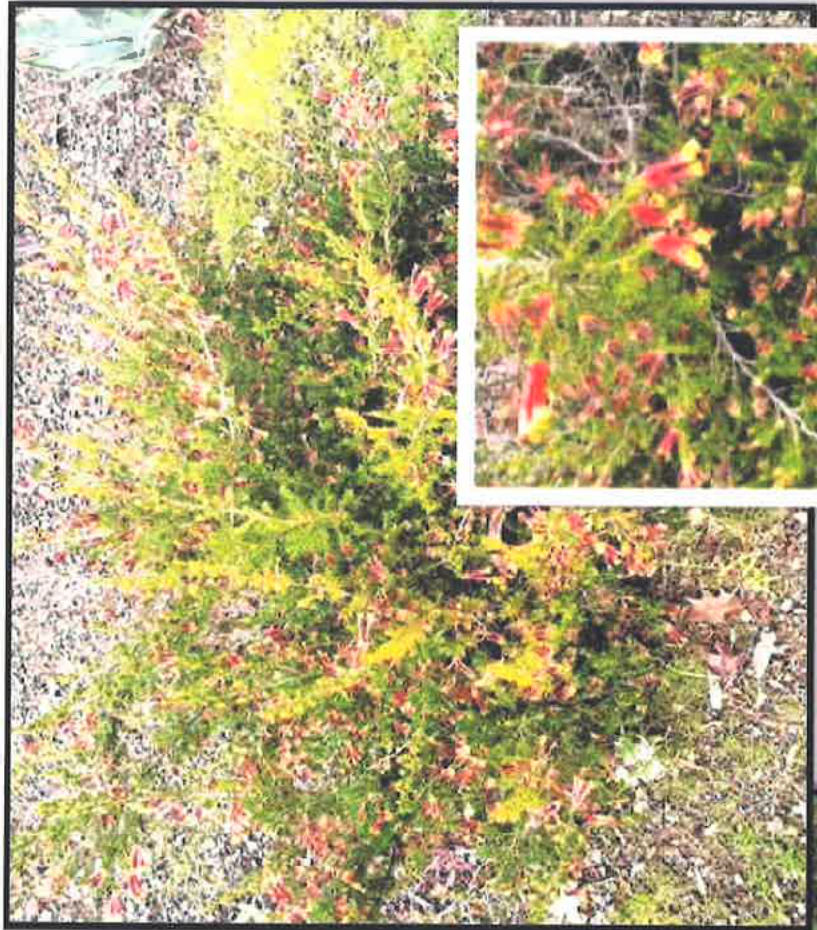




Back and side yard
flowering plants

January 27, 2024

There are 11 Cape Honeysuckle plants in the side and back yards. Cape Honeysuckle reach 12 ft x 3ft, others are 4ft x 3ft each with hundreds of individual flowers.



Application P23-0906

Lisa Cheney [REDACTED] >

Tue 1/30/2024 12:01 PM

To: Emily Carroll <ecarroll@cityofpleasantonca.gov>

*** [EXTERNAL] This message comes from an external organization. Exercise caution when opening attachments or clicking links, especially from unknown senders. ***

Hello,

We live at [REDACTED] Zinfandel Court and received a Notice regarding an application for bee keeping at an address adjacent to our property, 3132 Tokay Ct. We are very concerned with a proposal for two beehives. Previously a neighbor next door to us had one beehive and it presented problems for us. They have since moved away and the hive is gone. However, while the hive was next door on multiple occasions the bees swarmed and we were not able to be outside. Additionally, during one swarm they took up residence in a bush in our front yard. The neighbor hired a professional to assist with moving the hive from our front yard, but in the process our bush was disturbed and ended up dying. We also have an acquaintance who tried to keep a hive and the bees just disappeared one day while he was away. We would be concerned that we could end up with bees taking up residence in our yard, or the walls of our house. We know that bees can sometimes do this as this happened to a neighbor and they had to hire a professional to remove the bees from their garage wall. Finally, while the hive was next door we had a greater number of bees in our yard than would be considered normal. It is only now that the hive has been gone for over a year that we realize how great an impact it had on us.

For these reasons we are concerned with this proposal especially not knowing the level of expertise with bees this homeowner has. Additionally, what recourse would we have if there were issues and we incurred expenses to remedy them.

We would appreciate any additional information or support you can offer us regarding this matter.

Sincerely,
Patrick and Lisa Cheney

EXHIBIT E

March 6, 2024

Laura Melchionne
3132 Tokay Court
Pleasanton, Ca 94566

RE: 3132 Tokay Court, Pleasanton, Ca 94566
Bee Hives

To Laura,

AS you are aware Wilson Property Management and the board of Vintage Hills II HOA have been evaluating the Bee hive situation. Laura, you came to the board to requests having bee hives in your yard. And as you are aware, Rick Montesante (the neighbor at 3145) complained about the bee hives.

AS you know our protocol for the HOA is to have the Homeowner contact the City of Pleasanton to get the guidelines and the permits if needed. We heard both side of the parties, and read the information from the City, and after all requirements of the City were met; the Board of Directors of Vintage Hills II voted to approve the bee hives. All the neighbors surrounding the home were also contacted and no other complaints were found.

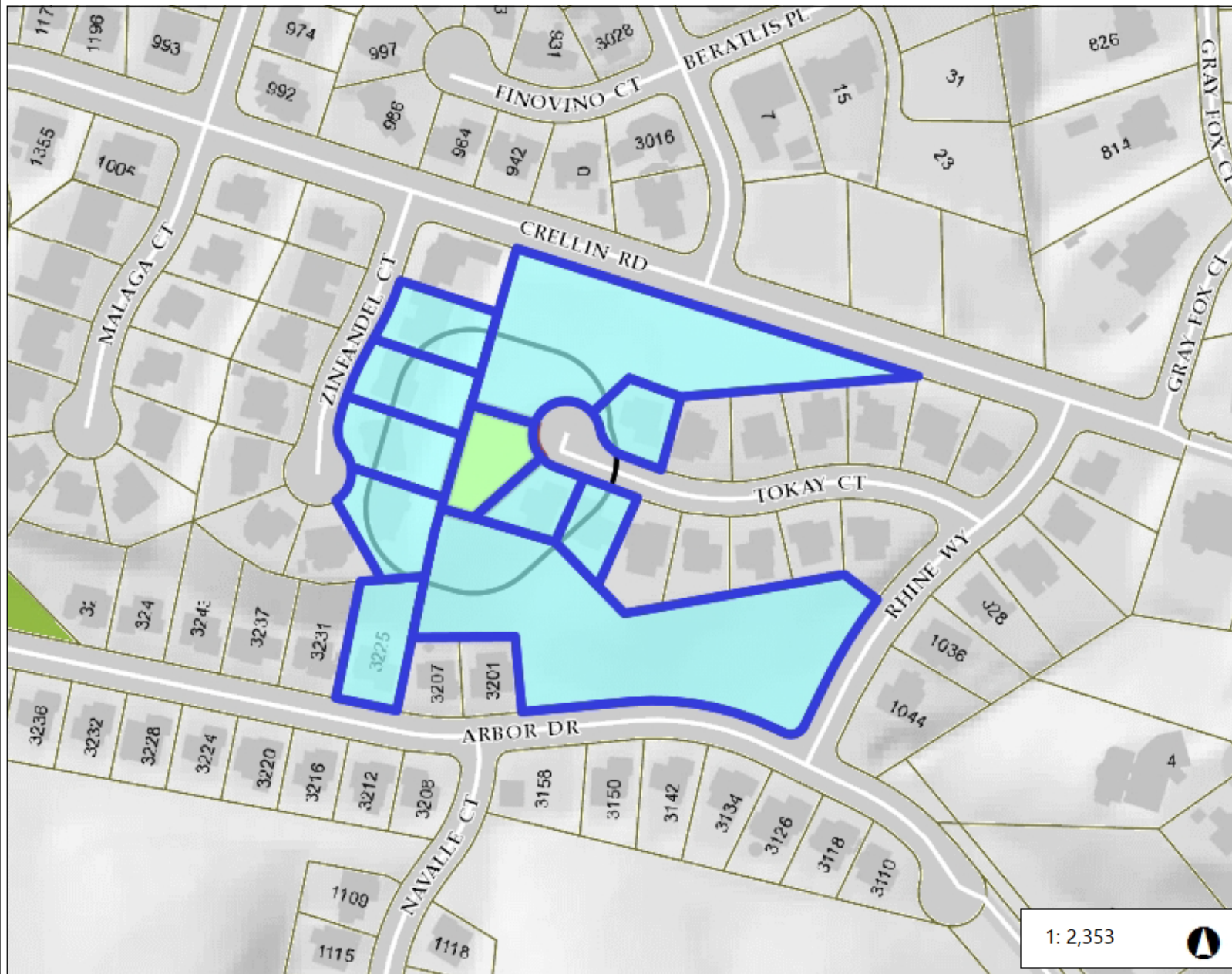
So Vintage Hills II "Approves" the request to allow the bee Hives; as long as all City Guideline are following and the City of Pleasanton Approves the request.

If you have any questions or concerns, please feel free to contact us for additional Information at Wilson Property Management 925-462-1101 x 712 Kandy or 925-462-1101 x 717 Linda. Thank you for you time in this matter and let us know if you need anything.

Sincerely,

Kandy Wilson
Property Manager
For Vintage Hills II HOA

CC. Rick Montesante/Bod/City



1: 2,353



Legend

-  Fire Station
-  School
-  Park
-  Parcels

Notes

Notes

392.2	0	196.09	392.2	Feet
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NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
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CITY COUNCIL AGENDA REPORT

February 17, 2015
Community Development

TITLE: P14-1276, CITY OF PLEASANTON – CONSIDER INTRODUCTION OF AN ORDINANCE AMENDING TITLE 18 (ZONING) OF THE PLEASANTON MUNICIPAL CODE TO ESTABLISH A PERMIT PROCESS AND PERFORMANCE STANDARDS FOR BEEKEEPING

SUMMARY

The application would amend Title 18 (Zoning) of the Pleasanton Municipal Code (PMC) to allow beekeeping on detached single-family properties and on land zoned for Agricultural (A) uses. The amendments would establish a permit process and performance standards, similar to those adopted in other cities throughout California and the U.S., that are designed to address potential concerns related to beekeeping while recognizing and fostering beekeeping's ecological and other benefits.

PLANNING COMMISSION RECOMMENDATION

At its January 28, 2015 meeting, the Planning Commission unanimously recommended approval of the amendments to the PMC (Attachment 1).

RECOMMENDATION

Introduce the ordinance amending the PMC, as shown in Attachment 1.

FINANCIAL STATEMENT

The City would recoup a small percentage of the costs of administering beekeeping permits through fees collected from beekeeping applicants. Staff has researched the training and equipment costs associated with monitoring beekeeping operations and believes that such costs, along with the costs of reviewing beekeeping applications, can be accommodated within the Current Planning budget. Beekeeping would also result in indirect economic benefits to the City, including enhancing the productivity of gardens and small agricultural enterprises, and small-scale beeswax/honey production.

BACKGROUND

In 1926 the Board of Trustees of the Town of Pleasanton adopted Ordinance 145, which prohibited beekeeping in Pleasanton. This prohibition is not codified in the Municipal Code, but it is still in place and has not been repealed. While the PMC currently lists apiaries as a conditionally permitted use in the A zoning district, beekeeping is not permitted or conditionally permitted in other zoning districts. During the portion of the September 2, 2014 City Council meeting for public comment on non-agendized items, David Browne (a member of the public) requested that the City Council allow beekeeping in residential zoning districts. Council then asked staff to research the merits of an amendment to the Municipal Code to permit small-scale beekeeping in residential zoning districts. Staff's subsequent research indicated that many cities throughout California, including some in the Tri-Valley, allow beekeeping and have reported generally positive experiences. Staff believes that, with the implementation and monitoring of performance standards that reflect best-practice beekeeping protocols, beekeeping can be safely accommodated within Pleasanton, as it has been in local communities ranging from San Francisco to San Ramon.

PROJECT DESCRIPTION

The proposed PMC amendments would rescind Ordinance 145 and would allow the keeping of honey bees as a permitted use on A zoned land, on properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district, and on properties with detached, single-family homes located in the Downtown Specific Plan Area. In general, staff believes beekeeping should be permitted on all properties with detached single-family homes in the City and on A zoned land. The following discussion summarizes information related to bee behavior, beekeeping, and potential risks and benefits of beekeeping. Please refer to the January 28, 2015 Planning Commission Staff Report (Attachment 2) for additional detail, including illustrations of bees and beekeeping equipment.

Honey Bees

Apis mellifera is the most common domesticated species of bees. The *Apis mellifera* is a European or Italian bee, which is more commonly known as the honey bee, and has been bred to be docile and well-adapted to honey production. During the summer, approximately 60,000 or more honey bees can reside in a hive. Within the hive, the colony is made up of three different types of bees, each with different functions: worker, drone, and queen. The worker bees make up the majority of the hive's population and are all female. These bees are the smallest of the three bee types and are the bees that are most commonly seen as they are the bees foraging for food for the hive. The worker bees do not typically travel beyond a two- to three-mile radius from the hive and only live 45 days. The drone bees are all male, and rarely leave the hive, as their only purpose is to mate with the queen bee. Bees will only allow one queen bee per colony and the queen is the largest of the three types of bees. The queen is the only female with fully developed ovaries and her purpose is to produce chemical scents that help regulate the unity of the colony and to lay eggs. Queen bees can live up to five years, but they are typically replaced by beekeepers after a few seasons to ensure maximum productivity.

Bee Hives

A beehive is an enclosed structure where honey bee colonies live. There are various types of man-made beehives, with the most common hive used being the Langstroth hive (see Image 1).

Image 1: Langstroth Hives



Langstroth hives are rectangular boxes made from a variety of materials that are placed one on top of another with internal frames. Inside the boxes, frames are hung parallel, typically 10 frames side to side. The frames are interchangeable, making it relatively easy to remove, inspect, and replace them without killing the bees. The honeycomb, hexagonal cells made of beeswax, is where the bees store their food (honey and pollen) and where brood (eggs, larvae, and pupae) are housed. Hives only have one entrance/exit for bees. An opening on a Langstroth hive is on the bottom box, is less than an inch in height, and extends for the length of the box.

Potential Benefits of Beekeeping

Based on the research of beekeeping, agriculture, and community gardens, staff believes that there are substantial benefits to urban beekeeping. Honeybees pollinate fruit and vegetable crops that we rely on for food, including many of the plants found in gardens in Pleasanton. Bees are not only important pollinators, but they produce honey, beeswax, propolis (a resin that is used in varnishes, chewing gum, and car wax), and other useful substances. Furthermore, honey produced in urban areas is likely to have less chemical residues than commercial honey, largely because of the use of pesticides and drugs in managing bee health in commercial agriculture (and lack thereof in small, local hives). As the movement to support and promote local agriculture has gained popularity, many cities have adopted ordinances allowing beekeeping (refer to the matrix in Attachment 2). Staff's research indicates that beekeeping is a use that is compatible with other suburban uses, as domestic bees are typically docile and nonaggressive, and become defensive only when their hives are directly threatened.

In addition, allowing for beekeeping in urban locations is thought to be a potential means to mitigate Colony Collapse Disorder, a phenomenon in which bee populations around the world (including in the western U.S) have declined in substantial numbers. Small-scale beekeeping is thought to be beneficial to bee populations because it incorporates a diverse range of flowering plants, is generally characterized by low pesticide use, is less dependent on monoculture agricultural crops, and requires less transportation of bee colonies over long distances.

Potential Risks of Beekeeping

While honey bees are considered docile, they will sting when they feel threatened, which is the most obvious risk of being near a bee. The United States Department of Agriculture reports that two percent of people are hypersensitive (have life-threatening reactions) to bee stings. All bee stings can hurt and it is a natural experience to have swelling, itching, and redness after being stung and these are considered normal (not allergenic) reactions. Other potential risks are summarized below:

- *Swarming.* Bees have a natural desire to swarm, which is a common occurrence for feral colonies or colonies that are not properly maintained by a beekeeper. Swarming typically occurs in the late spring when hive populations become congested and hives fill with honey. Beekeepers can monitor their colonies to help prevent swarming; however, the beekeeper cannot always prevent swarming and some of the colony may willingly leave the hive to find a new location. While swarming is not as common for diligent beekeeping hobbyists, swarming may occur if bees are not able to pollinate.
- *Colonization by nuisance species.* Colonization by other nuisance species (including Africanized bees and wasps) is also a potential problem, but would be unlikely to occur due to the natural defense mechanisms of domestic bees and best practice apiary maintenance. Africanized bees, originally produced by breeding African honey bees with European domestic bees, are more defensive and aggressive than domestic bees, but have not spread to the Bay Area and are thought to be unable to survive well in climates that are subject to frosts/freezes. In addition, hives colonized by nuisance species (or any species other than *Apis mellifera*) would be explicitly prohibited by the draft ordinance.

The following discussion describes the process and performance standards that are integrated into the proposed PMC amendments, and are based on research, data collection, interviews, and site visits conducted by staff.

Process

For beekeeping to be safely conducted, staff believes the City should establish clear requirements for information to be submitted with each application for beekeeping and apply standards relating to what zoning districts and areas permit beekeeping, the number of hives allowed, setbacks, colony maintenance, and preventative swarming measures. Beekeeping would be subject to a staff level permit process that will allow staff to ensure that community interests and City standards will be protected. In order to allow neighbors an opportunity to comment on beekeeping applications, the staff level process would require public notification to tenants and property owners within 100 feet of the subject site. Prospective beekeepers will be advised to discuss their desire to undertake beekeeping with their neighbors prior to submitting a beekeeping application. With the information submitted with each application for beekeeping, staff would determine if the standards in Section 18.103.080 (Attachment 1) are met.

C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.

Staff analysis: Staff's research has found that there are not generally accepted setback standards for hives. For example, Cleveland, Ohio has a 0-foot setback and Napa, California has a minimum 25-foot setback. Creating a large setback could make it difficult to accommodate bees on smaller lots, but having no setback could pose difficulties for inspecting and maintaining a hive. Staff is proposing that hives be located in the rear yard area only, with a minimum 5-foot setback from the side and rear property lines. This would allow for proper inspections and maintenance without having to move the hive, and would provide sufficient space for a barrier to prevent large numbers of bees from flying into a neighboring property. Staff is proposing to evaluate the setbacks for A zoned land on a case-by-case basis to ensure that the hives are located such that they create as little as impact to adjacent parcels as possible.

D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area and no more than 10 hives shall be maintained within the A zoning district.

Staff analysis: To ensure that beekeeping is ancillary to the residential use, staff established limitations on the number of hives that can be kept. These limitations would preclude the establishment of apiaries for most commercial uses.

Please note that staff has combined the analysis for E and F, below, which can be found after subsection F.4, below.

E. All bee colonies shall:

- 1. be kept in inspectable hives, as determined by the City's code enforcement officer, animal services officer, or their designee;*
- 2. have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and*
- 3. have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.*

F. All hives shall:

- 1. be kept in a usable condition at all times, as determined by the City's, code enforcement officer, animal services officer, or his or her designee;*
- 2. have removable frames/combs;*
- 3. be kept off the ground to prevent wood rot; and*
- 4. be inspected by the beekeeper no less than three times between March 1 and October 1 of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.*

Staff analysis: The performance standards noted in E and F are intended to reflect bee behavior, ensure that there will be minimal impact to adjacent residents, and ensure that the beekeeper makes reasonable efforts to prevent colonies from swarming. This would be achieved through providing a convenient water source on-site for the bees, installing a flyway barrier that directs the flight orientation of the bees and encourages the bees to fly above 6-feet when leaving the hive to forage for food, requeening, routine hive maintenance by the beekeeper, and an inspection from the City's code enforcement officer once the bees are on-site.

G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.

Staff analysis: To discourage pests, such as mammals, other insects, or feral bees, staff is proposing that the beekeeper maintain the area and store hive materials and/or equipment within an enclosure.

H. Hive entrances shall face away from or be parallel to the nearest property line(s).

Staff analysis: Staff's research has found that bees can be directed in their flight by orientation of the hive opening. While bees will decide where they pollinate, facing the hive entrance away from or parallel to the nearest property line could discourage bees from visiting the property closest to the hive when foraging for food.

I. The maximum height of a hive shall not exceed four feet.

Staff analysis: To limit the visibility of the hive and to prevent constructing large hive structures, staff is proposing that the hives do not exceed four feet in height.

J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.

Staff analysis: Requeening can occur naturally within the hive when the bees feel that the queen is no longer productive. When natural requeening occurs, the new queen

and younger bees will remain in the hive and the previous queen and older bees will swarm to find a new hive. Requeening by the beekeeper will help prevent swarming; therefore, staff is proposing that the hive be requeened once every two years.

K. Upon securing a beekeeping permit, an inspection of the site and hives by the City's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees on-site. For such inspections, beekeeper shall be at the site to meet inspector.

Staff analysis: Staff is proposing that the hives be inspected by the City's code enforcement officer after a beekeeping permit is granted in order to ensure that the beekeeper is meeting the performance standards (i.e., amount of hives, setbacks, flyway barrier, water source). Because there is a relatively high barrier to entry associated with a new beekeeping operation (acquiring bee hives, beekeeping equipment, and bees may cost upwards of \$1,000), the City does not expect a large number of beekeeping applications.

PLANNING COMMISSION ACTION

On January 28, 2015, the Planning Commission unanimously recommended approval of the proposed PMC amendment included in Attachment 1. Draft minutes from the meeting are included as Attachment 3. Three members of the public spoke, all in support of the proposed amendments. The Planning Commission discussion covered several aspects of the proposed PMC amendment, including the technical expertise required to undertake the site inspection that would be required by the PMC amendment; the size and configuration of typical hives; and fees. In recommending approval of the proposed PMC amendment, Planning Commission made two additional recommendations (which are incorporated into the draft ordinance in Attachment 1):

- a) In section 18.103.080, modify subsection (I) to state: "The maximum height of a hive, including the stand, shall not exceed four feet."
- b) In section 18.103.080, create a new subsection (L) that states: "Notwithstanding the standards set forth above, the Zoning Administrator (or his or her designee) has discretion to approve additional hives and/or hives in excess of 4 feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives."

DISCUSSION

Staff is in support of the proposed PMC amendments and believes that beekeeping can be undertaken safely in accordance with the performance measures included in the amendments. In general, many cities in California and throughout the U.S. permit beekeeping, and staff has identified few reported problems. The cities of Livermore and Fremont have had regulations in place for beekeeping in residential zoning districts for a few decades. Both cities require a fanciers permit prior to keeping bees, secured through their respective police departments. Fremont reported one incident in the last seven years where a beekeeper stopped maintaining the hive and the bees swarmed, but people were not stung. Livermore reported no incidents, likely a function of a beekeeping ordinance that restricts beekeeping to only a few properties. The cities of Napa, San Ramon, and Santa Monica have adopted regulations in the last one to five years to allow beekeeping in

residential zoning districts. Napa and San Ramon permit residential beekeeping by right and Santa Monica requires registration through their respective animal control/services division. None of these three cities had incidents to report. Furthermore, larger, more densely populated cities such as San Francisco, New York City and London also permit beekeeping, and staff has not found evidence of significant problems. The proposed PMC amendments, which include specific performance measures designed to reduce swarming and other potentially adverse effects on neighboring properties, and require an inspection by the City of new hives, are more robust than many other beekeeping ordinances reviewed by staff, some of which have no specific permitting requirements.

PUBLIC NOTICE

Notice of this item was published in *The Valley Times* and was noted in the *Pleasanton Weekly*. At the time this report was prepared, staff had not received public comments beyond those already provided to the Planning Commission.

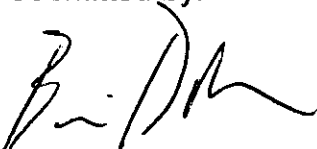
ENVIRONMENTAL ASSESSMENT

The proposed amendments are exempt from the California Environmental Quality Act (CEQA), per regulation 15061(b)(3). Therefore, no environmental documentation accompanies this report.

CONCLUSION

Staff's research indicates that beekeeping is a use that is compatible with other suburban uses, as domestic bees are typically docile and nonaggressive, and become defensive only when their hives are directly threatened. With the exception of the incident in Fremont where the beekeeper stopped maintaining a hive, other cities contacted by staff have not had any issues with beekeeping. In addition, staff has not identified significant safety or other concerns about domestic beekeeping in reviewing literature on the subject. The proposed changes to the PMC are intended to establish performance standards, noted above, for beekeeping that will ensure that such operators will have minimal adverse impact on residents and will enhance the environmental health of the City.

Submitted by:



Brian Dolan, Director
Community Development

Fiscal Review:



Tina Olson
Director of Finance

Approved by:



Nelson Fialho
City Manager

Attachments:

1. Ordinance with proposed redline changes
2. January 28, 2015 Planning Commission Staff Report, including the following Exhibits:
 - B. Data on jurisdictions that permit beekeeping
 - C. October 8, 2014 Planning Commission Meeting Minutes Excerpt
3. January 28, 2015 Planning Commission Draft Meeting Minutes Excerpt
4. Public correspondence received after publication of the January 28, 2015 Planning Commission Staff Report

ORDINANCE NO. 2113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON ADDING A NEW CHAPTER 18.103 (BEEKEEPING) TO THE MUNICIPAL CODE TO ESTABLISH A PERMIT PROCESS AND PERFORMANCE STANDARDS FOR BEEKEEPING ON LAND IN THE A (AGRICULTURAL) ZONING DISTRICT; FOR PROPERTIES WITH DETACHED SINGLE FAMILY HOMES LOCATED IN THE R-1 (ONE-FAMILY RESIDENTIAL) ZONING DISTRICT, RM (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT; AND IN THE DOWNTOWN SPECIFIC PLAN AREA AS FILED UNDER CASE NO. P14-1276; AND REPEALING ORDINANCE NO. 145

WHEREAS, community members have expressed an interest in urban beekeeping, indicated that honeybees can safely be kept in urban environments, and listed benefits of honeybees, including pollinating fruit trees and vegetable crops; and

WHEREAS, existing Ordinance 145, adopted in 1929, prohibits beekeeping in the City, with the only exception being in agricultural (A) zoning districts; and

WHEREAS, this ordinance adds a new Pleasanton Municipal Code Chapter 18.103 (Beekeeping) establishing a permit process and performance standards for beekeeping on land in the A (Agricultural) zoning district; for properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district; and for properties with detached, single-family homes located in the Downtown Specific Plan Area.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. It adds a new Chapter 18.103 (Beekeeping) for the Pleasanton Municipal Code as set forth in the attached Exhibit A.

SECTION 2. It repeals Ordinance 145.

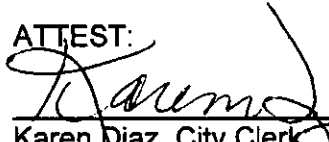
SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times", a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

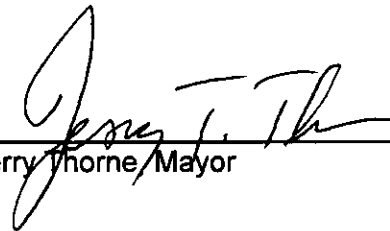
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on February 17, 2015 and adopted at a regular meeting of the City Council of the City of Pleasanton on March 3, 2015 by the following vote:

Ayes: Councilmembers Brown, Narum, Olson, Pentin, Mayor Thorne
Noes: None
Absent: None
Abstain: None

ATTEST:



Karen Diaz, City Clerk



Jerry Thorne, Mayor

APPROVED AS TO FORM:



Jonathan Lowell, City Attorney

Chapter 18.103

BEEKEEPING

Sections:

- 18.103.010 Policy and Purpose.**
- 18.103.020 Definitions.**
- 18.103.030 Application – Required information and maps.**
- 18.103.040 Application – Fee.**
- 18.103.050 Notice.**
- 18.103.060 Public hearing.**
- 18.103.070 Action of zoning administrator.**
- 18.103.080 Standards.**
- 18.103.090 Nuisance and enforcement.**
- 18.103.100 Additional procedures.**

18.103.010 Policy and Purpose.

Beekeeping is beneficial for society as bees are essential for pollination, gardening, and food production. The purpose of this chapter is to promote public health, safety and welfare and to establish reasonable and uniform regulations for beekeeping: on land in the A (Agricultural) zoning district; for properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district; and for properties with detached, single-family homes located in the Downtown Specific Plan Area.

18.103.020 Definitions.

For the purposes of this chapter, certain words and terms used are defined as follows:

- A. “Absconding” or “abscond” means the permanent departure of the majority of the bees within a colony.
- B. “Bee” means any stage of the common domestic honey bee, *Apis Mellifera* species.
- C. “Beekeeper” means a person who keeps bees.
- D. “Beekeeping” means the maintenance of bee colonies in hives.
- E. “Brood” means immature bees, in various stages of development, before they emerge from their honeycomb cell.
- F. “Flyway barrier” means the barrier used adjacent to the hive opening that forces bees to fly upwards.
- G. “Hive” means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.
- H. “Requeen” means to replace the queen bee in a colony with a younger and more productive queen.

- I. “Robbing” means the taking of honey from a colony by other bees or insects.
- J. “Swarming” or “swarm” means the movement of at least several hundred bees in a group from a colony.

18.103.030 Application – Required information and plans.

An application for a permit to keep bees shall be filed with the zoning administrator on a form prescribed by the city and shall include the following information and maps:

- A. Name and address of the applicant, who must be the proposed beekeeper;
- B. Statement of whether the applicant is the owner or a tenant of the property on which the beekeeping is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the application;
- C. Address or description of the property on which the beekeeping is proposed to be located;
- D. Statement of whether any applicable covenants, conditions or restrictions applicable to the property allow beekeeping;
- E. Statement indicating the precise manner of compliance with each of the applicable provisions in Section 18.103.080, together with any other data pertinent to the granting of a permit;
- F. Description and drawings of the proposed: (i) hive; (ii) water source for bees; (iii) flyway barrier;
- G. An accurately scaled drawing of the parcel showing existing and proposed locations of streets, property lines, existing structures, landscaped areas, fences, walls, trees on-site and off-site that are located within close proximity of the proposed location of the hive, driveways, pedestrian walks, and the footprint drawing of the proposed location of the hive, water source, and flyway barrier;
- H. The zoning administrator may require additional information, plans and drawings if necessary to determine whether the proposed beekeeping will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any of the plans and drawings required by this section if he/she determines the information is not necessary.

18.103.040 Application – Fee.

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application.

18.103.050 Notice.

No less than 7 days prior to the date on which the decision will be made on the application, the City shall give notice of the proposed beekeeping by mail to all tenants and owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the parcel where beekeeping is proposed.

18.103.060 Public hearing.

After the notice period runs, and if no administrative public hearing is requested (as described below), the zoning administrator (or his or her designee) shall review the application and issue a decision to approve, approve with conditions, or deny the application. If, however, an administrative hearing is requested by the applicant or any interested person, the zoning administrator shall hold an administrative hearing. Subsequent to the hearing, the zoning administrator shall render a decision to approve, approve with conditions, or deny the application.

18.103.070 Action of zoning administrator.

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. An application, if approved, is applicable only to the named beekeeper and parcel and does not run with the land.

18.103.080 Standards.

Beekeeping shall only be allowed when the following regulations are met:

- A. Hives shall only be allowed and maintained on land in the A zoning district, on properties with detached, single-family homes located in an R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.
- B. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area zoning district, the beekeeper shall reside at the property where the hive is located.
- C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.
- D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area; and no more than 10 hives shall be maintained within the A zoning district.
- E. All bee colonies shall:
 - 1. be kept in inspectable hives, as determined by the City's code enforcement officer, animal services officer, and/or their designee;

2. have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and
3. have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.

F. All hives shall:

1. be kept in a usable condition at all times, as determined by the City's, code enforcement officer, animal services officer, or his or her designee;
2. have removable frames/combs;
3. be kept off the ground to prevent wood rot; and
4. be inspected by the beekeeper no less than three times between March 1 and October 1 of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.

G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.

H. Hive entrances shall face away from or be parallel to the nearest property line(s).

I. The maximum height of a hive, including the stand, shall not exceed four feet.

J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.

K. No beekeeping permit shall be granted if the beekeeping will be detrimental to public health, safety, and welfare.

L. Notwithstanding the standards set forth above, the Zoning Administrator (or his or her designee) has discretion to approve additional hives and/or hives in excess of 4 feet in height if the size, topography, or other physical conditions of the lot can accommodate such hives.

M. Upon securing a beekeeping permit, an inspection of the site and hives by the City's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees on-site. For such inspections, beekeeper shall be at the site to meet inspector.

18.103.090 Nuisance and enforcement.

Bees or hives shall be considered a public nuisance when the beekeeper's bees swarm, the bees abscond, or the beekeeping does not conform to this code, or hives are abandoned by the beekeeper.

Where there is reasonable cause to believe that there exists a violation of this chapter which may cause health or safety hazards to residents and/or visitors, the City's code enforcement officer, or animal services officer, or their designee, is authorized to enter upon the property to inspect or to perform duties authorized by this chapter.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 18.140.

In addition, when there is reasonable cause to believe that there exists a violation of this chapter, or, if application is approved subject to conditions, upon failure to comply with conditions, an approved application shall be subject to suspension, modification or revocation. The zoning administrator shall hold a public hearing to consider any suspension, modification or revocation of an approved application.

18.103.100 Additional procedures.

The regulations concerning effective date of the beekeeping permit, review or appeal, suspension and revocation, and new applications shall be those contained in this chapter.

Modifications requested by the beekeeper for a previously approved application shall be handled by the zoning administrator pursuant to the procedures set forth in this chapter for new applications.

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Chapter 18.28 A AGRICULTURAL DISTRICT

18.28.030 Permitted uses.

The following uses shall be permitted in the A district:

- A. One-family dwellings and second units. Not more than one dwelling unit and a second unit, shall be permitted on each site;
- B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures;
- C. Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use;
- D. Home occupations conducted in accordance with the regulations prescribed in Chapter 18.104 of this title;
- E. Livestock and poultry raising for private, noncommercial use, and private kennels and stables; provided, that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;
- F. Photovoltaic facilities;
- G. Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County,
 - 2. Portable, temporary electricity generator, fuel cell, or battery facilities,
 - 3. Photovoltaic facilities,
 - 4. Small electricity generator facilities that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility,
 - b. The facilities shall use the best available control technology to reduce air pollution,
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located,

- e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district, and
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible,
5. Small fuel cell facilities that meet the following criteria:
- a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located, and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district,

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities;

H. Administrative offices for on-site and off-site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;

I. Small family daycare homes;

J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;

K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;

L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

M. Beekeeping meeting the requirements of Chapter 18.103 of this title.

18.28.040 Conditional uses.

The following uses shall be permitted in the A district upon the granting of a use permit in accordance with the provisions of Chapter 18.124 of this title:

A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
3. Wind energy facilities that meet the following criteria:
 - a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
 - b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;
 - c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.

B. Agriculture processing plants.

C. Airports and heliports.

D. Animal sales yards.

~~E. Apiaries.~~

E. Automobile and motorcycle racing stadiums and drag strips.

F. Cemeteries, crematories, and columbariums.

Chapter 18.32 R-1 ONE-FAMILY RESIDENTIAL DISTRICTS

18.32.030 Permitted uses.

The following uses shall be permitted in the R-1 districts:

- A. One-family dwelling in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Raising of fruits, nuts, vegetables and horticultural specialties for private, noncommercial consumption.
- C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.
- D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County;
 - 2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
 - 3. Photovoltaic facilities.
- E. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site areas, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
- F. Household pets including up to six female chickens.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title.**

Chapter 18.36 RM MULTI-FAMILY RESIDENTIAL DISTRICTS

18.36.030 Permitted uses.

The following uses shall be permitted in the RM multi-family residential districts:

- A. One-family dwellings in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Multi-family dwellings.
- C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.
- D. Nursing homes and senior care/assisted living facilities for not more than three patients.
- E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
 - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare the Air Days" in Alameda County;
 - 2. Photovoltaic facilities.
- F. Not more than two weaned household pets, excepting fish and caged birds.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing, subject to the provisions of Chapter 18.107.
- K. Transitional housing, subject to the provisions of Chapter 18.107. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title.**

Chapter 18.40 O OFFICE DISTRICT

18.40.030 Permitted uses.

The following uses shall be permitted in the O district:

A. Offices of the following types:

1. Administrative headquarters and executive offices.
2. Business offices, including wholesaling establishments without stock, and not including the retail sale of any commodity on the premises.
3. Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services.
4. Consulting service offices, business and professional.
5. Design professions offices not including retail sales on the premises.
6. Insurance offices.
7. Investment service offices.
8. Legal service offices.
9. Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.
10. Medical, dental and related health services offices, including laboratories rendering services only and not involving the manufacture, fabrication or sale of any article or commodity other than those incidental to the services provided.
11. Public utility consumer service offices.
12. Real estate, title company, and related service offices.
13. Research service offices, analytical and scientific, not involving the manufacture, fabrication, procession or sale of products on the premises.
14. Travel agencies.

B. Prescription pharmacies, provided that at least 80 percent of the interior display area shall be used for the preparation and sale of prescription or trade drugs.

C. Charitable institutions.

D. Churches and other religious institutions.

E. Private noncommercial clubs and lodges.

F. Mortuaries.

G. Nursing homes and senior care/assisted living facilities.

H. Parking facilities improved in conformity with the standards prescribed in Chapter 18.88 of this title relating to standards for off-street parking facilities.

I. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section.

J. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:

1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on "Spare the Air Days" in Alameda County.
2. Photovoltaic facilities.
3. Small electricity generator facilities that meet the following criteria:
 - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
 - b. The facilities shall use the best available control technology to reduce air pollution;
 - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
 - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
4. Small fuel cell facilities that meet the following criteria:
 - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
 - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
 - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.

K. Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services.

L. Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district with no more than 20 students in the private school, tutorial school, college, music studio, or dance studio, at any one time shall be permitted uses subject to the following conditions:

1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
2. The zoning administrator finds that adequate parking is available for such use.

M. Beekeeping meeting the requirements of Chapter 18.103 of this title.

The standard city noise ordinance applies. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.37)

Chapter 18.44 C COMMERCIAL DISTRICTS

18.44.090 Permitted and conditional uses.

A. Permitted and conditional uses in a C district are provided in Table 18.44.090 at the end of this section.

B. Multi-family dwellings shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district.

Yards and courts at and above the first level occupied by dwelling units shall be as required by Section 18.84.100 of this title, except that where no side or rear yard is required for a nonresidential use on the site, no side or rear yard need be provided except adjoining walls with openings.

C. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

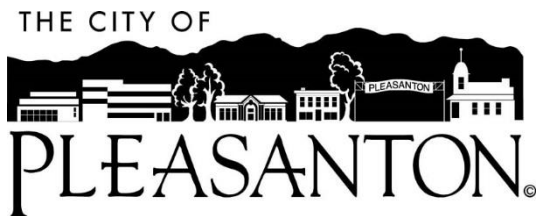
Table 18.44.090

PERMITTED AND CONDITIONAL USES

The following uses shall be permitted uses or conditional uses in a C district where the symbol "P" for permitted use, "C" for conditional use, or "TC" for temporary conditional use appears in the column beneath the C district:							
Note:							
* Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.							
** Uses on peripheral sites physically separated from a central enclosed mall.							
	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
Adult entertainment establishments (see Chapter 18.114 of this title)	P	P		P	P		
Ambulance services				C	P		
Amusement parks					C		
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
Appliance sales and repair, provided repair services shall be incidental to retail sales	P	P		P	P		
Art galleries and artists' supply stores	P	P	P	P			
Auction rooms				C	C	C	
Automobile racing stadiums and drag strips					C		
Automobile rental, sales and/or leasing; no service	P			P	C	C	P
Automobile repairing, overhauling and painting		C			C		P
Automobile sales and service including new and used car sales		P			C	C	P
Automobile supply stores, no service or shop work	P	P	C	P	P		P
Automobile upholstery and top shops						C	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08	C	C		C		C	

of this title							
Basement storage, as defined in Section 18.08.057, that meet all of the following criteria:				P			
1. Basement storage shall be limited to the central commercial (C-C) zoning district within the downtown specific plan area and limited to commercial buildings only							
2. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed							
3. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the basement space to ensure the space meets current code standards for fire, safety, and accessibility							
4. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only							
5. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site							
6. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following:							
a. The defined area(s) and square-footage in which storage will take place							
b. How the individual storage areas will be delineated (e.g., cages, walls, etc.)							
c. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	C	C	C	C			
Beauty shops or beauty shops including massage services of three or fewer massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	P	P	P	P			
Bed and breakfast inns				C			

<u>Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area</u>				P	P		
Bicycle shops	P	P	P	P	P		
Birthing center				C			
Blacksmiths' shops, not less than 300 feet from an R or O district				C	C		
Boat sales, service and repair					C	C	P



Planning Commission Agenda Report

March 27, 2024

Item 6

SUBJECT: Committee, Commission, and Task Force List

Bicycle, Pedestrian, and Trails Committee

Advise the Parks and Recreation Commission and the City's Traffic Engineering Division on bicycle, pedestrian and trail related items. The committee reviews and prioritizes potential projects and provides input on policies related to bikeways and trails.

Meeting Time: Fourth Monday of each month at 6:45 p.m.
Meeting Location: Pleasanton Senior Center, 5353 Sunol Blvd., Pleasanton
Representative: Commissioner Jain
Alternate: Chair Pace
Staff Contacts: Matt Nelson, Traffic Engineer, 931-5671; Matt Gruber, Landscape Architect, 931-5672

Civic Arts Commission

Promote the acquisition, construction and installment of works of public art in Pleasanton. Make recommendations to the City Council regarding the City Civic Arts Program.

Meeting Time: First Monday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Lia Bushong, Asst. Director, Library and Recreation, 931-3412

Committee on Energy and the Environment

Works closely with City staff to prepare an Energy and Environmental Priorities Plan focusing on energy and environmental issues and strategies reflecting community opportunities, needs and interests.

Meeting Time: Fourth Wednesday of every other month at 5:00 p.m.
Meeting Location: Operations Service Center, 3333 Busch Rd., Pleasanton
Staff Contact: Becky Hopkins, Assistant to the City Manager, 931-5009

Economic Vitality Committee

Assess the current and ongoing business climate in the City of Pleasanton and offer suggestions and recommendations to the City Council intended to maintain a strong economic development base in the City.

Meeting Time: Third Thursday of each month at 7:30 a.m.
Meeting Location: Remillard Conference Room, 3333 Busch Rd., Pleasanton
Staff Contact: Lisa Adamos, Economic Development Manager, 931-5039

Heritage Tree Board of Appeals

Make findings of fact upholding, reversing or modifying the director's decision with regard to heritage tree removal permits.

Meeting Time: As needed
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Representatives: Commissioners Morgan and Wedge
Alternate: Commissioner Mohan

Housing Commission

In cooperation with the community and the development and construction industry, the commission is responsible for initiating and pursuing opportunities for developing, promoting and retaining affordable housing within the community and the region. Recommend policies related to affordable housing. Provide oversight of City affordable housing developments.

Meeting Time: Third Thursday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Steve Hernandez, Housing Manager, 931-5007

Human Services Commission

Advise the City Council on the human service needs of the community and methods of fulfilling these needs. Particular emphasis is given by the commission to the human service needs of the socially and economically disadvantaged, the elderly and the youth of the community.

Meeting Time: First Wednesday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Jay Ingram, Community Services Manager, 931-5346

Library Commission

Advise the City Council on matters related to the Pleasanton Library and library services in general. Promote the use of library services to the community.

Meeting Time: First Thursday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Heidi Murphy, Director of Library and Recreation, 931-3400

Parks and Recreation Commission

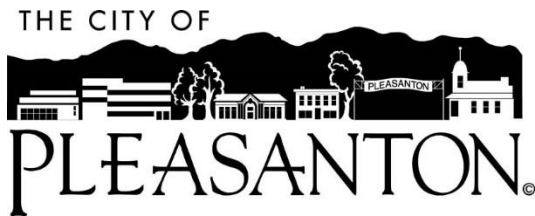
Advise the City Council, City Manager, and Parks and Community Services Department on matters related to the development and provision of services pertaining to parks and recreation facilities, programs and services.

Meeting Time: Second Thursday of each month at 7 p.m.
Meeting Location: City Council Chamber, 200 Old Bernal Ave., Pleasanton
Staff Contact: Heidi Murphy, Director of Library and Recreation, 931-3400

Youth Commission

Act as the liaison between Pleasanton's youth community and the City Council; advise the Council on youth-related issues; promote an understanding and appreciation of community affairs among the youth of Pleasanton.

Meeting Time: Second Wednesday of each month at 7 p.m., September-May
Meeting Location: Remillard Conference Room, 3333 Busch Rd., Pleasanton
Staff Contact: Nicole Thomas, Recreation Supervisor, 931-3432



Planning Commission Agenda Report

March 27, 2024

Item 7

SUBJECT: Actions of the City Council

March 19, 2024

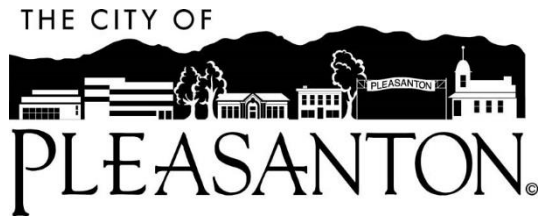
Consent Calendar:

Actions of the Zoning Administrator and Planning Commission

Council requested to review the 3200 Hopyard Road project, approved by the Planning Commission at the March 13, 2024, meeting. The item will be reviewed by the Council at their next regular meeting scheduled for April 16, 2024.

Continued from February 20, 2024 - Receive information and approve recommendation that a parcel on west Jack London Boulevard in unincorporated Alameda County be moved into the City of Livermore Sphere of Influence, and that parcel and another parcel on East Stanley Boulevard both be annexed by the City of Livermore

Council approved the remainder of the consent calendar, as recommended.



Planning Commission Agenda Report

March 27, 2024
Item 8

SUBJECT: Future Planning Calendar

P24-0110, Nora Collins, 4452 Rosewood Drive - Application for conditional use permit approval for the operation of a childcare facility for a maximum of 110 children and 18 staff members onsite. The subject site is in Hacienda Business Park, and zoning is PUD-HDR (Planned Unit Development – High Density Residential) District.

P23-0599, Kelley Rutchena, 5976 & 5994 West Las Positas Boulevard – Application for Design Review and a Vesting Tentative Map for a housing development that includes the demolition of two existing commercial buildings and construction of 146 multi-family residential units with 38 accessory dwelling units with associated site improvements located at 5976 & 5994 West Las Positas Boulevard.