PLANNING COMMISSION
REGULAR MEETING AGENDA

Wednesday, May 22, 2024
7 p.m.

City Council Chamber
200 Old Bernal Avenue
Pleasanton, CA 94566

The meeting will be held at the City Council Chambers at 200 Old Bernal Ave 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. **P24-0198, Tri-Valley Judo, 1262 Quarry Lane, Suite A -** Application for Conditional Use Permit approval to operate a martial arts studio located at 1262 Quarry Lane, Suite A

3. Approve the minutes of May 8, 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. **P24-0278, Meenu Gochhwal, 2207 Martin Avenue -** Zoning Administrator referral of an application for Administrative Design Review to install six approximately 15-foot-tall tennis court lights located at 2207 Martin Avenue.

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

6. Overview of the Planning Commission duties under the Pleasanton Inclusionary Zoning Ordinance and Other Housing-Related Matters

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

8. Actions of the City Council

9. 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.

THE CITY OF PLEASANTON

Planning Commission Agenda Report

May 22, 2024
Item 1

SUBJECT: Actions of the Zoning Administrator

P24-0286, James Singleton/MasTec

Application for Wireless Design Review approval to install six panel antennas with obscure reflective concealment film over the antennas, radio equipment, and other associated components on the rooftop of the existing mechanical screen located at 6700 Koll Center Parkway.

Approved. Appeal period expires June 5, 2024 (*Sachiko Riddle, 931-5607*)

Planning Commission Agenda Report

May 22, 2024
Item 02

SUBJECT: **P24-0198**

APPLICANT: Kevin Butler, Tri-Valley Judo

PROPERTY OWNER: Jack O. Balch, Big Valley LP

PURPOSE: Application for a Conditional Use Permit to operate a martial arts studio.

LOCATION: 1262 Quarry Lane, Suite A

GENERAL PLAN: General and Limited Industrial

ZONING: PUD-I (Planned Unit Development - Industrial) District

EXHIBITS:
A. Draft Resolution and Conditions of Approval
B. Narrative/Project plans dated "Received April 15, 2024"
C. Public Comment
D. Location and Notification Map

STAFF RECOMMENDATION

Approve Conditional Use Permit (CUP) Case No. P24-0198 based on the findings and subject to the draft conditions of approval in Exhibit A.

EXECUTIVE SUMMARY

The applicant requests CUP approval to operate a martial arts studio. A martial arts studio requires Planning Commission review and approval of a CUP at this location. As proposed, staff recommends the Planning Commission find this use consistent with the objectives of the zoning district and compatible with the surrounding uses. This martial arts studio already operates within the Valley Business Park at a different location that was previously approved by the Planning Commission, and where it has been operating without any reported issues. Conditions of approval have been included to ensure the safety and general welfare of the surrounding area, and the City in general, is maintained.

BACKGROUND

Valley Business Park is zoned PUD-I (Planned Unit Development-Industrial) District. The PUD for Valley Business Park was approved by the City Council under Ordinance No. 928 on March 11, 1980. An amendment to the PUD was approved in 2015 (PUD-80-01-15M) to conditionally permit martial arts studios, among other changes. Today, the Business Park contains a wide variety of uses including light industrial and manufacturing, office, music and/or performing arts

schools, tutoring facilities, daycare facilities, and religious facilities and/or membership organizations.

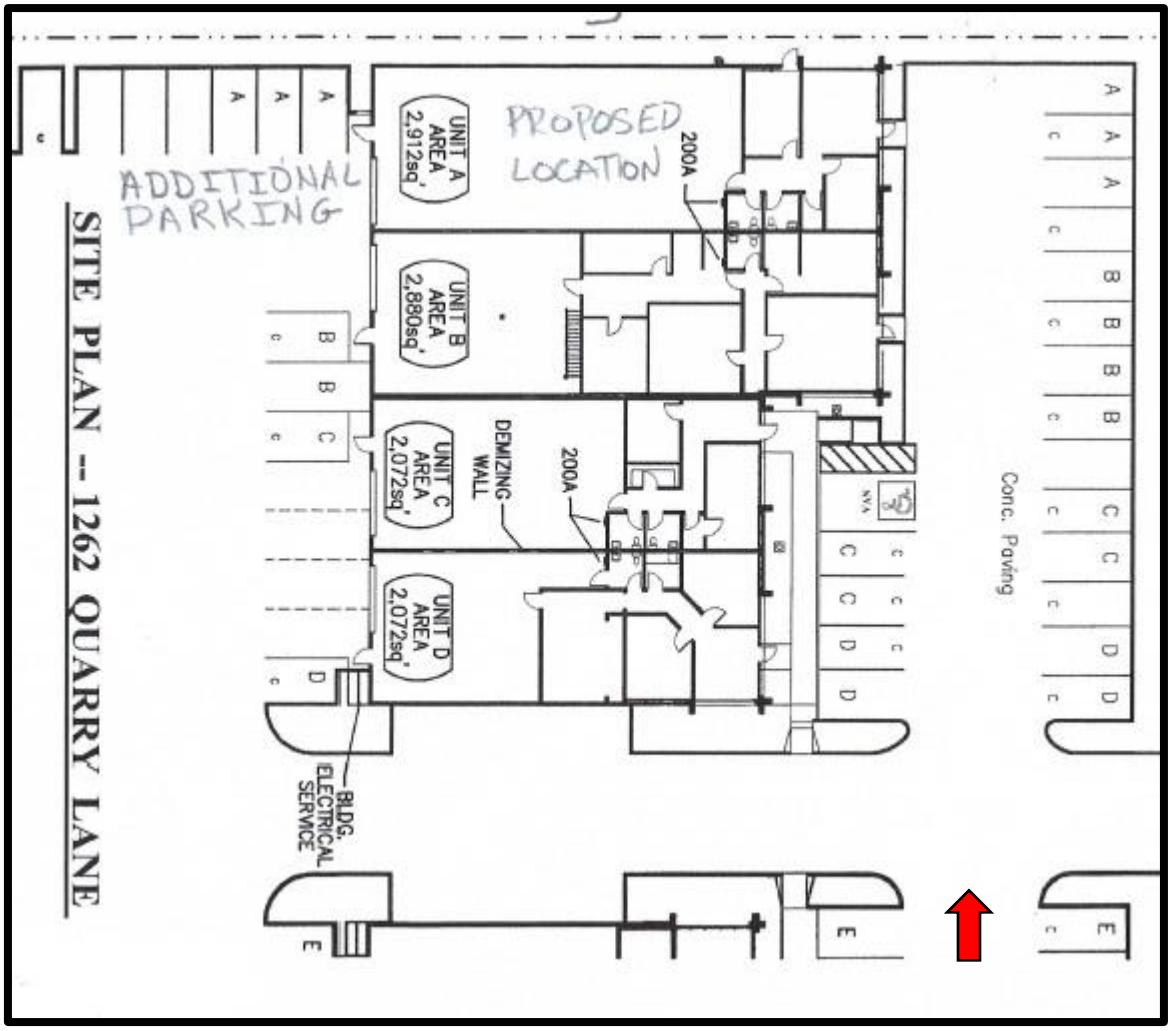
Kevin Butler, representing Tri-Valley Judo, is requesting CUP approval to operate a martial arts studio, to allow the business to move from one location in the Business Park to another. As noted above, martial arts studios are conditionally permitted at this location with the approval of a CUP. The CUP application is before the Planning Commission for consideration.

SITE AND AREA DESCRIPTION

The subject parcel is a flat and fully developed approximately 0.66-acre parcel near the north end of Quarry Lane within the Valley Business Park. There is an approximately 9,936-square-foot, single-story building constructed on the subject parcel that has been split into four commercial condominiums. The subject condominium (Suite A), which is currently vacant, comprises approximately 2,912 square feet. There are 32 shared parking spaces on the subject parcel. The subject parcel and building are accessible from one driveway off of Quarry Lane. Figure 1 shows an aerial photograph of the subject parcel and building, and Figure 2 shows the existing site plan. The adjacent suites and parcels include a mix of uses such as: a stopwatch manufacturer, warehouse, and office.

Figure 1: Subject Parcel

Figure 2: Site Plan



PROPOSED PROJECT

Tri-Valley Judo proposes to occupy the approximately 2,912-square-foot tenant space (Suite A) and operate a martial arts studio that offers instruction for students aged five to 17 years old. The proposed hours of operation Monday through Friday would be 6 a.m. to 7:15 a.m. for an adult-only class, 5 p.m. to 5:45 p.m. for a five- to ten-year-old class, 6 p.m. to 7 p.m. for an 11- to 17-year-old class, and 7:15 p.m. to 9 p.m. for an adult only class. The proposed hours of operation for Saturdays are 9 a.m. to 9:45 a.m. for a five- to 10-year-old class, 10 a.m. to 11 a.m. for an 11- to 17-year-old class, and 11:15 a.m. to 12:30 p.m. for an adult only class. Each class would have no more than 20 students at a time with a maximum of three coaches which would collectively be up to 23 people total on-site at any one time.

The current condominium floor plan configuration consists of a large open space on the west end with a roll up door on the western-most façade, and two smaller waiting rooms and an office on the east end. There are no proposed alterations to the current layout of Suite A. All exterior entrances to the condominium would remain in use except for the roll up door on the western façade, which would only be used for deliveries. See Figure 3 for the proposed floor plan.

The subject condominium has direct access to the parking areas at the front (east) of the building that would be utilized by staff and parents dropping off and picking up students before and after each class. Additional parking is located to the rear (west) of the building.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

ANALYSIS

Conditional uses are those uses which, by their nature, require special consideration so they may be located properly with respect to the objectives of the PMC and their potential effects on surrounding properties. To achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for CUPs.

Land Use

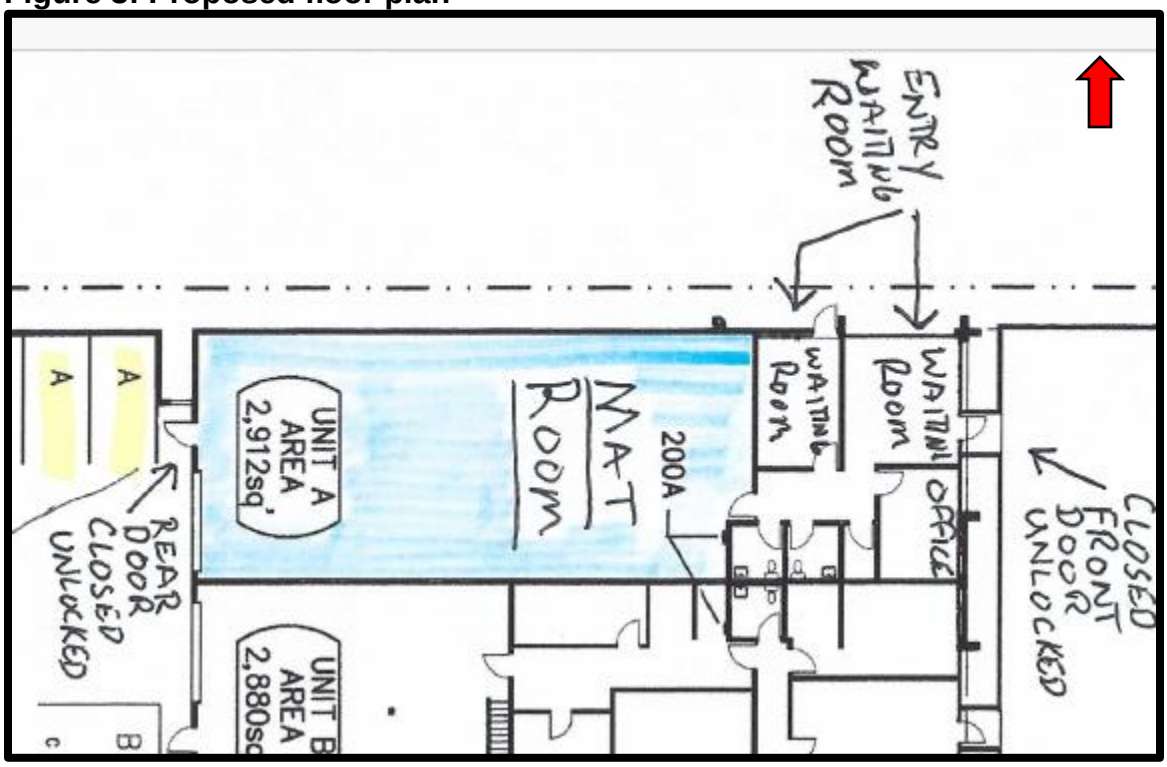
The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning for Valley Business Park permits uses such as offices, light manufacturing, and printing shops, and requires CUP approval for uses such as religious facilities, tutoring and private schools, indoor recreational uses, and music and/or performing arts schools. Therefore, if the CUP were granted, the proposed martial arts studio would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. The proposed use would be located in an existing multi-tenant building where the current tenants include a stopwatch manufacturer, a warehouse, and an office use. The adjacent sites consist of similar uses. The nearest residential uses are located approximately 550 feet to the west.

To be sensitive to the other tenants within the subject building and to ensure the proposed use would have minimal impact in terms of parking and circulation, the proposed use would operate before and after the normal business hours (typically 8 a.m. to 5 p.m.) of most other uses during the week and have staggered lesson times so not all students would arrive and depart at the same time and a maximum of 23 persons would be on-site at any one time. Therefore, if the CUP were granted, the proposed use would be compatible with the surrounding uses.

Should future problems arise with the proposed use, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on the discussion above, staff believes such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the proposed use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, if the CUP were granted, staff believes the use would be compatible with the surrounding uses, and from a land use perspective, finds the proposed use to be acceptable on the subject site.

Figure 3: Proposed floor plan



Parking

As previously mentioned, there is one existing single-story multi-tenant building on the subject site that is approximately 9,936 square feet in floor area and there are a total of 32 on-site parking spaces. The parking ratio at the subject site is one space per 311 square feet of gross floor area. Based on this ratio, there are approximately ten parking spaces theoretically allocated to the subject suite (2,912 square feet multiplied by 1 parking space/259 square feet = ten parking spaces). The Municipal Code parking standards do not specifically call out recreational facilities, such as martial arts studios. However, the PMC does include parking standards for educational facilities, which have some characteristics in common with the proposed use, including instructor-led activities with groups of attendees/students. Such uses are required to provide one parking space for each employee and one parking space for every two students ages 16 or above. Based on these requirements and assumptions, the proposed use could generate a demand of up to 13 parking spaces at any given time based on the following occupancy:

- Three staff members + (20 adult students/two) = 13 parking spaces

Based on the analysis above, a total of 13 parking spaces would be required at any one time for the proposed use. Ten parking spaces are theoretically allocated for the subject condominium. Though the proposed use does not meet the parking requirements on-site to accommodate all existing and proposed uses, because the proposed use operates before and after normal business hours (8 a.m. to 5 p.m., Monday through Friday) of the other existing uses, the availability of on-site parking for the proposed use is anticipated to be more than adequate.

Based on the above parking analysis and recommended conditions of approval, staff believes the proposed use would not adversely affect parking at the subject site or surrounding

properties and adequate parking exists on-site to accommodate all existing and proposed uses. However, should parking problems occur, staff has recommended a condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible additional mitigation measures which could include a reduction in the number of students on-site at any one time or alternative hours of operation.

Noise

The subject parcel and building are in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject parcel, the Municipal Code states, "No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of 75 dBA [A-weighted decibels] at any point outside of the property plane."

The Municipal Code also states a proposed conditional use must be in accordance with the objectives of the Zoning Ordinance. One of those objectives is to "Promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions."

All proposed activities would occur inside the subject building and any noise generated from these activities would be consistent with other activities in the industrial area and should not generate more noise than is typical for an industrial area. Furthermore, the subject building does not contain any operable windows, which would further reduce noise impacts on the surrounding area. To further minimize any noise impacts, staff is recommending the following conditions of approval:

- All doors shall remain closed at all times during activities and/or business hours.
- The applicant shall inform their students and parents/guardians to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area.
- The City shall have the right to review the project again to add mitigating conditions should any future complaints regarding noise levels occur. Such conditions could include reducing the number of people allowed in the building at any one time, modifying the hours of operation, and requiring additional soundproofing of the subject building.

With the inclusion of the recommended conditions above, staff has determined it is unlikely the noise produced by the proposed use would adversely affect adjacent tenant spaces or be in excess of 75 dBA at any point outside of the property plane as prescribed by the Municipal Code. Therefore, staff does not believe the proposed use would be disruptive to existing or future neighboring businesses/tenants or residences.

Signage

No signage is proposed at this time. If the applicant elects to add signage, the proposed signage would be required to adhere to Valley Business Park sign guidelines and the Municipal Code. Any deviations would require a separate Sign Design Review application to be submitted to the City for consideration.

ALTERNATIVES

As articulated above, staff believes the proposed use, as conditioned, is consistent with the objectives of the zoning district. However, alternatives that could be considered by the Planning Commission include:

1. Denial of the application. Such an action would preclude the applicant from operating the tutoring facility; or
2. Approval of the CUP with modifications. The Planning Commission could approve the CUP, but with modified hours of operation and/or other changes to the proposal.

Staff is able to support the findings to approve the project, as proposed, and believes the project will not adversely impact any existing on-site uses or the surrounding area; thus, staff suggests neither of the two project alternatives above should be pursued.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the subject parcel and published in the newspaper. At the time this report was published, staff had received one public comment regarding the project from a community member who is in support of the CUP. The comment has been included for your reference as Exhibit C.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

As proposed and conditioned, staff concludes the proposed use would be compatible with the surrounding businesses and would not detrimentally affect the surrounding uses or residential properties. Conditions of approval have been included which would ensure the safety and general welfare of the surrounding area, and the City in general, is maintained.

Primary Author: Sachiko Riddle, Assistant Planner

Reviewed/Approved By:
Eric Luchini, Senior Planner
Melinda Denis, Planning and Permit Center Manager
Ellen Clark, Director of Community Development

EXHIBIT A

RESOLUTION NO. PC-2024-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT (CUP) AT 1262 QUARRY LANE, SUITE A, AS FILED UNDER CASE NO. P23-0180

WHEREAS, on March 15, 2024, Kevin Butler on behalf of Tri-Valley Judo applied for Conditional Use Permit (CUP) approval to operate a martial arts studio at 1262 Quarry Lane, Suite A; and

WHEREAS, zoning for the property is PUD-I (Planned Unit Development – Industrial) District; and

WHEREAS, martial arts studio uses are a conditionally permitted use in the subject District, and require Planning Commission approval of a CUP; and

WHEREAS, on May 22, 2023, 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 agenda reports and all public comment and testimony:

Section 1: California Environmental Quality Act (CEQA)

A. The Planning Commission finds that the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, Existing Facilities. The proposed project is a minor alteration of an existing facility which involves a negligible expansion of an existing or former use. None of the exceptions set forth in Section 15300.2 apply.

Section 2: Findings for Conditional Use Permit Approval (P24-0198)
With respect to the approval of the Conditional Use Permit application, P24-0198, the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and to ensure that public and private lands ultimately are used for the purposes which are most

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appropriate and beneficial to the City as a whole. The subject building is located in Valley Business Park which has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate near commercial and residential uses with minimum mutual adverse impact. As conditioned, the Planning Commission believes the proposed martial arts studio would be consistent with the zoning ordinance objectives and Industrial Park District purpose in that it would provide a martial arts studio in the community and the use would be conducted so as to not impact or interfere with the surrounding uses. The proposed martial arts classes would be conducted indoors and on a property with an adequate circulation system and parking supply to support the use. The applicant would also be required to mitigate any future nuisances that may occur because of the proposed use. Therefore, the Planning Commission makes this finding.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

Martial arts studios and other indoor recreational facilities are common uses within or near residential and commercial/industrial areas in Pleasanton. The City's experience shows that these uses are generally compatible with other uses. Martial arts studios generally do not subject surrounding uses to heavy truck traffic, hazardous materials, odors, or other objectionable influences. If the recommended conditions of approval are met, the proposed use will not detrimentally affect surrounding uses. All streets around the site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, the proposed use will have adequate off-street parking to meet project demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the proposed use. Therefore, the Planning Commission makes this finding.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's PUD-I zoning conditionally permits the establishment of martial arts studios. In addition, the proposed use complies with all relevant sections of the zoning ordinance. Granting a CUP for the proposed use would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, the Planning Commission makes this finding.

Section 3: The Planning Commission hereby approves Case No. P24-0198, the application of Kevin Butler on behalf of Tri-Valley Judo to operate a martial arts studio at 1262 Quarry Lane, Suite A, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 4: 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 May 22, 2024, by the following vote:

Ayes:	Commissioners
Noes:	Commissioners
Absent:	Commissioners
Abstain:	Commissioners

ATTEST:

_____ _____

Melinda Denis
Secretary, Planning Commission

Matt Gaidos
Chair

APPROVED AS TO FORM:

_____

Julie Harryman
Assistant City Attorney

EXHIBIT A, ATTACHMENT 1
CONDITIONS OF APPROVAL

P24-0198
1262 Quarry Lane, Suite A
May 22, 2024

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 an application for a Conditional Use Permit to operate a martial arts studio located on Assessor Parcel No. 946-4547-119 at 1262 Quarry Lane, Suite A. Development shall be substantially as shown on the project materials listed below:

a. Project narrative and plans, Exhibit B, for Tri-Valley Judo, dated "Received" on April 15, 2023, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

<u>THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:</u>

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 – CONDITIONAL USE PERMIT: This Conditional Use Permit (CUP) approval will lapse and shall become void 1 year following the date on which the CUP became effective, unless prior to the expiration of 1 year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP application; or a certificate of occupancy is issued for the structure which was the subject of the CUP application; or the site is occupied if no building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.

3. APPEAL PERIOD: The building permit submittal will only be accepted after completion of the appeal period provided in the Municipal Code unless the applicant submits a signed statement acknowledging the plan check fees may be forfeited in the event the approval is overturned on appeal, or the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the appeal period.

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4. 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, employee 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

Conditional Use Permits

5. All doors shall remain closed at all times during activities and/or business hours. ***(Project Specific Condition)***

6. The applicant shall inform their students and parents/guardians to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area. ***(Project Specific Condition)***

7. MAINTENANCE: The applicant shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.

8. MODIFICATIONS: If additional hours of operation or activities beyond what is stated in the "Approved Plans" are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.

9. CONDITIONAL USE PERMIT REVIEW: If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts,or may revoke said conditional use permit.

10. OUTDOOR STORAGE: There is to be no outdoor storage without prior approval by the City.

11. SIGNAGE: This approval does not include approval of any signage for Tri-Valley Judo. If signs are desired, Tri-Valley Judo shall submit an application to the City for review and approval prior to sign installation. ***(Project Specific Condition)***

12. EXTERIOR CHANGES: Changes to the exterior of the building shall not be made without prior approval from the Planning Division.

13. RELOCATION: If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.

14. BUILDING PERMIT: Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work.

TRAFFIC ENGINEERING DIVISION – 925-931-5671

15. The applicant shall be responsible for Traffic Impact Fees above the existing fees already paid. The site is office use that will be used as a martial arts studio, which the city classifies as retail. The applicant shall pay the difference between office use ($18.17/sf) and retail use ($26.71/sf) for the total square footage of the site. The fee shall be paid in full prior to operation.

EXHIBIT B

Planning Division:

My name is Kevin Butler, I have owned and operated Tri-Valley Judo CUP-248 since late 2009.
I am currently operating in the Valley Business Park.
I would like to move my location to another spot within the same parking lot in the same complex and owned by the same landlord.

The reason for the move is that I feel it is a better spot to operate. The building offers better insulation and has heating as well as air conditioning. The current occupied space DOES NOT.

The space I am looking to occupy is within the same complex and roughly 300-400' away, although a different building and different address they share a common parking lot.

Each class would have a maximum of 20 students
2-3 coaches maximum per class

Hours of operation:
Monday-Friday
5:00pm - 5:45pm for 5-10 yo
6:00pm - 7:00pm for 11-17 yo
7:15pm - 9:00pm for adults

Saturday
9:00am - 9:45am 5-10yo
10:00am - 11:00am 11-17yo
11:15am - 12:30pm adults

In addition, I would operate an adult only class.
Mon-Friday 6:00am - 7:15am
Please see attachment 1A

I currently use a **Sign In/Sign Out** at the facility for those under 12.
A parent or guardian is responsible for signing for younger students.

The entry doors will remain closed but unlocked during business hours and the roll up door would only be used for large deliveries. There is also a man door at the rear of the building that would remain closed but unlocked during class time.
The operation will be mainly "drop-off" with parents would only stay during the registration period. There will be no "van pool" or pick up nor will there be any type of child care.

I am the sole proprietor but will have six certified volunteer instructors.
Each class will have at least two adult instructors.

I am assigned seven parking spots, there is also at least fifteen unassigned parking spots in the immediate parking lot, which is first come first served. This unit directly faces Quarry Lane which offers at least 30 public street parking.
Please see attachment 1B

The operation will strictly be Judo instruction and training as it has been since 2009

The classes that I lead are technical lessons and students do not scream or shout, I currently operate within the same complex and have never had any complaints.

I have spoken to only one tenant Ron Sutton from ACCUSPLIT 925 290-1900 the immediate neighbor and he advised that his business hours are 6:30am-3:00pm Mon-Thur and appeared to welcome me. The other two tenants are rarely on the property, and I only see workers using the back roll up door to the warehouse.

On a personal note, I have lived in Pleasanton for almost 30 years. I have been married for 28 years and am a father of three. All three of my children grew up in the Judo program. I am a retired Fire Battalion Chief of 31+ years and Judo has always been a passion of mine. I have lived a life of service; I would like to continue serving the youth as well as the adults of our community.

Thank you for your consideration.

Respectfully,

Kevin Butler
Tri-Valley Judo
[redacted]

HOURS OF OPERATION

Attachment 1A

Monday-Friday
5:00pm-5:45pm for 5-10 yo
6:00pm-7:00pm for 11-17 yo
7:15pm-9:00pm for adults

Saturday
9:00am-9:45am 5-10yo
10:00am-11:00am 11-17yo
11:15am-12:30pm adults

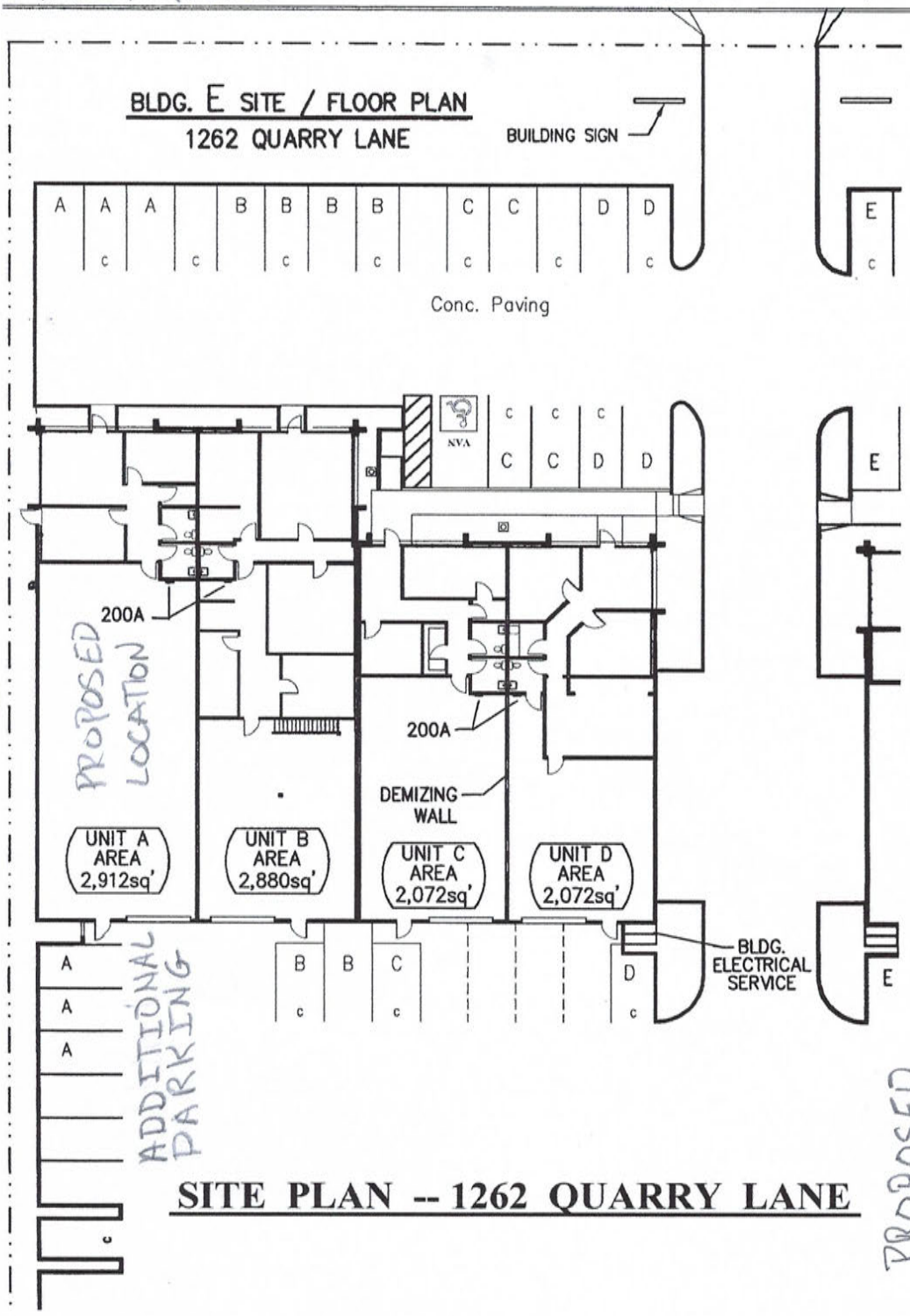
In addition, I would operate an adult only class.
Mon-Friday
6:00am-7:15am adults

THE ENTIRE BUILDING IS 9,936 SQ FEET FOUR SEPERATE UNITS

STREET PARKING

QUARRY LANE

STREET PARKING

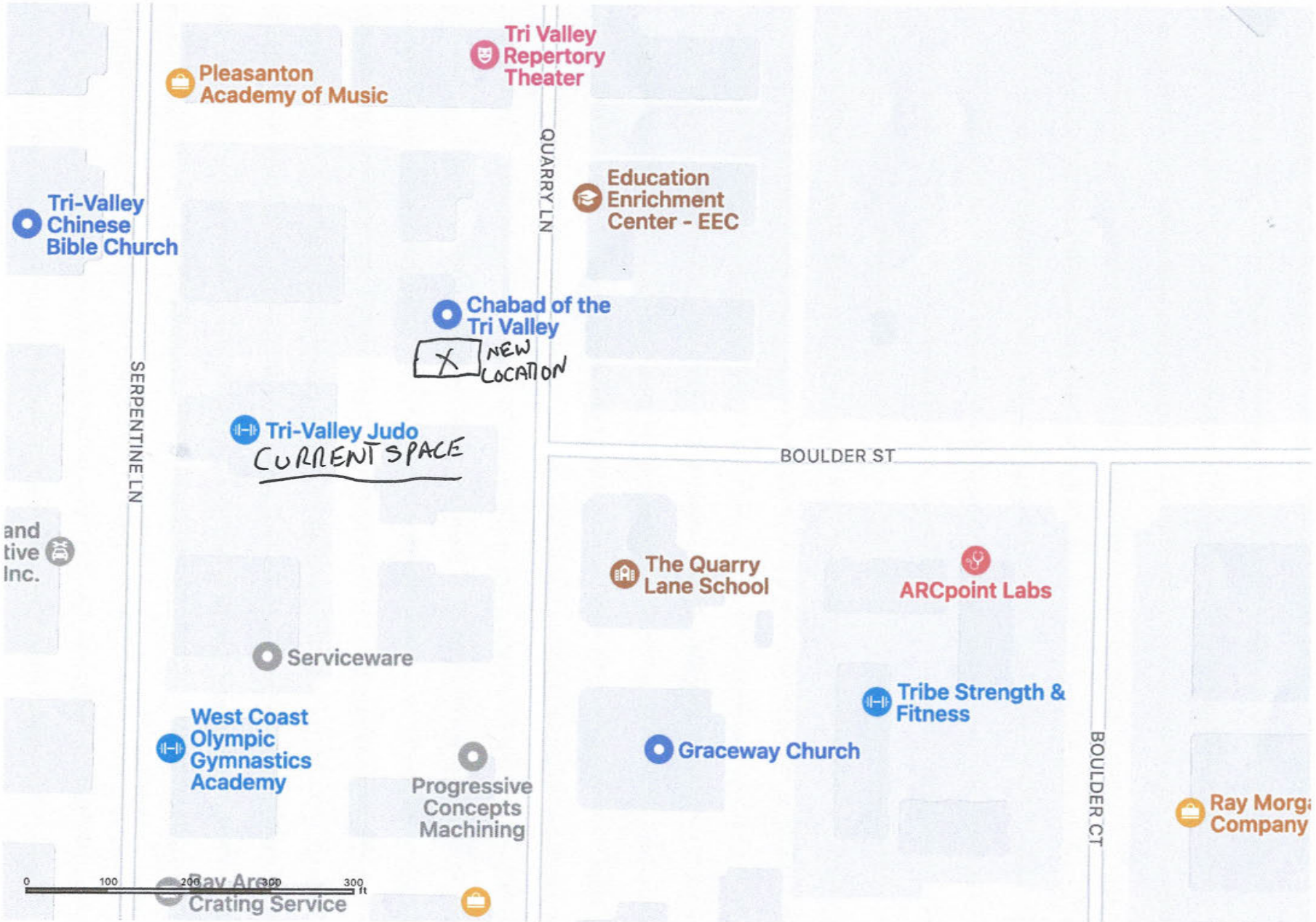


N + S
W E

SITE PLAN -- 1262 QUARRY LANE

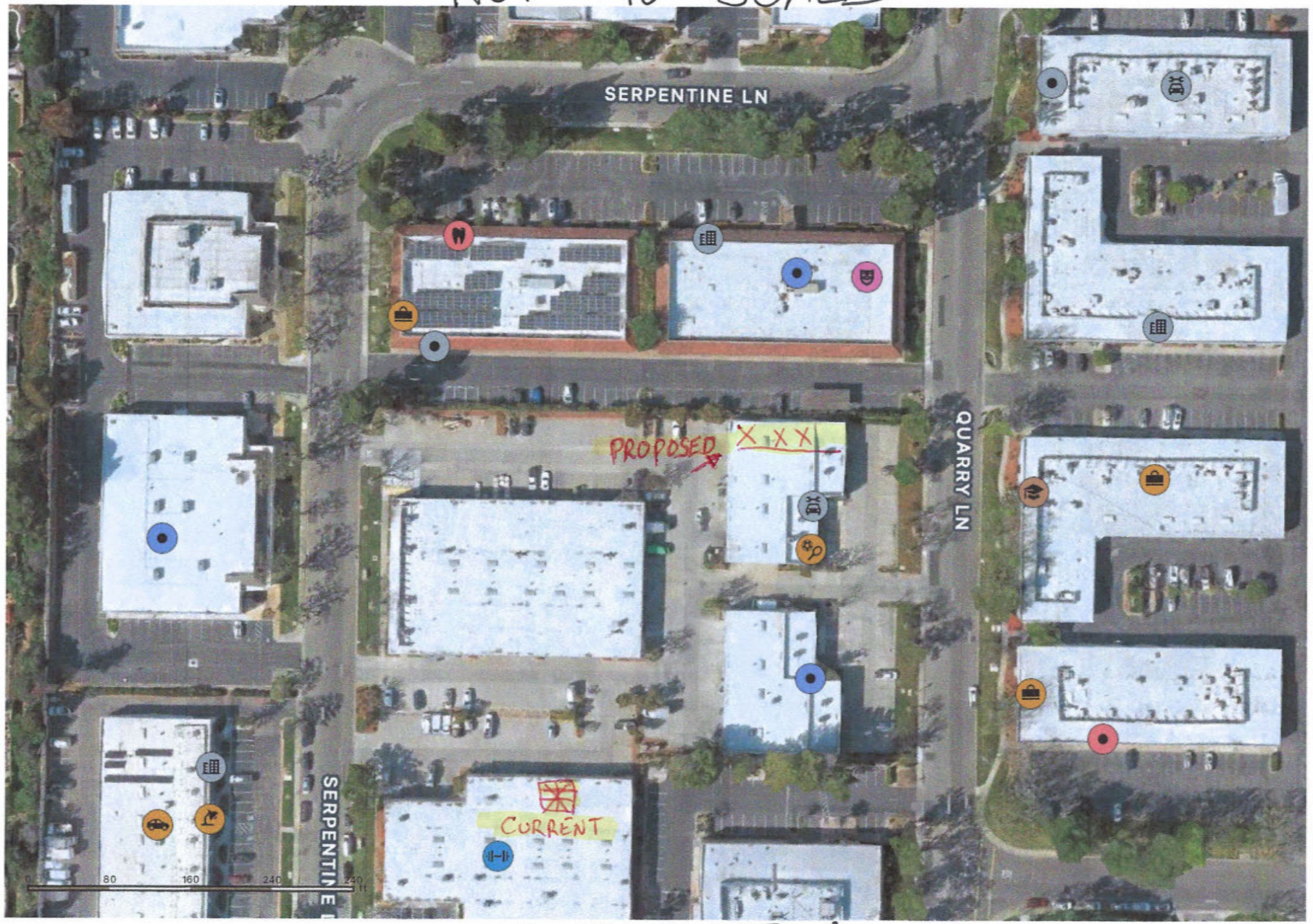
8/19/2021

1262 #A PROPOSED
1262 #B ACCUSPLIT
1262 #C LORETTA & CO
1262 #D LIQUID COATING


Tri Valley Repertory Theater
Pleasanton Academy of Music
QUARRY LN
Education Enrichment Center - EEC
Tri-Valley Chinese Bible Church
Chabad of the Tri Valley
X NEW LOCATION
SERPENTINE LN
Tri-Valley Judo
CURRENT SPACE
BOULDER ST
and tive Inc.
The Quarry Lane School
ARCpoint Labs
Serviceware
Tribe Strength & Fitness
West Coast Olympic Gymnastics Academy
Graceway Church
BOULDER CT
Progressive Concepts Machining
Ray Morg Company
0 100 200 300 ft
Ray Arc Crating Service

TOP

NOT TO SCALE

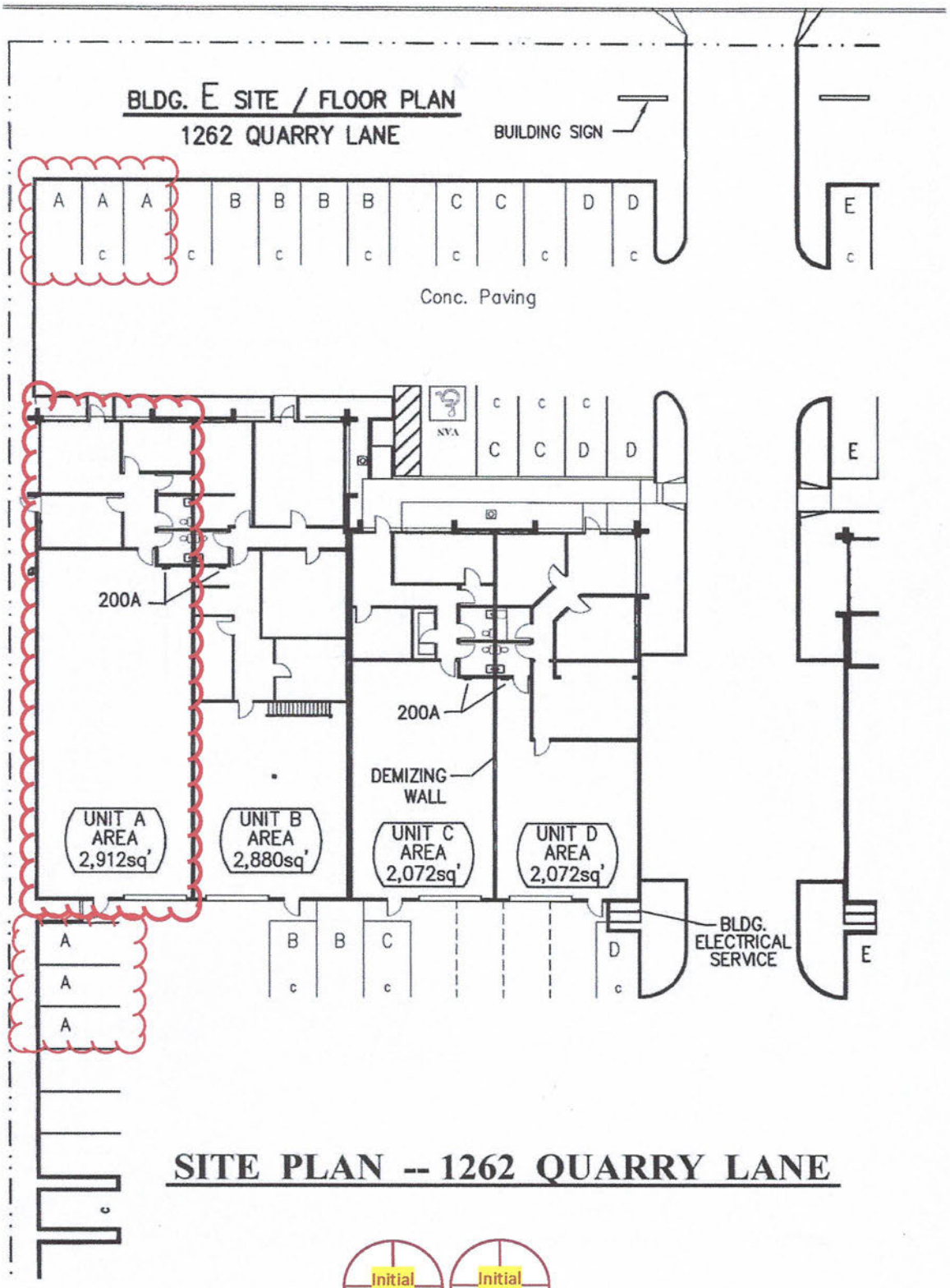


CURRENT LOCATION

BOTTOM

EXHIBIT A

QUARRY LANE



SITE PLAN -- 1262 QUARRY LANE

Initial Initial

8/19/2021

QUARRY LANE

STREET PARKING

BLDG. E SITE / FLOOR PLAN

1262 QUARRY LANE

BUILDING SIGN

A A A B B B B C C D D E

c c c c c c c c c c c

PARKING

Conc. Paving

CLOSED FRONT DOOR UNLOCKED

ENTRY WAITING ROOM

WAITING ROOM

OFFICE

WAITING ROOM

NYA

C C C D D E

200A

MAT Room

200A

DEMIZING WALL

UNIT A AREA 2,912sq'

UNIT B AREA 2,880sq'

UNIT C AREA 2,072sq'

UNIT D AREA 2,072sq'

REAR DOOR CLOSED UNLOCKED

BLDG. ELECTRICAL SERVICE

A A A B B C D E

c c c c

PARKING

SITE PLAN -- 1262 QUARRY LANE

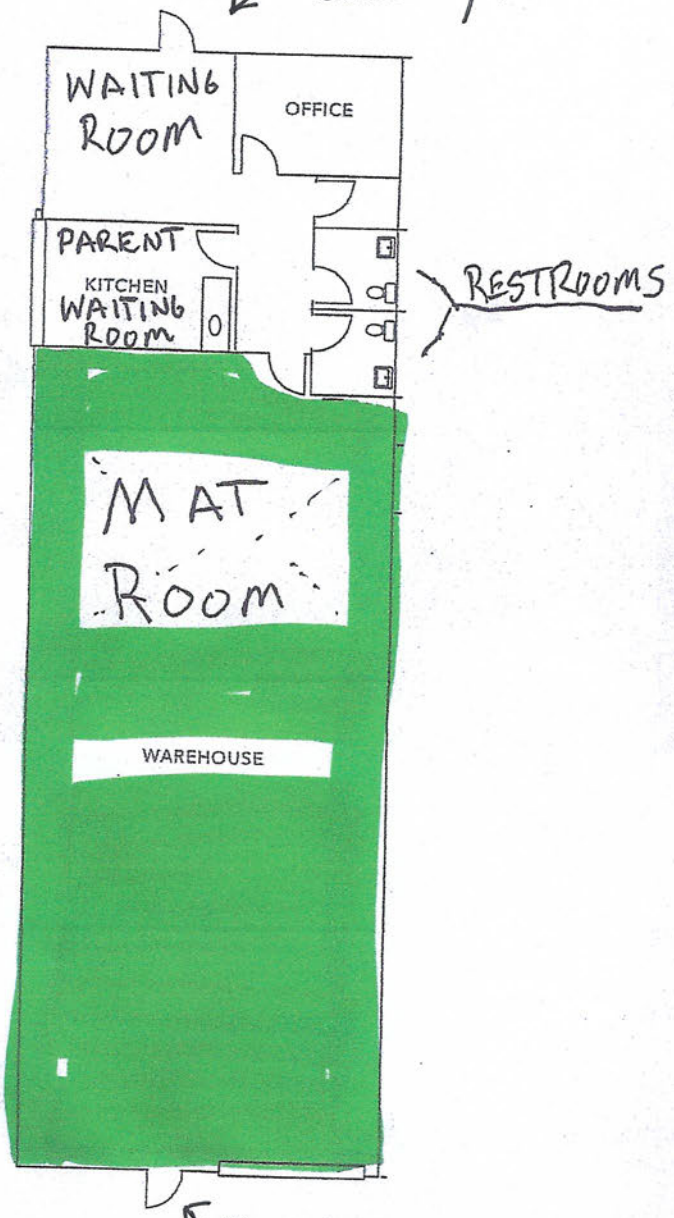
= STREET PARKING & PARKING LOT SPACES

= MAT Room EXERCISE/INSTRUCTION

8/19/2021

PARKING

FRONT DOOR CLOSED / UNLOCKED



REAR DOOR CLOSED / UNLOCKED

PARKING

EXHIBIT C

From: W Ron Sutton
To: Sachiko Riddle
Subject: A- P24-0198, Tri-Valley Judo
Date: Tuesday, May 14, 2024 10:12:22 AM

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

Howdy, Planning Division.

I received a postcard notice of a public hearing re Tri-Valley Judo (TVJ)
Application for Conditional Use Permit approval.

TVJ is currently operating nearby in the same zoning district, and moving about 150 yards to a different space.
The notice received makes the move approval request look like a new application from scratch.
As a business person, I'm surprised that personal time and calendar time and $ have to be spent by the City and applicant for such a request.

If other business owners are as busy as I am, we don't know what the issues are upon which we are to be commenting. And, don't have the time nor expertise to read ordinances to determine those issues.

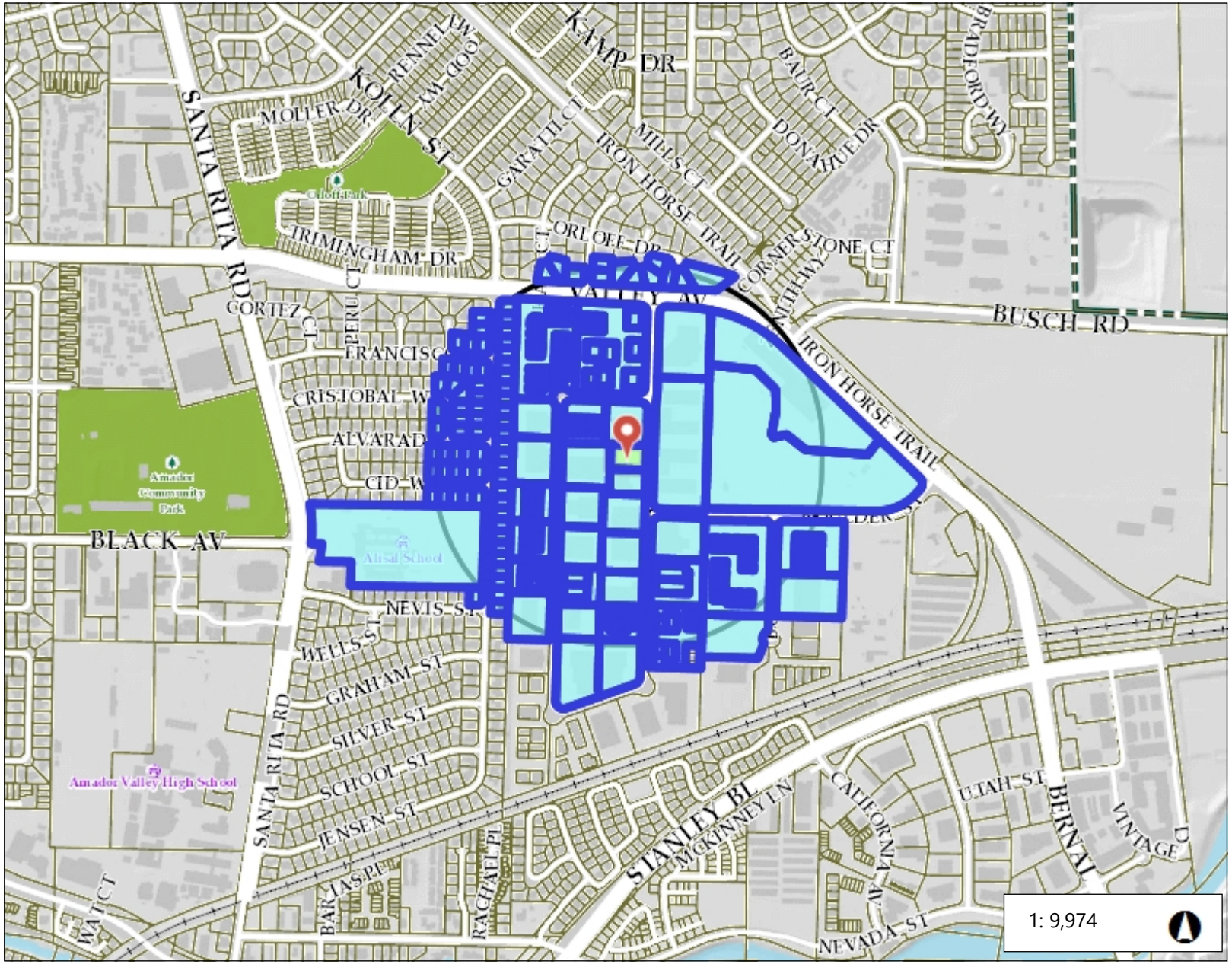
In this City, the most likely area of comment would be parking. Since the 1262 Quarry Ln Suite A space is next door to my Suite B space I know parking is not an issue if customers use the abundant street parking near the front door. The same as they do for Kids Against Hunger, Suite H, at the other end of these two buildings.

If there is frequent amplified sound during normal business hours, that could be disruptive of normal business communications and on telephones. But, for my company, ACCUSPLIT, our normal business hours thru the end of 2024, for sure, are 6:30am to 3 pm.

Be Active & Be Well,
Ron
W. Ron Sutton
aka MrPedometer
Make A Difference, Today, and Always 501(C)3
ACCUSPLIT Make A Difference Programs
[redacted] mobile text n talk

P24-0198, 1262 Quarry Lane, Suite A

EXHIBIT D



1,662.3 0 831.17 1,662.3 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US

© 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

Legend

- Fire Station
- School
- Park
- Parcels

Notes

Notes

PLANNING COMMISSION MEETING MINUTES

Wednesday, May 8, 2024

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Chair Gaidos called the regular meeting of the Planning Commission to order at 7:04 p.m. from the City Council Chambers located at 200 Old Bernal Avenue.

Commissioner Mohan led the Pledge of Allegiance.

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

Commissioners Absent: None

AGENDA AMENDMENTS

None.

CONSENT CALENDAR

1. Actions of the Zoning Administrator

   Recommendation: Receive report.

2. Approve the meeting minutes of April 10, 2024

   Recommendation: Approve the meeting minutes.

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

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

MEETING OPEN TO THE PUBLIC

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

Chair Gaidos opened the public comment. Public comment was received from: Herlindo Alfaro.

Chair Gaidos closed the public comment.

PUBLIC HEARING AND OTHER MATTERS

4. **PXXX17-0904, Stoneridge Properties, LLC, 1008-1700 Stoneridge Mall Road** – Application to amend and extend the Stoneridge Shopping Center Development Agreement (DA), governing a previously approved approximately 362,790-square-foot shopping center expansion, for a period of

DRAFT

six months, with options to extend the DA for 18 or 24 months, and an additional two years thereafter subject to the completion of performance standards as set forth in the proposed Sixth Amendment.

Recommendation: Adopt Resolution No. PC-2024-09 recommending City Council approval of the Stoneridge Shopping Center Development Agreement Sixth Amendment, extending the term for six months, with potential additional extensions contingent on completion of performance standards.

Director Ellen Clark presented the item.

Chair Gaidos opened the public comment. Public comment was received from: Cecily Barclay, applicant.

Chair Gaidos closed the public comment.

MOTION: It was m/s by Pace/Morgan to adopt Resolution No. PC-2024-09, as recommended. Motion passed by the following vote:

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

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

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

None.

6. Actions of the City Council

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

7. Future Planning Calendar

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

MATTERS INITIATED BY COMMISSION MEMBERS

ADJOURNMENT

Chair Gaidos adjourned the meeting at 8:16 p.m.

_____

Paul Eichenholtz, Recording Secretary

DRAFT

Planning Commission Agenda Report

May 22, 2024
Item 5

SUBJECT: **P24-0278**

APPLICANT/ PROPERTY OWNERS: Meenu Gochhwal & Ashish Choudhary

PURPOSE: Zoning Administrator referral of an application for Administrative Design Review to install six 15-foot-tall tennis court lights located at 2207 Martin Avenue.

LOCATION: 2207 Martin Avenue

GENERAL PLAN: Low Density Residential

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

EXHIBITS:
A. Draft Resolution and Conditions of Approval
B. Project Plans dated "Received April 11, 2024"
C. Public Comments
D. Location and Notification Map

STAFF RECOMMENDATION

Approve Administrative Design Review (ADR) Case No. P24-0278, based on the required findings and subject to the draft Conditions of Approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant/property owner requests approval to install six approximately 15-foot-tall tennis court lights around an existing tennis court. Per the PUD development plan (PUD-148), which was approved by the City Council, Administrative Design Review is required for installation of sports court lighting over eight feet in height. While ADRs are typically approved by the Zoning Administrator (ZA), the ZA may refer an ADR to the Planning Commission for review and action. As conditioned, staff recommends the Planning Commission find this project consistent with the development standards of the zoning district criteria of Design Review as required by Section 18.20.030 of the Pleasanton Municipal Code (PMC).

BACKGROUND

The property at 2207 Martin Avenue is located near the north end of Martin Avenue and is part of the Mohr-Martin area, generally defined by Martin Avenue, Mohr Avenue, the former Southern Pacific Railroad right-of-way, and Stoneridge Drive. The Mohr-Martin area comprises predominantly residential uses of varying densities and home designs. Many of the properties within the area were originally located in unincorporated Alameda County, but were progressively annexed into the City of Pleasanton during the 1990's. Thus, many of these

properties were subdivided and developed in conformance to planning, zoning, and construction standards of Alameda County. On April 1, 1997, City Council adopted Ordinance No. 1709 for RZ-97-2, which pre-zoned the subject property to the PUD-LDR District, as part of a larger approximately 34.5-acre area, for a maximum density "approaching" 2.0 dwelling units per acre. The property was annexed into the City of Pleasanton in 1997.

On August 23, 2023, the Planning Commission first heard the proposed Planned Unit Development (PUD)-148 application to establish development standards of the R-1-40,000 District to the property at 2207 Martin Avenue, with specific standards applicable to a partially built tennis court in the rear. At the public meeting, neighbors expressed concerns regarding the potential tennis court's lighting impacts to homes and light pollution, proximity of the tennis court to adjacent residences, height of poles that had been erected, and requests for assurance the tennis court would obtain proper permitting. Tennis court lighting was not included in the project reviewed as part of the PUD-148 approval, although it had been part of an initial application and later eliminated from the plans, in part due to neighbor concerns. At the time of the public hearing, the applicant indicated they had no immediate plans to install lighting, but did not want such lighting to be prohibited.

On December 13, 2023, Planning Commission reaffirmed and recommended approval of Planned Unit Development (PUD)-148 to the City Council to establish development standards of the R-1-40,000 District with specific tennis court standards. Tennis court lighting was not explicitly prohibited. Rather, the PUD requires tennis court lighting above eight feet to be subject to Administrative Design Review. The PUD application was introduced to the City Council on January 16, 2023, and adopted on February 6, 2023.

SITE AND AREA DESCRIPTION

The subject property is a flat, apprximately1.67-acre site located between Martin Avenue and Dennis Drive and is developed with an approximately 4,173-square-foot two-story single-family residence with an attached garage built in 1977. As described below, a tennis court, partially completed, is located in the northwest portion of the property. There are several mature trees clustered in the center of the lot with established landscaping surrounding the existing residence. Single-family residences, both one- and two-story, are located north, south, and west, and Alameda Flood Control property is located east, across Martin Avenue, of the subject site (see Figure 1).

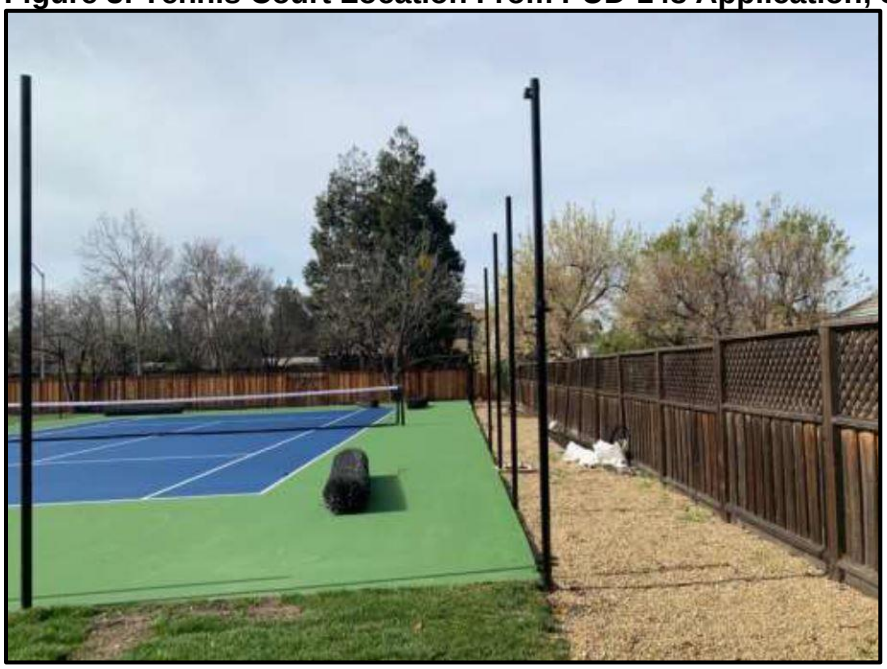
Figure 1: Aerial View of Vicinity

Figure 2: Aerial View of Project Site w/ Approx Location of Proposed Light Posts

PROPOSED PROJECT

The applicant/property owners propose to install six, approximately 15-foot-tall, tennis court lights around an existing tennis court (see Figure 3). The proposed tennis court lights would include LED 18,000 Lumen fixtures with an approximately 2.38-inch side shield, mounted to an approximately 18-inch long arm spoke bracket (see Exhibit B). The tennis court and partially installed fencing (posts only have been installed to date) are located approximately six feet away from the north side property line and approximately 14 feet from the rear (west direction) property line along Dennis Drive.

Figure 3: Tennis Court Location From PUD-148 Application, Side View (picture by applicant)



ANALYSIS

Consistency with General Plan and Zoning Land Uses:

General Plan

General Plan policies do not explicitly address sports courts or lighting, but broadly speak to retaining the character of existing neighborhoods and minimizing intrusions:

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.

As conditioned, staff finds the project would meet the intent of the General Plan.

Zoning

The site is zoned PUD-LDR and subject to the R-1-40,000 District development standards, as well as more site-specific conditions adopted as part of PUD-148.

Tennis Court Development Standards

The PMC does not address sports courts and associated lighting. However, per PUD-148, the site consists of specific tennis court development standards, which include the following:

a. Allow fencing approximately 10-feet maximum in height at the front and rear (narrow) ends of the tennis court.
b. Allow fencing approximately eight feet maximum in height on the long sides of the tennis court, extending from the 10-foot-high corner poles to the service lines.
c. Vining vegetation will be planted to grow along the tennis court fencing, and tall, five-gallon minimum vegetation, will be placed between the court and property line fencing.
d. Applicant and neighbor will share repair costs of an approximately seven-foot-high solid wood fence along the property line between 2207 Martin Avenue and 3520 Dennis Drive. If the neighbors have not shared costs to pay for the repairs within six months of the effective date of this approval, the applicant shall be relieved of this condition.
e. Tennis court lighting above eight feet in height shall require Administrative Design Review.

Since the approval of PUD-148, the applicant has added vegetation on the side fence line and increased the height of the existing wood fence at the rear (along Dennis Dr.) from approximately six feet to approximately seven feet with an over-height-fence permit by adding a one-foot lattice (Case No. P24-0196). Figure 4 below illustrates the current status of the tennis court fencing and vegetation.

Figure 4: Existing Condition of Tennis Court Fencing and Vegetation (picture by applicant)

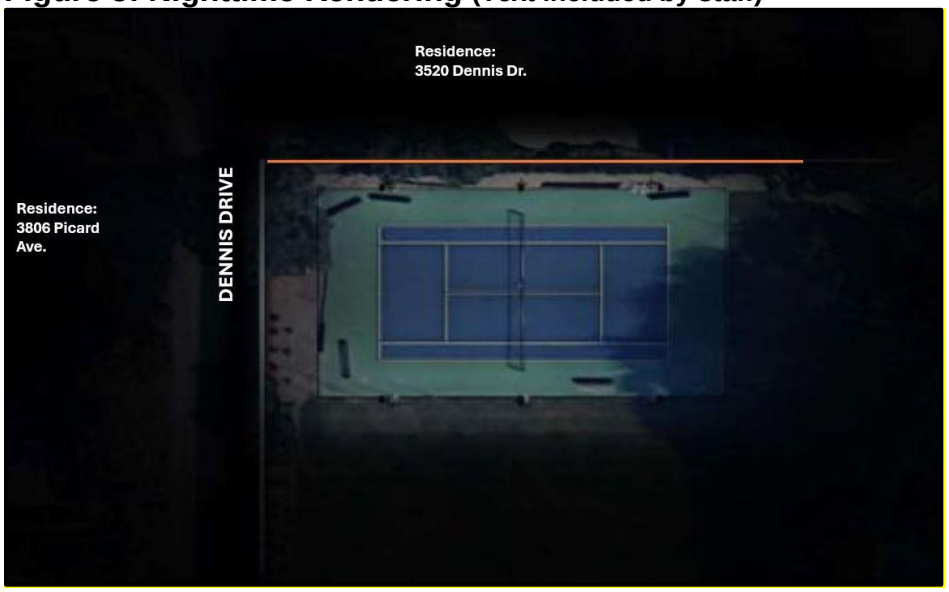
As required by item e) above, the applicant has submitted an ADR application for tennis court lighting above eight feet. The applicant is proposing tennis court lighting that is consistent with or less than industry standards (i.e. at a lower height and at lower illumination levels) for recreational tennis courts.

Per lighting professionals such as LuxLogic and Sports Venue Calculator, the preferred illumination level of the tennis court depends on the court's characteristics.[1] Class I, Class II, and Class III are the different levels of competition, with Class III generally consistent with courts located on residential/recreational properties. Per recommended specifications of lighting professionals for Class III facilities, the minimum foot-candle (fc) for recreational tennis court lighting is 30fc. The applicant is proposing a maximum of 21fc at light poles (see Exhibit B). Furthermore, the height of poles is recommended to be at minimum approximately 20 feet by industry practice, whereas the proposed lights would be installed at 15 feet.

The application materials submitted by the applicant include two photometric plans: one with only glare shields, and the other with glare shields and spoke brackets. The applicant is proposing the photometric plan with both mitigation measures of glare shields and spoke brackets which reduces the spillover to the north adjacent residence to 0.1fc. Additionally, light on the west residence property (across Dennis Drive) is also reduced to 0.1fc. To further illustrate the photometric illustration, the applicant has provided a night rendering (see Exhibit B and Figure 5 below).

[1] Sports Venue Calculator, "LED Tennis Court Lighting Layout Design Guide," accessed May 2024, https://sportsvenuecalculator.com/knowledge/sports-field-lighting/led-tennis-court-lighting-layout-design-guide/; LuxLogic Lighting, "Tennis Court Lighting," accessed May 2024, https://www.luxlogiclighting.com/pages/tennis-court-lighting.

Figure 5: Nighttime Rendering (Text included by staff)



As a further benchmark, staff reviewed sports court design standards imposed by other jurisdictions, including several Bay Area communities. While two of the communities surveyed (Lafayette and Saratoga) prohibit lighted courts altogether, those that do permit them specify maximum heights of between 12 feet (Palo Alto) and 20 feet (Dublin, Fremont, Mountain View, and Rancho Mirage). As conditioned, the proposed tennis court lighting would be comparable with, and with the exception of Palo Alto, below the standards imposed by other jurisdictions (see table 1 below). It was noted by staff that several cities specify hours of use for sport-court lighting. A condition of approval for the ADR limits the hours of operation for the lights to 7:00 a.m. to 10:00 p.m. daily. To further ensure that lights are not inadvertently left on beyond the times specified, a condition of approval to implement a timer for automatic shut-off is also included.

Table 1: Sports/Tennis Court Lighting Standards for Residential-Zoned Properties

Jurisdiction	Lighting Allowed (Yes/No)	Maximum Lighting Height in Feet	Lighting Hours	Other Specific Lighting Regulations
City of Dublin	Yes	20’	-	• Downward Directed • Not illuminate adjacent property
City of Lafayette	No	-	-	-
City of Fremont	Yes	20’	Allowed during: • Sunday – Thursday: 6am-11pm • Friday & Saturday: 6am - midnight	• Max of eight lamps • Warm white color temperature between 2,700 and 3,500 K, • Not exceed more than one foot-candle at the property line • 2hr timer on lighting
Town of Los Gatos	Yes	Case-by-Case	Not allowed after 10pm	• Downward Directed & Shielded • High-intensity lights are not permitted
City of Saratoga	No	-	-	-
City of Mountain View	Yes	20’	-	• Directed downward • Only illuminate the court
City of Palo Alto	Yes	12’	-	• Shielded • Lighting to not extend beyond the property
City of Rancho Mirage	Yes	18’ with four poles & 20’ with three poles	Not allowed after 10pm	• Directed downward • Only illuminate the court

With respect to the surrounding neighborhood, per satellite imagery, there are currently six properties in the vicinity of the subject parcel that have an existing sports court (see Table 2 and Figure 4). Staff was not able to determine if any of the six sports courts include sport court lighting. Of the six properties, two (properties, 1 and 2, per Table 3) contained an existing tennis court prior to annexation into the City. In addition, City records do not show that the City issued planning or building permits for any sports court for any of the six properties. However, as noted above, not all sports court improvements may require City permitting – e.g. a sports court consisting only of flat work (concrete slab) and striping would not require City permits.

Table 2: Addresses of Numbered Properties with Sport Courts

1	3711 Trenery Drive
2	3710 Trenery Drive
3	2556 Wilde Avenue
4	2564 Wilde Avenue
5	3614 Diablo Court
6	3623 Cameron Avenue

Figure 5: Properties with Sport Courts

PROJECT SITE ALTERNATIVES

As outlined above, staff believes the project, as proposed and conditioned, would be compatible with the surrounding parcels in the neighborhood and not create adverse impacts and recommends the Planning Commission approve the project. However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Denial of the application. Such an action would preclude the applicant/property owners from constructing the tennis court lighting; or
2. Approval of the application with modifications. The Planning Commission could approve the ADR for tennis court lighting, but with a modified hour of use, shielding type, or with other changes to the proposal.

Staff believes the project for tennis court lighting, as conditioned, will not adversely impact any surrounding properties or the surrounding neighborhood. Staff recommends none of the alternatives above be pursued.

DESIGN REVIEW CONSIDERATIONS

The Pleasanton Municipal Code Section 18.20.030 sets forth the scope of review criteria to be addressed in reviewing projects subject to design review. These criteria are set forth in the draft Resolution included as Exhibit A. 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 approve the project.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site (Exhibit D). At the time this report was published, staff received neighbor concerns regarding the proposed tennis court lighting. Public comments are included in Exhibit C. Noticed neighbors expressed concerns regarding potential tennis court's lighting impacts to homes, proximity of the tennis court to adjacent residences, height of light poles, and potential traffic hazard. Additionally, neighbors expressed dissatisfaction of the proposal due to their understanding with the applicant/property owners that tennis court lighting would not be proposed as part of the communication during the PUD application process.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, New Construction or Conversion of Small Structures. Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

As proposed and conditioned, staff believes the proposed tennis court lighting would not adversely impact the surrounding uses. Conditions of approval have been included which will ensure the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff has reviewed the proposed plans and proposal and believes that the tennis court lighting is consistent with characteristics for residential tennis court lighting per general industry standards.

Primary Author: Diego Mora, Assistant Planner, dmora@cityofpleasantonca.gov

Reviewed/Approved By:
Kimberly Cilley, Assistant City Attorney
Melinda Denis, Planning and Permit Center Manager/Deputy Director of Community Development
Ellen Clark, Director of Community Development

EXHIBIT A

RESOLUTION NO. PC-2024-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING AN APPLICATION FOR ADMINISTRATIVE DESIGN REVIEW (ADR) TO INSTALL SIX (6) TENNIS COURT LIGHTS, NOT TO EXCEED 15 FEET IN HEIGHT, LOCATED AT 2207 MARTIN AVENUE, AS FILED UNDER CASE NO. P24-0278

WHEREAS, on April 12, 2024, Meenu Gochhwal and Ashish Choudhary ("Applicant") applied for ADR approval under case No. P24-0278 to install six approximately 15-foot-tall tennis court lights located at 2207 Martin Avenue ("Property"); and

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

WHEREAS, the zoning for the Property is PUD-LDR (Planned Unit Development – Low Density Residential) District; and

WHEREAS, on May 22, 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: Finds that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, New Construction or Conversion of Small Structures. The addition of six (6) tennis court lights, not to exceed 15 feet, in height is considered construction of new small facilities or accessory structures.

Section 2: Criteria for Design Review Approval
With respect to the Administrative Design Review application, the Planning Commission finds that the project was reviewed and approved based on the nine criteria as required by Section 18.20.030 of the Pleasanton Municipal Code which include the following:

1. Preservation of the natural beauty of the city and the project site's relationship to it;

2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings;

DRAFT

3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;

4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;

5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;

6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;

7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;

8. Integration of signs as part of the architectural concept; and

9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

With respect to the above criteria, the Planning Commission finds that the project, as conditioned, would preserve and enhance the City's aesthetic values and ensure the preservation of public health, safety and general welfare since the proposed project is consistent with the allowable height, setbacks and other pertinent development standards of the PUD-LDR and subject to the R-1-40,000 District development standards in which it is located. The lighting is designed to harmonize with its surroundings, providing adequate illumination for the tennis courts while minimizing glare and light spillage to adjacent areas. The shielded downward-directed tennis court lighting would be consistent with other existing sports court lighting in the surrounding area and in conformance with the location and size in relation to the existing tennis court.

Section 3: The Planning Commission hereby approves Case No. P24-0278, an Administrative Design Review to install six tennis court lights, not to exceed 15 feet in height, at 2207 Martin Avenue, subject to the Conditions of Approval in Exhibit A, attached hereto and incorporated into this resolution by reference.

Section 4: This resolution shall become effective immediately.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on May 22, 2024, by the following vote:

DRAFT

Ayes:
Noes:
Absent:
Abstain:

ATTEST:

_____	_____
Melinda Denis	Matt Gaidos
Secretary, Planning Commission	Chairperson

APPROVED AS TO FORM:

_____
Julie Harryman
Assistant City Attorney

DRAFT

EXHIBIT A
ATTACHMENT 1

EXHIBIT A
CONDITIONS OF APPROVAL

P24-0278
2207 Martin Avenue
May 22, 2024

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 Administrative Design Review approval to install six (6), tennis court lights, not to exceed 15 feet in height, for an existing single-family residence zoned PUD (Planned Unit Development) - LDR (Low Density Residential) at Assessor Parcel No. 946-1146-46 at 2207 Martin Avenue. Development shall be substantially as shown on the project materials listed below:

a. Project plans, Exhibit B, prepared by Meenu Gochhwal and Ashish Choudhary, owners, dated “Received” on April 11, 2024, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the “Approved Plans.”

<u>THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:</u>

1. APPROVAL AND REVISIONS: 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, building colors or materials, green building measures, landscape material, etc.

2. EXPIRATION: Administrative Design Review approval shall lapse and become void one year following the effective date of project approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion or an extension has been approved by the City.

DRAFT

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 incorporated as one of the first four plan sheets of all building permit and engineering permit plan submittals for review by the City prior to issuance of permits.

4. 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, employee 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

Tennis Court Lighting

5. All appropriate City permits shall be obtained prior to the construction of tennis court lighting. **Project specific condition.**

6. Six (6) proposed tennis court lights shall be shielded and down-directed so as to minimize any off-site light and glare, and be no taller than 15-feet measured vertically from the average elevation of the natural grade or finished grade, whichever is lower. **Project specific condition.**

7. Light trespass across property lines onto adjacent residential property shall be limited to 0.1 foot-candle. **Project specific condition.**

8. Hours of Illumination. No person or persons shall turn on, or allow to be left on, tennis court lights between 10 p.m. and 7 a.m. daily. **Project specific condition.**

9. Tennis court lights shall be on a timer which allows for a maximum duration of lighting that does not exceed two hours before shutting off lights to help ensure that lights are not inadvertently left on beyond the times specified above. **Project specific condition**

10. FINAL INSPECTION: Final inspection by the Planning Division is required prior to use of tennis court lighting. **Project specific condition.**

END

RECEIVED
04.11.24
EXHIBIT B
P24-0278
CITY OF PLEASANTON
PLANNING DIVISION
EXHIBIT B

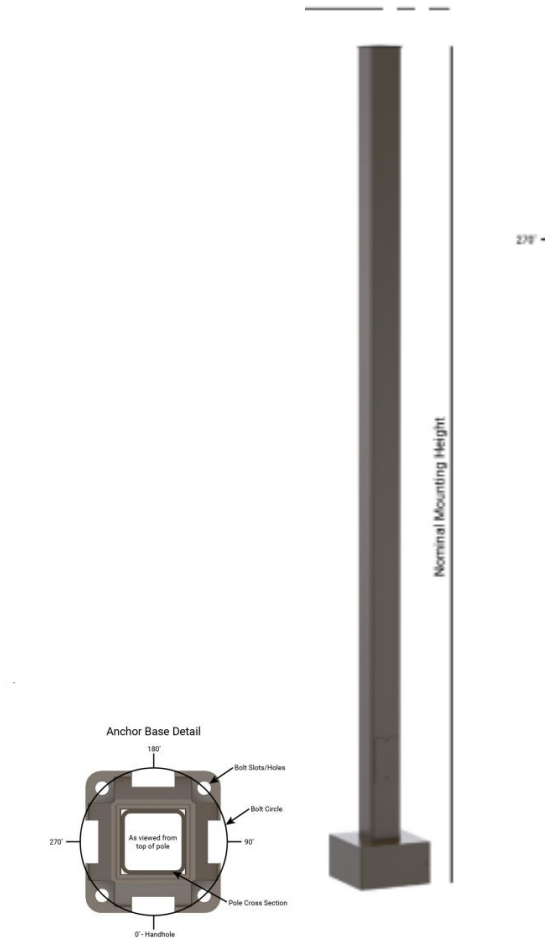
Address: 2207 Martin Ave, Pleasanton Lot Size 1.67 acre

Scope of work: Adding 6 light poles (No more than 15ft in height) with LED lights around the tennis court as highlighted in orange.

Light poles are 6 ft away from the neighbour's property fence

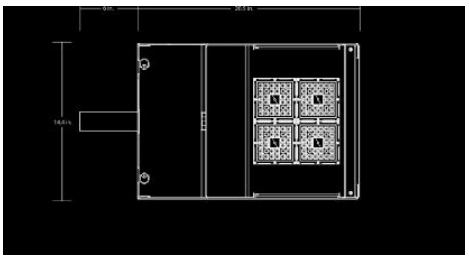
[POLE DESCRIPTION] Up to 15' Tall x 4.0" OD x 0.125" Thick, Square Straight Aluminium, Anchor Base Light Pole, Full Base Cover with 5/8" Anchor, Wiring Hand Hole & Cover, Black Color

- Pole Shaft - The pole shaft is extruded from seamless 6063-T6 aluminum.
- Anchor Base & Cover - The anchor base is cast from 356 alloy aluminum and supplied with an aluminum two-piece base cover. The completed pole assembly is heat-treated to a T6 temper.
- Anchor Bolts - Anchor bolts conform to ASTM F1554 Grade 55 and are provided with two hex nuts and two flat washers. Bolts have an "L" bend on one end and are galvanized a minimum of 12" on the threaded end.
- Hardware - All structural fasteners are galvanized high strength carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.
- Design Criteria - Standard EPA (Effective Projected Area) and weight values are based on Standard Commercial and AASHTO Criteria (with 3 second gust factor) for side and top mounted fixtures only.



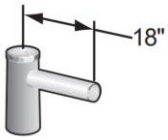
[LUMINARE DESCRIPTION] 135W, NAFCO® Small SLX Area/Flood LED Light Fixture, 18000 Lumens, 4000K, Type 4 Medium Distribution

SLX **House Side Shield** Adjustable Slipfitter Mount, Fits 2.38" OD Tenon & Arm Mounts



SPOKE BRACKET - Single Fixture Mount, Aluminum Spoke Bracket, 18" Long Arm, 2-3/8" Hub Pole Top Mount,

- Hardware - All structural fasteners are galvanized high strength carbon steel. All non-structural fasteners are galvanized or zinc-plated carbon steel or stainless steel.
- Finish - Finishes include anodized or painted.
- Design Criteria - Tenon loading is calculated for weights based on a 100 M.P.H. constant wind with a 1.3 gust factor located 30' above grade.

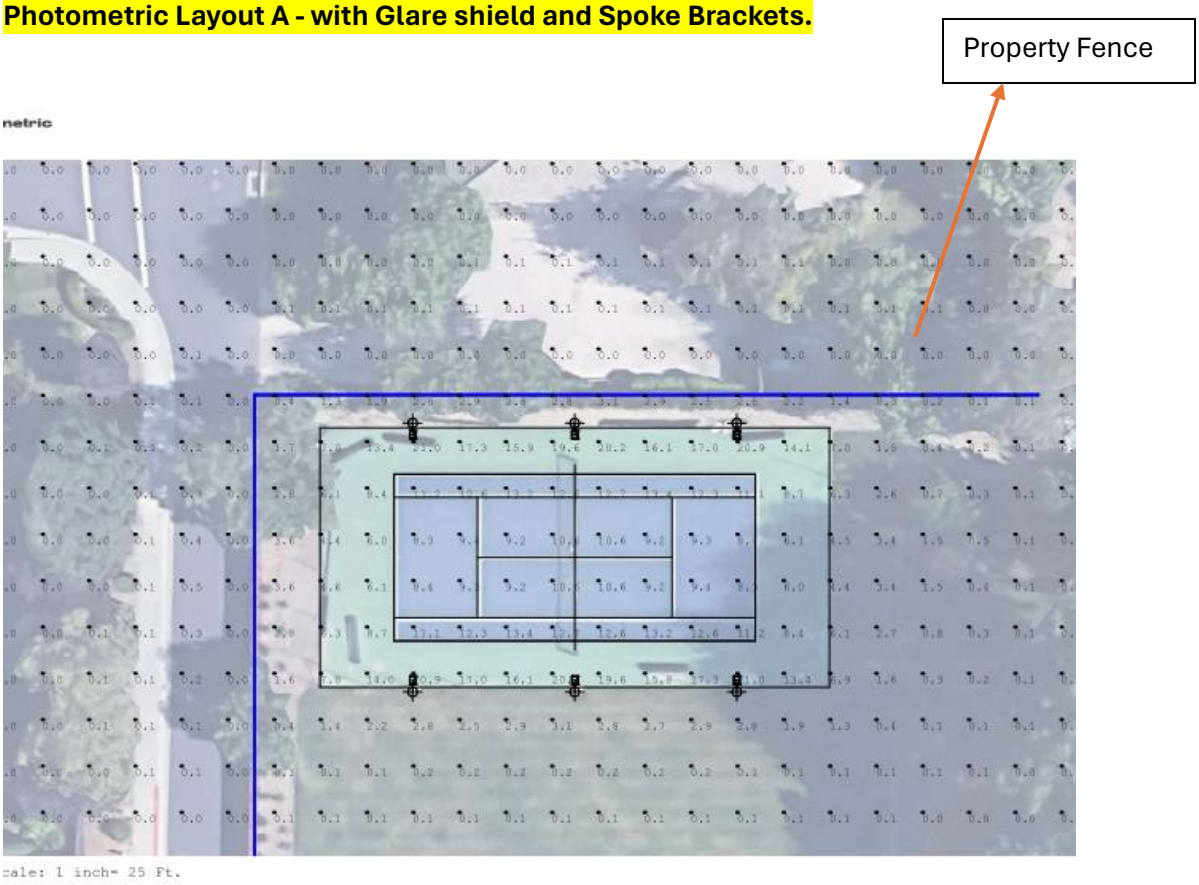


VA-A-SPK-RXX-1-000-FP-18

Initially with just the glare shield the spillover was 0.2 fc (Photometric Layout B). After adding the Spoke Brackets along with the Glare shield (Photometric A Layout), this reduced it further to 0.1 fc

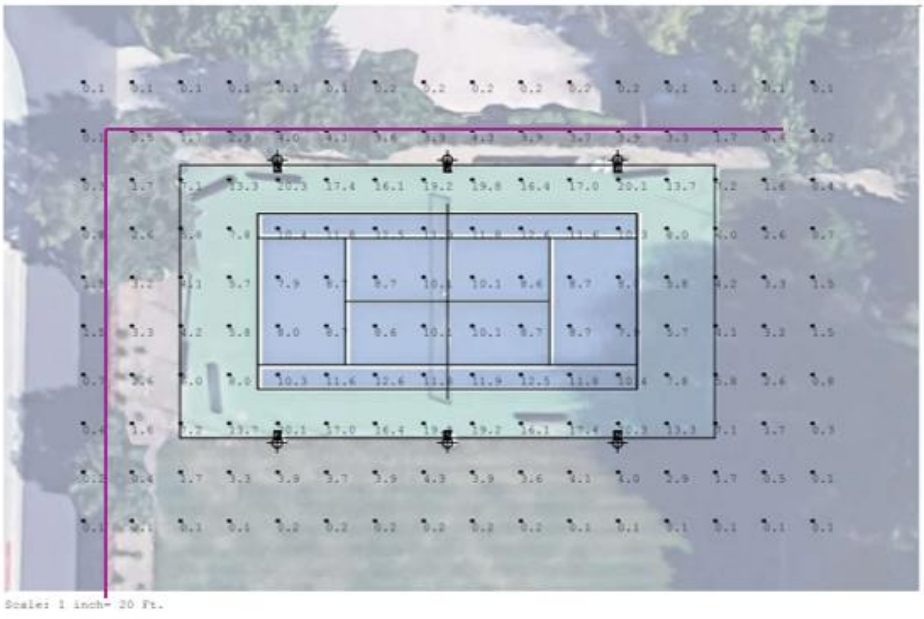
Note : 0.1fc is almost negligible and translates to moonlight in reference to brightness.

Photometric Layout A - with Glare shield and Spoke Brackets.



Photometric Layout B - with Only Glare shield

Photometric



Scale: 1 inch= 20 Ft.

Photometric Layout with Glare shield and Spoke brackets.

Rendering

EXHIBIT C

Tennis court lights at 2207 Martin Ave

Tamra Girvan [redacted]
Wed 4/17/2024 2:23 PM
To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Dear City Planner,

Please do not install lights higher than 8 ft at the 2207 Martin Avenue location. The planned 15 foot lights will be invasive to the homes in the area.

Thank you for your consideration!

Dan and Tamra Girvan
[redacted] Picard Avenue
Pleasanton, CA 94588

Lighting at 2207 Martin Avenue, Pleasanton

Michelle Kloos [redacted]

Wed 4/17/2024 4:50 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Hello.

My name is Michelle Kloos. My husband and I own our home at [redacted] Picard Avenue. We have lived at this address since 1996. I have been a Pleasanton resident since 1975.

I am contacting you regarding the request to install 15' lights at the subject address. This backyard backs up to a wood fence that runs along Dennis Drive. This is the neighborhood our family resides. Although we live on Picard Avenue, our home is 2 houses and a narrow street distance away from the subject's tennis court.

We appreciate and encourage outdoor exercise and play. We, too, have an outside sport court. We went through proper channels for approval of our 2 10' lights. At the city's suggestion, we contacted all adjacent neighbors for their approval. They all approved in writing. We made sure to make our lighting directed in a downward plane, as required by the City.

The light poles at this Martin Avenue residence will very likely affect the Bortle Scale and restful sleep of the homes that are alongside or on Dennis Drive. Although these homes adjacent Dennis Drive and/or on Dennis Drive are in a different neighborhood than the subject address, the size and scope of the requested lighting will highly affect these homes, and our home (but in a lesser amount).

15' light poles are 50% taller than the 2 light poles at our home. 6 15' light poles in a suburban neighborhood will be a significant disturbance to our neighbors, and even our home.

It is my experience that lighted public tennis courts are available for night use.

Thank you for your time and consideration.

Michelle and Mike Kloos

Sent from AT&T Yahoo Mail for iPhone

2207 Martin Lights

Alan Shapiro [redacted]

Wed 4/17/2024 2:06 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Diego,

The purpose of this email is to notify you of our request not to approve installation of 15 foot tall tennis court lights. As you are aware the applicant stated several times at public meetings that he would not be installing lights. As a consequence , the neighbors agreed to fence heights and no poles between the set lines and as a courtesy, the applicant would be allowed to encroach 3.5 feet in the side setback. No light poles above 8 feet should be permitted.

Thank you,
Alan Shapiro
[redacted] Picard Ave

Application #: P24 0278

Michele Peterson [redacted]

Fri 4/19/2024 10:59 AM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Hi Diego -

Here are the comments from Michele and Ray Peterson [redacted] Dennis Drive.

We live directly adjacent to the tennis court at 2207 Martin Avenue.
The tennis court is approximately 6 feet from our property line and runs 110 feet along the fence line from the front yard to the back.
It is important to note that our master bedroom is on this side and faces the tennis court.

The applicants have repeatedly stated that they were not doing lights, both to us personally and to the Planning Commissioners.
We negotiated an agreement with the applicants based on these statements, compromising on fence height and side setbacks.

At the last Planning Commission meeting in December 2023, we expressed our opposition to tennis court lighting based on that agreement, on the lack of appropriate setbacks, and the fact that the project was started and poured in place before contacting the City or the neighbors.
This resulted in the Planning Commission adding the ADR condition for lighting over 8 feet.

We oppose any lighting and especially lighting on 15-foot-tall poles.
3 of those poles would be facing our master bedroom.
There would be no way to prevent the invasion of our privacy.
We ask that you give consideration to how these lights would affect not only us, who have lived on the property since 1998, but all of the surrounding neighbors, and how the lights would impact the aesthetics of the area.

We would also like to request a hearing with the ZA.

Thank you for your time,
Michele and Ray Peterson
Sent from my iPad

Re: Tennis court lights at 2207 martin

sunil hariani [redacted]

Sat 4/20/2024 8:22 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Hi,

I understand the owner wants to install 15 feet high lights. I think this should be limited to 8 feet in order to maintain the tranquillity of our neighborhood.

Regards
Sunil Hariani
[redacted] Wilde Avenue

Regarding tennis court lights at 2207 Martin Ave.

Manish Shrivastava [redacted]

Sat 4/20/2024 9:38 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Hi
We live at [redacted] Picard Ave close to the site where the homeowner is requesting 15 foot tennis court lights . These lights will not just be a disturbance to our neighbourhood but will also create a traffic hazard for Picard Ave, Dennis Drive and Newton Way when driving towards these lights . We have many kids playing and cycling on the front yard and these quite neighbourhood streets and these lights will cause distraction for drivers especially during the evenings when it is about to be dark

---

Best Regards
Manish Shrivastava
[redacted] Picard Ave
Pleasanton CA 94588

Installation of tennis court light

Xiaoqinggrace [redacted]

Sun 4/21/2024 9:54 AM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Dear Sir / Madam,

I have received a card from the City regarding the installation of six 15 foot tall tennis court lights at 2207 Martin Ave. The tennis court backs to Dennis Drive and is next to my house. The 15 foot tall lights should not be allowed. I am asking your help to notify the City Planner and request that lights should not be any higher than 8 feet.

Thank you in advance for your help. Let me know if you have any questions.

Regards,
Xiaoqing He
[redacted] Picard Ave.
Pleasanton CA 94588

Re: 2207 Martin Ave

[redacted] [redacted]

Mon 4/22/2024 3:41 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

yes please,
but a few changes:

Hello Diego
We have been at this with Meenu and Ashish since Feb '23, it seems.?
First they were putting in hard scape, then a tennis court.
I have asked her verbatim when we talked about the then "hard scape surface" that was installed-
She asked my opinion about what would the neighbors agree to.
I said whatever is legal thru the city. I looked at the landscape and saw concrete lighting squares, w 4 bolts protruding .
Told her I would not be in favor of lighting as I love the sky here. If I recall, that's what she remarked to the Borchers when they bought the house.

if lighting is deemed applicable, and is done within code, like are there certain hours?, Then as a Neighbor, not much I can do except just express my sadness that she told me multiple times There would be no lighting. Apparently, now there's lighting on the table.

I Don't trust this group/contractor/owner to do the right thing. I think the inspectors should be on top of their game.

I'm pretty sure that's why the Hardscape "turned into tennis courts w high fencing". Luckily, lots of people are honest and we don't have to babysit....

What's legal is legal. So Randy's and my two cents is no lighting altogether, or limit activity. Knowing that neighbors who oppose it will be calling if they're not following protocol.

what a Shame that it has come to this.

Karrie smith & Randy smith
[redacted] Martin CourtPleasanton, ca 94588
@[redacted]

Re: 2207 Martin Ave (P24 0278) Update

Manish Shrivastava [redacted]

Mon 5/13/2024 7:05 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Hi Diego
Thanks for the update . I will not be able to attend the meeting but would like to reiterate my concern .

1. intersection of Picard and Newton behind the property is what I am mainly concerned about. People walking back with kids and dogs from Mohr park late evenings are hard to see especially if the lights can distract drivers
2. There is no sidewalk behind 2207 so everyone is crossing Picard to go towards Newton .
3. The Newton way sharp turn is very narrow

So any split second distraction is very dangerous. If the city decides to put a stop sign with pedestrian lights for Picard crossing and a stop sign on Newton sharp turn to reduce the speed then it may be ok . Else if the lights are tall and can even distract the drivers for a split second that is dangerous .
City can decide to put a side walk behind these houses and that could reduce the foot traffic from crossing the Picard / Newton intersection

Thank you

Best Regards
Manish Shrivastava
[redacted]

> On May 13, 2024, at 11:02, Diego Mora <DMora@cityofpleasantonca.gov> wrote:
>
> Good Morning,
>
> You are receiving this email because you have expressed a public comment for the project at 2207 Martin Avenue Administrative Design Review application to install tennis court lighting. After further consideration, the application is being referred to the **Planning Commission for review at the May 22nd public meeting**. Notices have been sent for a 1,000-foot radius from the project site. Also, please note that the public comments received to date will be included in the agenda report.
>
> Best,
>
> **Diego Mora**
> *Associate Planner, Community Development Department*
> 925-931-5618
> dmora@cityofpleasantonca.gov

2207 Martin Ave

Kathleen Spears <[redacted]>

Wed 5/15/2024 2:03 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Thank you Mr. Mora for including me, Kathleen Knode-Spears, with the post card notification informing of the possible installation of 15 foot tall tennis lights at 2207 Martin Ave. The glare from tennis lights would have a great impact on our property and neighborhood. The sound of the actual game at night would be an additional invasion.

This is a blissfully quite neighborhood and has been for the 20 years my husband and I have owned our property at [redacted] Dennis Dr.

Thank you for bringing this to my attention.

Can you please advise on what I can do in addition to this email to protest these lights?

P24 0278 2207 MARTIN TENNIS LIGHTS

[redacted] [redacted]

Wed 5/15/2024 7:29 PM

To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Mr. Mora,

Thanks for allowing me to comment.

This owner has demonstrated a history of “better to ask for forgiveness than permission” and this is an opportunity for the City of Pleasanton to put a stop to it.

The backside of the lot, where the court is now located is an already narrow street with a tight turn. This strip of road is heavily traveled for school / park activities and in real need of a sidewalk. Neighboring property was even asked to make a deposit for the sidewalk before being granted city permit to build. This homeowner has ignored the rules and built the court without initially getting permission and thinks he can do it again.

Why it should not be allowed:

Homeowner did not get City approval prior to pouring the court.
Light poles were erected prior to any city approvals.
Homeowner stated multiple times at a city meeting he was not intending to install lights (but poles are there).
The court lighting likely is a distraction and dangerous to drivers on a narrow road.
There does not appear to be time constraints for nighttime play.
Tennis can also add to nighttime noise for nearby homes.
The poles are already an eyesore and distraction.

My hope is the city will not allow this bullying behavior and deny the request for lights and require the poles to be removed.

Thank you again,

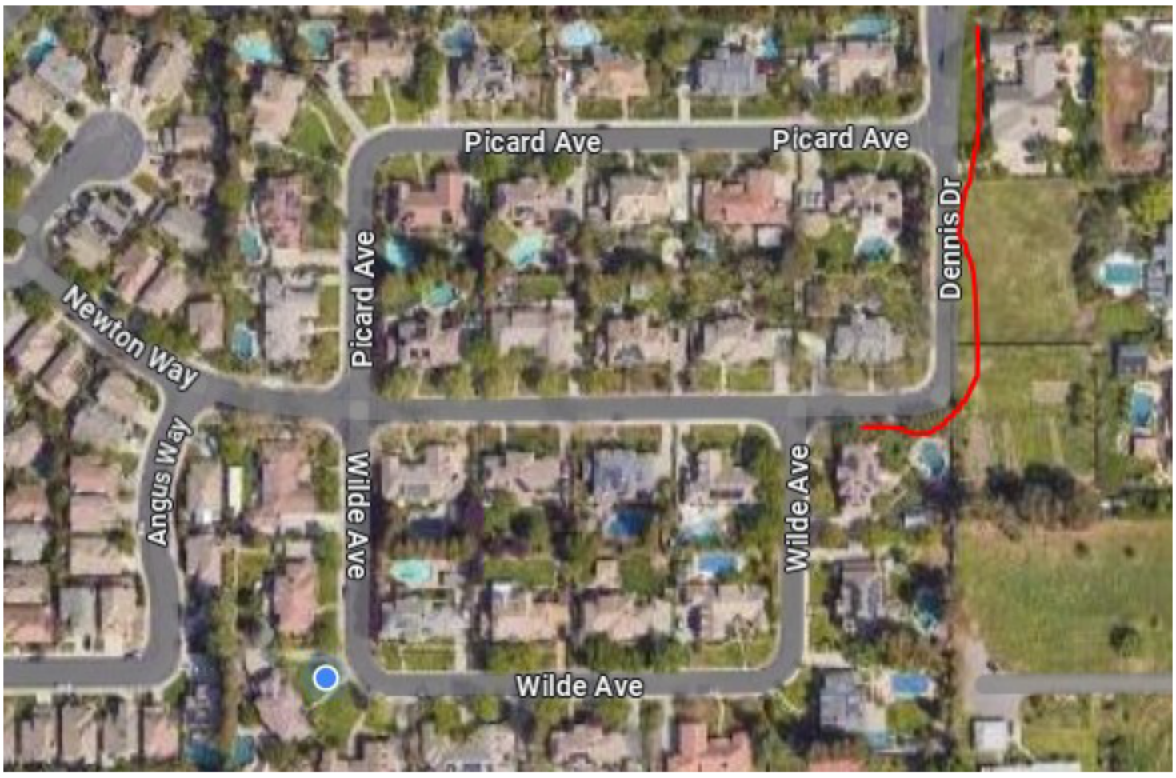
Gary Spears
[redacted] Dennis Drive

P24 0278 2207 Martin Ave

Jenny Grau [redacted] >
Wed 5/15/2024 4:12 PM
To:Diego Mora <DMora@cityofpleasantonca.gov>

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

Hello Diego,
I am an original homeowner in Walnut Glen. The most unfortunate part of this entire situation is that the city never installed a sidewalk to extend along Newton Way to Dennis Drive. This has created a most unsafe crossing situation at a blind corner where Newton meets Dennis. The speed blocks along that corner has done nothing to slow drivers down. When the two properties that back to Dennis Drive were going to be subdivided, there was the potential for the sidewalk to be completed along Dennis Drive to Mohr Elementary. That did not materialize. The city has allowed a tennis court to be built exactly where a sidewalk for pedestrian safety should be. The sidewalk concern should take precedent over tennis court lights. This is a huge oversight by the city and very unfortunate for the many walkers in the neighborhood, especially those walking to and from Mohr Elementary School. The city should take a step back and look at the big picture of the neighborhood.

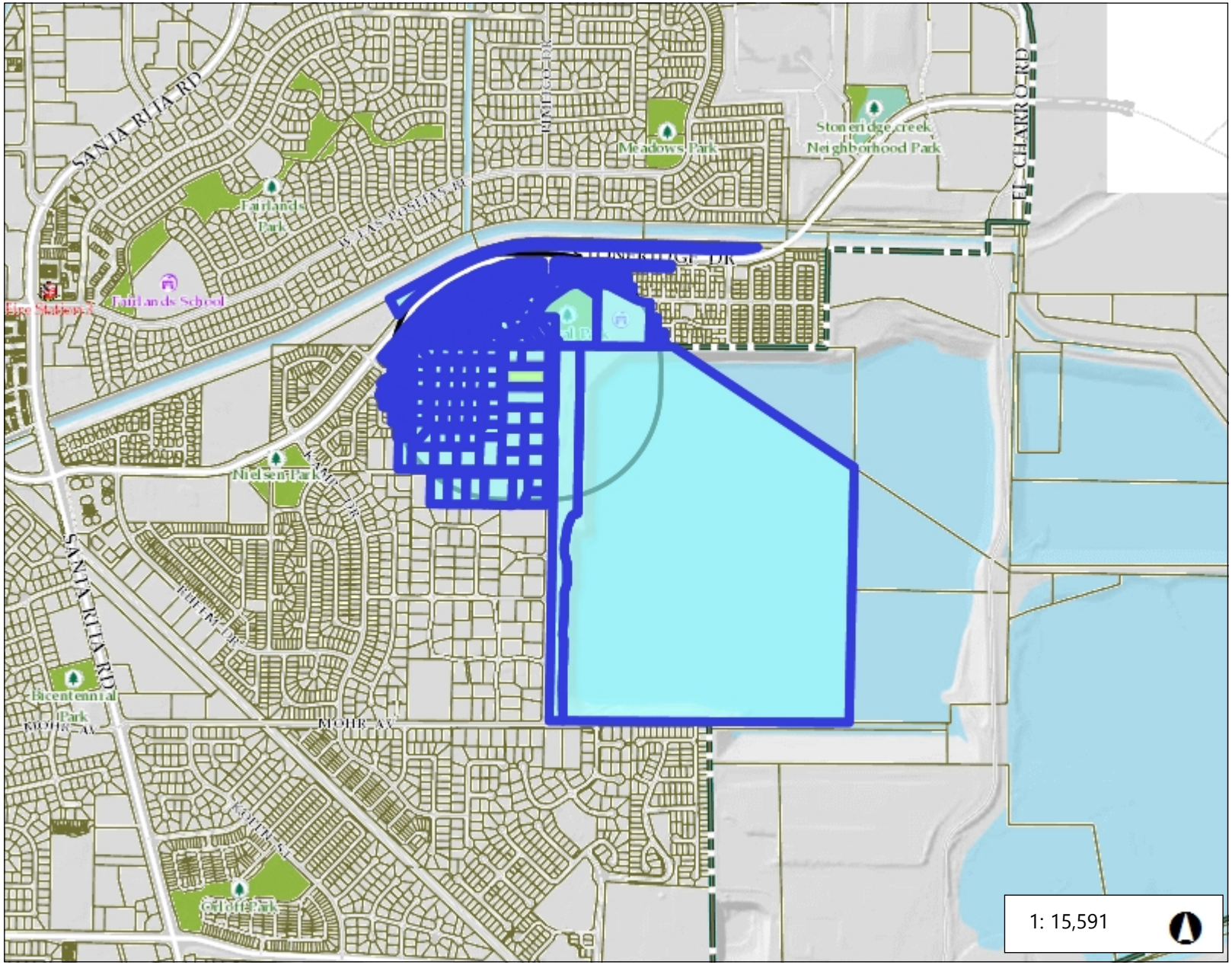


Thank you,
Jenny Grau
[redacted] Wilde Ave
[redacted]

2207 MARTIN AVENUE

Map Name Title

EXHIBIT D



Legend

- Fire Station
- School
- Park
- Parcels

Notes

Notes

2,598.5 0 1,299.26 2,598.5 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US

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Planning Commission Agenda Report

May 22, 2024
Item 6

SUBJECT: PLANNING COMMISSION DUTIES WITH RESPECT TO INCLUSIONARY ZONING ORDINANCE AND HOUSING PROGRAMS

STAFF RECOMMENDATION

Staff recommends the Planning Commission receive information, ask questions, and discuss staff presentation on the Planning Commission duties under the Pleasanton Inclusionary Zoning Ordinance and other housing-related matters.

EXECUTIVE SUMMARY

With the reorganization of City Commissions recently authorized by City Council, many of the duties and responsibilities formerly assigned to the Housing Commission are to be formally assumed by the Planning Commission. To assist with the transition of duties from the Housing Commission to the Planning Commission, this agenda item is an opportunity for staff to provide an overview of these duties as they relate to the Planning Commission's role in implementing the Pleasanton Inclusionary Zoning Ordinance (IZO)and other responsibilities with respect to the City's affordable housing program.

BACKGROUND

Commission and Committee Reorganization

In March 2024, the City Council made a number of changes to the structure of various City Commissions and Committees, with the goal of improving the efficiency and effectiveness of those bodies and City processes more generally. Among the changes was to disband the Housing Commission, and instead assign most of the duties and responsibilities of the Housing Commission to the Planning Commission, with others being absorbed by the Human Services Commission. The modified duties of the Planning Commission are formalized in Ordinance No. 2276 (Exhibit A) and are summarized below:

- *Make recommendations to the City Council and/or establish policies regarding affordable projects affiliated with the City, including preference and eligibility criteria for City-assisted housing, available grant applications, and new affordable housing programs.*
- *Review and make recommendations to the City Council regarding affordable housing agreements entered into pursuant to Chapter 17.44. [Inclusionary Zoning Ordinance]*

The discussion section of this report provides additional detail on 1) the Inclusionary Zoning Ordinance, which governs affordable housing proposals and the related affordable housing agreements made as part of new development; and 2) provides an overview of the City's affordable housing programs.

As described in Ordinance No. 2276, the Planning Commission's duties include making recommendations to the City Council on these matters and, in some more limited cases, establishing administrative policies for certain City housing programs.

DISCUSSION

Inclusionary Zoning Ordinance

In November 2000, the City adopted the Inclusionary Zoning Ordinance (PMC Chapter 17.44) in order to increase the production of residential units affordable to households of very low-, low-, and moderate-income and to provide funds for the development of very low-, low-, and moderate-income ownership and/or rental housing. The IZO shifted the emphasis of the City's affordable housing efforts from collection of an in-lieu Lower Income Housing Fee to more strongly emphasize the provision of actual affordable housing units as part of new future residential developments, although the IZO also provides opportunities for "alternative compliance" in meeting its requirements.

In order to attain the City's affordable housing goals and to assure that the limited remaining developable land in the city is utilized in a manner consistent with the City's housing policies, the IZO requires that 15 percent of the units in multiple family developments consisting of 15 or more units - such as apartments, condominiums, and townhomes where units are configured as multiple units on a single parcel of land - must be affordable to very low- [30-50 percent Area Median income (AMI)] or low- (50-80 percent AMI) income households. For all new single-family developments of 15 units or more, at least 20 percent of the project's dwelling units must be affordable to very low- (30-50 percent AMI), low- (51-80 percent AMI), and/or moderate-income (up to 120 percent AMI) households.

The IZO does not currently specify the exact mix of inclusionary units that must be provided. While the IZO provides for inclusionary units between 30 and 120 percent AMI, historically, the City has primarily targeted the IZO program for households at low-income (80 percent AMI), particularly in below market rate rental housing projects.

Over time, the IZO has secured the construction of hundreds of below-market rate units. Combined with units produced prior to adoption of the IZO, the City's policies and programs have resulted in approximately 1,123 units of deed-restricted, below-market rate housing in Pleasanton.

In addition to inclusionary requirements for projects of 15 or more units, the IZO and related PMC Chapter 17.40 (Affordable Housing Fees), specify that projects of less than 15 units, and Commercial, Office and Industrial developments must pay affordable housing fees, established in the Master Fee schedule on a per unit basis for residential development, and per square foot for non-residential projects.

Incentives to Constructing Inclusionary Units

The IZO allows the City to provide the following incentives to developers to provide inclusionary units, with such incentives offered at the discretion of the City Council.

- Fee waiver or deferral: The City may waive or defer payment of development impact fees and/or building permit fees applicable to the inclusionary units or the project of which they are a part.

- Design modifications: The City may grant design modifications that may include height restriction waivers, reduction in parking requirements, and/or reduced setbacks, open space and landscaping, or interior/exterior amenities.
- Second mortgages: The City may provide second mortgages or subsidies in exchange for the inclusionary units.
- Priority processing: Projects with inclusionary units may be entitled to priority processing of building and engineering approvals.

Alternatives to Constructing Inclusionary Units
The IZO requires the provision of Inclusionary Units only when the construction of the affordable housing units results in the feasibility of the residential project. However, if a project is found to be impractical or infeasible, the City and developer may agree on the following alternate methods of compliance with the IZO.

- Off-site Projects: The inclusionary units may be permitted to be constructed at another project site within the city.
- Land Dedication: An applicant may dedicate land to the City that may accommodate the development of inclusionary units.
- Credit Transfers: A project owner may request inclusionary unit credits when a project exceeds the total number of inclusionary units required on a site.
- Alternate Methods of Compliance: An applicant may propose creative concepts for meeting the IZO requirements that can bring down the costs of providing inclusionary units.
- Lower Income Housing Fee Option: An applicant may pay the City's Lower Income Housing Fee, in lieu of providing inclusionary units in a project.[1]

Note that the IZO provides discretion for the City to approve the first four of the alternative compliance methods listed above. The IZO allows the developer to either provide the inclusionary units or to utilize one of the alternatives described above. With respect to payment of Lower Income Housing Fee, the IZO as structured today is permissive in allowing a developer to choose to pay the Lower-Income Housing Fee, without discretionary approval by the City. In general, the City has been more successful in achieving inclusionary units in rental housing projects, with the majority (but not all) for-sale housing projects choosing to pay housing in-lieu fees. A small number of projects have provided a combination of fees and on-site construction.

Benefits of In-Lieu Fee
While the City prefers the construction of the inclusionary units over the payment of in-lieu fees, these fees do provide the City with a steady funding source for the development of affordable housing in the city particularly as funding from the county, the state, and/or the federal government continue to steadily diminish year after year. The City also no longer has ownership of any developable land for affordable housing. Consequently, the City's Low Income Housing Fund (LIHF) (derived from the payment of in-lieu developer fees) is its main sole source of financial resource for the development of affordable housing. Over the past five

[1] which was changed to the Affordable Housing Fee in January 2019,

years, the City has collected an annual average of $1.17 Million in LIHF, and the current fund balance stands at over $14 Million.

The City also utilizes the LIHF funds to assist in maintaining more than 1,000 existing affordable units through acquisition and rehabilitation efforts. The City's LIHF funds, additionally, are a vital funding source for other important housing services such as fair housing counseling, tenant-landlord counseling, housing rehabilitation program, and first time homebuyer program.

Current Affordable Housing Fee

The City has generally been successful in obtaining inclusionary units within multi-family rental developments. However, developers of new single-family developments often opt out of constructing affordable units, suggesting that it is more costly to construct affordable units than it is to pay the Affordable Housing Fee, and that building affordable ownership units may create equity issues. The fee was originally established by the City in 2000 and is adjusted annually based on the Consumer Price Index. The current fees, as of January 1, 2024, are shown in Table 1, below:

Table 1: Affordable Housing Fees

Applicable to all new construction and non-residential additions exceeding 200 sq ft. *PMC 17.40.070, Subject to an annual inflation adjustment on January 1 of each year, based upon the Consumer Price Index **(CPI) f**or the San Francisco/Oakland region.*		
Residential *(per dwelling unit)*	Single-family detached (over 1,500 sq ft)	$50,480
	Single-family detached (1,500 sq ft or less)	$49,391
	Multi-family (Apartment, Condominium)	$49,391
	Accessory Dwelling Unit(In-law, Aupair, etc..)	$0
Non-Residential (per square foot)	Retail	$5.21
	Hotel/Motel	$3.59
	Office	$8.68
	Industrial	$14.42

Review of Affordable Housing Agreements

Procedurally, the City memorializes the way in which a project will meet the requirements of the IZO in the form of an "Affordable Housing Agreement" (AHA). Per PMC Section 17.44.090, the Affordable Housing Agreement is to be reviewed by both the Housing Commission and the City Council. With the re-assignment of duties, the Planning Commission is now charged with reviewing AHAs as part of reviewing and approving housing project applications.

Pursuant to the IZO, an AHA must be entered into by the City and the developer. The agreement shall record the method and terms by which the developer shall comply with the IZO requirements. The approval and/or recordation of the AHA shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for such lots or units. It is important to note that, in accordance with the IZO, the Planning Commission may review the AHA, but only the Pleasanton City Council has the authority to review and approve the AHA, which must be executed and recorded as a condition of approval for all housing developments, subject to the IZO requirements.

In general, where the AHA is part of a project or action subject to Planning Commission review and approval, the Planning Commission will consider approval of that action, and the AHA

concurrently. In some instances, City procedures specify that projects are subject to review and approval by the Zoning Administrator (e.g. projects under 50 units on Housing Element sites). In such cases, the Commission's review will generally be limited to approval of the AHA, unless there is a related action subject to Planning Commission review and approval (e.g. approval of a Vesting Subdivision Map).

Updating the Inclusionary Zoning Ordinance

City staff has begun the process of updating the policies and requirements of the Inclusionary Zoning Ordinance as well as updating the Affordable Housing Fee (in-lieu fee). In collaboration with the professional services team led by Economic & Plannings Systems (EPS), City staff will be presenting the recommended policies and fee changes to the Planning Commission in the coming months. Staff will look to the Planning Commission for its feedback and recommendations prior to presenting the proposed IZO amendments to the City Council for review and approval. There are a number of areas in need of updating and improvement in the existing ordinance, and the general approach being taken is to increase the specificity and objectivity of the ordinance to ensure that the Ordinance delivers the most beneficial outcomes to the City in terms of meeting affordable housing needs.

Although, once adopted, the updated IZO will apply to future project applications, the majority of residential projects currently under review are subject to the existing Ordinance, and vested to those rules that were in place at the time of project application.

Housing Programs

As noted, the City administers a number of housing programs that provide various resources to lower-income and other households. The City has established policy and procedural guidance for several of these programs, particularly around the management, leasing and sale of deed-restricted housing units over which the City has oversight; as well as programs that provide direct financial resources to renters and homebuyers.

In the past, the Housing Commission reviewed staff recommendations on housing programs and approved to provide these recommendations to the City Council for approval. These housing programs included amendments to the Pleasanton Preference System for City-assisted housing projects (Exhibit C), a revamped Pleasanton Down Payment Assistance Program (PDALP), a revamped Housing Rehabilitation Loan Program, and even the implementation of an Emergency Rental Assistance Program (ERAP) for those unable to pay their rent due to the COVID pandemic. Staff will now have the Planning Commission review these types of housing program policies going forward, to the extent they are subject to revision or update, or if new programs are implemented.

Finally, it is noted that the Housing Commission historically provided a role in annually reviewing and making recommendations on funding of housing-related grants funded by State and federal CDBG and HOME funds, as part of the broader Housing and Human Services Grant Program. These funds have generally been assigned to "housing-adjacent" programs such as tenant legal assistance, housing rehabilitation grants and loans, and facilities, services, and programs benefiting Pleasanton's unhoused population. Larger capital grants have also been assigned to projects such as the regional domestic violence shelter, Axis Community Health facilities, a project undertaken by Tri-Valley REACH to develop new residential units for adults with developmental disabilities, and similar projects. Due to the

closer relationship of these programs to social and human services needs, staff has recommended that the Human Services Commission, rather than the Planning Commission, review and make recommendations on the expenditure of CDBG, LIHF, and HOME funds for the annual grants program, in 2025 and beyond.

PUBLIC NOTICE / PUBLIC COMMENT

No notice to the public is required as this staff report is for informational purposes only. No Commission action is required.

ATTACHMENTS

Exhibit A. Pleasanton Inclusionary Zoning Ordinance
Exhibit B. Pleasanton Municipal Code Section 2.30.020
Exhibit C. Pleasanton Preference System

Primary Author: Steve Hernandez, Housing Manager, 925-931-5007 or shernandez@cityofpleasantonca.gov

Reviewed/Approved By:
Kim Cilley, Assistant City Attorney
Ellen Clark, Director of Community Development Department

EXHIBIT A

Chapter 17.44 INCLUSIONARY ZONING

Article I. General Provisions

17.44.010 Title.

This chapter shall be called the "Inclusionary Zoning Ordinance of the City of Pleasanton." (Ord. 1818 § 1, 2000)

17.44.020 Purpose.

The purpose of this chapter is to enhance the public welfare and assure that further housing development attains the city's affordable housing goals by increasing the production of residential units affordable to households of very low, low, and moderate income, and by providing funds for the development of very low, low, and moderate income ownership and/or rental housing. In order to assure that the remaining developable land is utilized in a manner consistent with the city's housing policies and needs, 15 percent of the total number of units of all new multiple-family residential projects containing 15 or more units, constructed within the city as it now exists and as may be altered by annexation, shall be affordable to very low and low income households. For all new single-family residential projects of 15 units or more, at least 20 percent of the project's dwelling units shall be affordable to very low, low, and/or moderate income households. These requirements shall apply to both ownership and rental projects. (Ord. 1818 § 1, 2000)

17.44.030 Definitions.

For the purposes of this chapter, certain words and phrases shall be interpreted as set forth in this section unless it is apparent from the context that a different meaning is intended.

"Affordable housing proposal." A proposal submitted by the project owner as part of the city development application (e.g., design review, planned unit development, etc.) stating the method by which the requirements of this chapter are proposed to be met.

"Affordable rent." A monthly rent (including utilities as determined by a schedule prepared by the city) which does not exceed one-twelfth of 30 percent of the maximum annual income for a household of the applicable income level.

"Affordable sales price." A sales price which results in a monthly mortgage payment (including principal and interest) which does not exceed one-twelfth of 35 percent of the maximum annual income for a household of the applicable income level.

"Amenities." Interior features which are not essential to the health and safety of the resident, but provide visual or aesthetic appeal, or are provided as conveniences rather than as necessities. Interior amenities may include, but are not limited to, fireplaces, garbage disposals, dishwashers, cabinet and storage space and bathrooms in excess of one. Amenities shall in no way include items required by city building codes or other ordinances that are necessary to ensure the safety of the building and its residents.

"Applicant." Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks city permits and approvals for a project.

"City." The city of Pleasanton or its designee or any entity with which the city contracts to administer this chapter.

"Commercial, office, and industrial project." For the purposes of this chapter, any new nonresidential (commercial, office, or industrial) development or redevelopment greater than 10 gross acres 250,000 square feet of gross building area, whichever is less.

"Dwelling unit." A dwelling designed for occupancy by one household.

“HUD.” The United States department of housing and urban development or its successor.

“Household.” One person living alone; or two or more persons sharing residency whose income is considered for housing payments.

“Household, low income.” A household whose annual income is more than 50 percent but does not exceed 80 percent of the annual median income for Alameda County, based upon the annual income figures provided by the U.S. department of housing and urban development (HUD), as adjusted for household size.

“Household, moderate income.” A household whose annual income is more than 80 percent but does note exceed 120 percent of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

“Household, very low income.” A household whose annual income does not exceed 50 percent of the annual median income for Alameda County, based upon the annual income figures provided by HUD, as adjusted for household size.

“Inclusionary unit.” A dwelling unit as required by this chapter which is rented or sold at affordable rents and/or affordable sales prices (as defined by this chapter) to very low, low, or moderate income households.

“Inclusionary unit credits.” Credits approved by the city council in the event a project exceeds the total number of inclusionary units required in this chapter. Inclusionary unit credits may be used by the project owner to meet the affordable housing requirements of another project subject to approval by the city council.

“Income.” The gross annual household income as defined by HUD.

“Life of the inclusionary unit.” The term during which the affordability provisions for inclusionary units shall remain applicable. The affordability provisions for inclusionary units shall apply in perpetuity from the date of occupancy, which shall be the date the city of Pleasanton performs final inspection for the building permit.

“Lower income housing fee.” A fee paid to the city by an applicant for a project in the city, in lieu of providing the inclusionary units required by this chapter.

“Median income for Alameda County.” The median gross annual income in Alameda County as determined by HUD, adjusted for household size.

“Off-site inclusionary units.” Inclusionary units constructed within the city of Pleasanton on a site other than the site where the applicant intends to construct market rate units.

“Ownership units.” Inclusionary units developed as part of a residential development which the applicant intends will be sold, or which are customarily offered for individual sale.

“Project.” A residential housing development at one location or site including all dwelling units for which permits have been applied for or approved.

“Project owner.” Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which holds fee title to the land on which the project is located.

“Property owner.” The owner of an inclusionary unit, excepting a “project owner.”

“Recapture mechanisms.” Legal programs and restrictions by which subsidies provided to inclusionary units will be controlled and repaid to the city and/or other entity upon resale, to ensure the ongoing preservation of affordability of inclusionary units or to ensure funds for inclusionary units remain within the city’s affordable housing program.

“Rental units”: Inclusionary units which the applicant intends will be rented or leased, or which are customarily offered for lease or rent.

“Resale restrictions.” Legal restrictions which restrict the price of inclusionary units to ensure that they remain affordable to very low, low, and moderate income households on resale.

“Residential project, multiple-family.” A residential project consisting of condominiums, apartments, and similar dwellings attached in groups of four or more units per structure and including multiple units located on a single parcel of land under common ownership.

"Residential project, single-family." A residential project consisting of detached and attached single-family homes, including paired single-family, duets, duplexes, townhomes, and similar unit types where each unit is located on a separate parcel of land.

"Unit type." Various dwelling units within a project which are distinguished by number of bedrooms and/or the type of construction (e.g., detached single-family, duets, townhomes, condominiums). (Ord. 1818 § 1, 2000)

Article II. Zoning Requirements

17.44.040 General requirements/applicability.

A. Residential Development. For all new multiple-family residential projects of 15 units or more, at least 15 percent of the project's dwelling units shall be affordable to very low, and/or low income households. For all new single-family residential projects of 15 units or more, at least 20 percent of the project's dwelling units shall be affordable to very low, low, and/or moderate income households. These dwelling units shall be referred to as "Inclusionary Units". Special consideration will be given to projects in which a significant percentage of the inclusionary units are for very low and low income households. The specific mix of units within the three affordability categories shall be subject to approval by the city.

The inclusionary units shall be reserved for rent or purchase by eligible very low, low, and moderate income households, as applicable. Projects subject to these requirements include, but are not limited to, single-family detached dwellings, townhomes, apartments, condominiums, or cooperatives provided through new construction projects, and/or through conversion of rentals to ownership units.

The percentage of inclusionary units required for a particular project shall be determined only once on a given project, at the time of tentative map approval, or, for projects not processing a map, prior to issuance of building permit. If the subdivision design changes, which results in a change in the number of unit types required, the number of inclusionary units required shall be recalculated to coincide with the final approved project. In applying and calculating the 15 percent requirement, any decimal fraction less than or equal to 0.50 may be disregarded, and any decimal fraction greater than 0.50 shall be construed as one unit.

B. Commercial, Office, and Industrial (COI) Development. In lieu of paying the lower income fee as set forth in city Ordinance No. 1488, COI development may provide affordable housing consistent with this chapter. As a result, new COI developments are strongly encouraged to submit an affordable housing proposal as set forth in Section 17.44.090 of this chapter. Upon submittal of the affordable housing proposal, city staff will meet with the developer to discuss the potential for providing incentives to encourage on-site construction of affordable housing units and alternatives to constructing affordable units as set forth in this chapter. In the event a developer requests incentives or alternatives as a means of providing affordable housing in connection with a COI development, the affordable housing proposal will be reviewed as set forth in Section 17.44.090 of this chapter. COI development not pursuing the inclusion of affordable housing shall be subject to the lower income fees as set forth in city ordinance 1488. (Ord. 1818 § 1, 2000)

17.44.050 Inclusionary unit provisions and specifications.

A. Inclusionary units shall be dispersed throughout the project unless otherwise approved by the city.

B. Inclusionary units shall be constructed with identical exterior materials and an exterior architectural design that is consistent with the market rate units in the project.

C. Inclusionary units may be of smaller size than the market units in the project. In addition, inclusionary units may have fewer interior amenities than the market rate units in the project. However, the city may require that the inclusionary units meet certain minimum standards. These standards shall be set forth in the affordable housing agreement for the project.

D. Inclusionary units shall remain affordable in perpetuity through recordation of an affordable housing agreement as described in Section 17.44.060 of this chapter.

E. All inclusionary units in a project shall be constructed concurrently within or prior to the construction of the project's market rate units.

F. For purposes of calculating the affordable rent or affordable sales price of an inclusionary unit, the following household size assumptions shall be used for each applicable dwelling unit type:

Unit Size	HUD Income Category by Household Size
Studio unit	1 person
1 bedroom unit	2 persons
2 bedroom unit	3 persons
3 bedroom unit	4 persons
4 or more bedroom unit	5 or more persons

G. The city's adopted preference and priority system shall be used for determining eligibility among prospective beneficiaries for affordable housing units created through this inclusionary zoning ordinance. (Ord. 1818 § 1, 2000)

17.44.060 Affordable housing agreement.

An affordable housing agreement shall be entered into by the city and the project owner. The agreement shall record the method and terms by which a project owner shall comply with the requirements of this chapter. The approval and/or recordation of this agreement shall take place prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for such lots or units.

The affordable housing agreement shall state the methodology for determining a unit's initial and ongoing rent or sales and resale price(s), any resale restrictions, occupancy requirements, eligibility requirements, city incentives including second mortgages, recapture mechanisms, the administrative process for monitoring unit management to assure ongoing affordability and other matters related to the development and retention of the inclusionary units.

In addition to the above, the affordable housing agreement shall set forth any waiver of the lower income housing fee. For projects which meet the affordability threshold with very low and/or low income units, all units in the project shall be eligible for a waiver of the lower income housing fee. For single-family residential projects which meet the affordability threshold with moderate income units, or multiple-family residential projects which do not meet the affordability threshold, only the inclusionary units shall be eligible for a waiver of the lower income housing fee except as otherwise approved by the city council.

To assure affordability over the life of the unit, the affordable housing agreement shall be recorded with the property deed or other method approved by the city attorney. In the event an inclusionary unit is affordable by design the affordable housing agreement shall stipulate the method for assuring that the units retain their affordability as the housing market changes.

The community development director may waive the requirement for an affordable housing agreement for projects approved prior to the effective hereof and/or for projects that have their affordable housing requirements included in a development agreement or other city document. (Ord. 2000 § 1, 2009; Ord. 1818 § 1, 2000)

17.44.070 Incentives to encourage on-site construction of inclusionary units.

The city shall consider making available to the applicant incentives to increase the feasibility of residential projects to provide inclusionary units. Incentives or financial assistance will be offered only to the extent resources for this purpose are available and approved for such use by the city council or city manager, as defined below, and to the extent that the project, with the use of incentives or financial assistance, assists in achieving the city's housing goals. However, nothing in this chapter establishes, directly or through implication, a right of an applicant to receive any assistance or incentive from the city.

Any incentives provided by the city shall be set out in the affordable housing agreement pursuant to Section 17.44.060 of this chapter. The granting of the additional incentives shall require demonstration of exceptional circumstances that

necessitate assistance from the city, as well as documentation of how such incentives increase the feasibility of providing affordable housing.

The following incentives may be approved for applicants who construct inclusionary units on-site:

A. Fee Waiver or Deferral. The city council, by resolution, may waive or defer payment of city development impact fees and/or building permit fees applicable to the inclusionary units or the project of which they are a part. Fee waivers shall meet the criteria included in the city's adopted policy for evaluating waivers of city fees for affordable housing projects. The affordable housing agreement shall include the terms of the fee waiver.

B. Design Modifications. The granting of design modifications relative to the inclusionary requirement shall require the approval of the city council and shall meet all applicable zoning requirements of the city of Pleasanton. Modifications to typical design standards may include the following:

Reduced setbacks;

Reduction in infrastructure requirements;

Reduced open space requirements;

Reduced landscaping requirements;

Reduced interior or exterior amenities;

Reduction in parking requirements;

Height restriction waivers.

C. Second Mortgages. The city may utilize available lower income housing funds for the purpose of providing second mortgages to prospective unit owners or to subsidize the cost of a unit to establish an affordable rent or an affordable sales price. Terms of the second mortgage or subsidy shall be stated in the affordable housing agreement. The utilization of these incentives shall not be the sole source of providing the inclusionary units and they are intended to augment the developer's proposal.

D. Priority Processing. After receiving its discretionary approvals, a project that provides inclusionary units may be entitled to priority processing of building and engineering approvals subject to the approval of the city manager. A project eligible for priority processing shall be assigned to city engineering and/or building staff and processed in advance of all nonpriority items. (Ord. 1818 § 1, 2000)

17.44.080 Alternatives to constructing inclusionary units on-site.

The primary emphasis of this inclusionary zoning ordinance is to achieve the inclusion of affordable housing units to be constructed in conjunction with market rate units within the same project in all new residential projects. However, the city acknowledges that it may not always be practical to require that every project satisfy its affordable housing requirement through the construction of affordable units within the project itself. Therefore, the requirements of this chapter may be satisfied by various methods other than the construction of inclusionary units on the project site. Some examples of alternate methods of compliance appear below. As housing market conditions change, the city may need to allow alternatives to provide options to applicants to further the intent of providing affordable housing with new development projects.

A. Off-Site Projects. Inclusionary units required pursuant to this chapter may be permitted to be constructed at a location within the city other than the project site. Any off-site inclusionary units must meet the following criteria:

1. The off-site inclusionary units must be determined to be consistent with the city's goal of creating, preserving, maintaining, and protecting housing for very low, low, and moderate income households.

2. The off-site inclusionary units must not result in a significant concentration of inclusionary units in any one particular neighborhood.

3. The off-site inclusionary units shall conform to the requirements of all applicable city ordinances and the provisions of this chapter.

4. The occupancy and rents of the off-site inclusionary units shall be governed by the terms of a deed restriction, and if applicable, a declaration of covenants, conditions and restrictions similar to that used for the on-site inclusionary units.

The affordable housing agreement shall stipulate the terms of the off-site inclusionary units. If the construction does not take place at the same time as project development, the agreement shall require the units to be produced within a specified time frame, but in no event longer than five years. A cash deposit or bond may be required by the city, refundable upon construction, as assurance that the units will be built.

B. Land Dedication. An applicant may dedicate land to the city or a local nonprofit housing developer in place of actual construction of inclusionary units upon approval of the city council. The intent of allowing a land dedication option is to provide the city or a local nonprofit housing developer the free land needed to make an inclusionary unit development feasible, thus furthering the intent of this chapter.

The dedicated land must be appropriately zoned, buildable, free of toxic substances and contaminated soils, and large enough to accommodate the number of inclusionary units required for the project. The city's acceptance of land dedication shall require that the lots be fully improved, with infrastructure, adjacent utilities, grading, and fees paid.

C. Credit Transfers. In the event a project exceeds the total number of inclusionary units required in this chapter, the project owner may request inclusionary unit credits which may be used to meet the affordable housing requirements of another project. Inclusionary unit credits are issued to and become the possession of the project owner and may not be transferred to another project owner without approval by the city council. The number of inclusionary unit credits awarded for any project is subject to approval by the city council.

D. Alternate Methods of Compliance. Applicants may propose creative concepts for meeting the requirements of this chapter, in order to bring down the cost of providing inclusionary units, whether on- or off-site. The city council may approve alternate methods of compliance with this chapter if the applicant demonstrates that such alternate method meets the purpose of this chapter (as set forth in Section 17.44.020 of this chapter).

E. Lower Income Housing Fee Option. In lieu of providing inclusionary units in a project, an applicant may pay the city's lower income housing fee as set forth in Chapter 17.40 of this title. (Ord. 1818 § 1, 2000)

Article III. Miscellaneous

17.44.090 Administration.

An applicant of a project subject to this chapter shall submit an affordable housing proposal stating the method by which it will meet the requirements of this chapter. The affordable housing proposal shall be submitted as part of the applicant's city development application (e.g., design review, planned unit development, etc.) to the planning division in a form approved by the city manager. The community development director may waive the requirement for submittal of an affordable housing proposal for projects approved prior to the effective date hereof and/or for projects that have undergone considerable public review during which affordable housing issues were addressed.

The affordable housing proposal shall be reviewed by the city's housing commission at a properly noticed meeting open to the public. The housing commission shall make recommendations to the city council either accepting, rejecting or modifying the developer's proposal and the utilization of any incentives as outlined in this chapter. The housing commission may also make recommendations to the planning commission regarding the project as necessary to assure conformance with this chapter.

Acceptance of the applicant's affordable housing proposal is subject to approval by the city council, which may direct the city manager to execute an affordable housing agreement in a form approved by the city attorney. The city manager or his or her designee shall be responsible for monitoring the sale, occupancy and resale of inclusionary units. (Ord. 2000 § 1, 2009; Ord. 1818 § 1, 2000)

17.44.100 Conflict of interest.

The following individuals are ineligible to purchase or rent an inclusionary unit: (a) city employees and officials (and their immediate family members) who have policymaking authority or influence regarding city housing programs; (b) the project applicant and its officers and employees (and their immediate family members); and (c) the project owner and its officers and employees (and their immediate family members). (Ord. 1818 § 1, 2000)

17.44.110 Enforcement.

The city manager is designated as the enforcing authority. The city manager may suspend or revoke any building permit or approval upon finding a violation of any provision of this chapter. The provisions of this chapter shall apply to all agents, successors and assigns of an applicant. No building permit or final inspection shall be issued, nor any development approval be granted which does not meet the requirements of this chapter. In the event that it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in an inclusionary unit, the city may take appropriate legal action to recover, and the project owner shall be obligated to pay to the tenant, or to the city in the event the tenant cannot be located, any excess rents charged. (Ord. 1818 § 1, 2000)

17.44.120 Appeals.

Any person aggrieved by any action or determination of the city manager under this chapter, may appeal such action or determination to the city council in the manner provided in Chapter 18.144 of this code. (Ord. 1818 § 1, 2000)

View the mobile version.

EXHIBIT B

ORDINANCE NO. 2276

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON MODIFYING THE DUTIES OF THE PLANNING COMMISSION BY AMENDING MUNICIPAL CODE SECTION 2.30.020 AND DISBANDING THE HOUSING COMMISSION BY DELETING CHAPTER 2.38

WHEREAS, the City values members of the community volunteering their time to provide recommendations to the City Council, and desires to use volunteer time efficiently; and

WHEREAS, on October 17, 2023, February 20, 2024, and March 5, 2024, at duly noticed public meetings, the City Council considered commission and committee reorganization, and determined that the Planning Commission should be modified to incorporate most of the duties of the Housing Commission as those commissions have fit and similarity in areas of focus, and that the City can disband the Housing Commission as development patterns for large scale housing development involving the City has changed.

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

SECTION 1. Finds that the proposed amendments to the Pleasanton Municipal Code have no possibility to have a significant effect on the environment per Title 14 California Code of Regulations (CEQA Guidelines) § 15061(b)(3).

SECTION 2. Amends the Pleasanton Municipal Code Section 2.30.020 as shown in Exhibit A, attached, and incorporated by this reference, to modify the duties of the Planning Commission.

SECTION 3. Amends the Pleasanton Municipal Code to delete Chapter 2.39 Housing Commission in its entirety. Most of the duties which were assigned to the Housing Commission in the Pleasanton Municipal Code are generally assumed by the Planning Commission, such as the review of affordable housing agreements per Section 17.44.090, and those duties which have more recently not been carried out by the Housing Commission are not assigned to the Planning Commission.

SECTION 4. 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 5. This ordinance shall be effective thirty (30) days after its passage and adoption.

{Vote and signatures to follow on next page}

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton, California, on February 20, 2024, and adopted on March 5, 2024, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

Karla Brown, Mayor

ATTEST:

Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

EXHIBIT A

Amend Section **2.30.020 Duties** of Chapter 2.30 Planning Commission

§ 2.30.020 Duties.

A. The planning commission shall perform functions as outlined in this chapter.

B. The duties of the commission shall include the following:

1. Prepare, make recommendations to city council to adopt and administer a general plan for the city and for land adjacent to the city for long term growth, subject to revision as conditions and land uses change;
2. Prepare, make recommendations to city council to adopt and administer specific plans, and area plans in accordance with the general plan, regulating land and building uses, height and bulk of buildings, open spaces about buildings, lot percentages, lot sizes and locations of buildings and rights-of-way;
3. Recommend to the city council amendments to the zoning ordinance to carry out the general plan and specific plans;
4. Investigate, hear and determine applications for use permits and for variance permits made pursuant to the zoning laws of the city;
5. Investigate, hear and determine disputes and controversies regarding the zoning ordinance;
6. Review subdivision maps filed with the city, act as "advisory agency" pursuant to the subdivision map act of the state of California in making recommendations concerning said maps to the council;
7. Make recommendations to the city council and/or establish policies regarding affordable housing projects affiliated with the city including preference and eligibility criteria for city assisted housing, available grant applications, and new affordable housing programs.
8. Review and make recommendations to the city council regarding community development block grant applications for capital improvement and rehabilitation projects.
9. As directed by the city council or in accordance with adopted City policy, review and make recommendations to the city council regarding expenditures of the city's lower income housing fund.
10. Review and make recommendations to the city council regarding affordable housing agreements entered into pursuant to Chapter 17.44.

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EXHIBIT C

RESOLUTION NO. 21-1199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AUTHORIZING DOWN PAYMENT ASSISTANCE PROGRAM PREFERENCES, AND CITY ASSISTED AFFORDABLE HOUSING RENTAL AND OWNERSHIP PREFERENCE SYSTEM AMENDMENTS, FOR FIRST RESPONDERS, SCHOOL DISTRICT EMPLOYEES, OTHER PUBLIC EMPLOYEES, AND EMPLOYEES OF SOCIAL SERVICE NOT-FOR-PROFIT AGENCIES

WHEREAS, on October 20, 2020, the City Council approved modifications to the City's Down Payment Assistance Program (DPA) that provides low and deferred interest mortgages that supplement bank financing to assist low (80% of Area Median Income (AMI)) and moderate-income (up to 120% of AMI) persons and households in the purchase of a home in Pleasanton; and

WHEREAS, the Housing Commission has recommended that the City Council also consider a DPA preference or priority for first responders, school district employees, other public employees, and employees of social service not-for-profit agencies when such persons primarily work in Pleasanton; and

WHEREAS, on January 19, 2021, the City Council also considered modifications to the Preference System for City Assisted Affordable Rental and Homeownership Programs; and

WHEREAS, providing preferences to persons who primarily work in Pleasanton increases opportunities for those same persons to live in Pleasanton, thereby reducing commutes and allowing such persons to become more familiar with the community in which they work; and

WHEREAS, Housing Element program 18.4 promotes the "Use of the Lower-Income Housing Fund to …write down mortgage costs" as provided by the DPA.

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

SECTION 1. Directs the City Manager's Office and the Housing Division to update the Down Payment Assistance Loan Program (DPA), and the Preference System for City Assisted Affordable Rental and Homeownership Programs, to provide a preference to the persons listed in Exhibit A and Exhibit B, respectfully, thereby superseding Resolution No. 02-012.

SECTION 2. Finds that these preferences or priorities to these programs have no possibility to have a significant effect on the environment per Title 14 California Code of Regulations §15061(b)(3).

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

SECTION 4. City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on January 19, 2021.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 19th day of January 2021, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Narum, Mayor Brown
Noes:	Councilmember Testa
Absent:	None
Abstain:	None

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney

Exhibit A

DOWN PAYMENT ASSISTANCE PROGRAM

When there are more applications than funds available for the Down Payment Assistance Program (DPA) in any fiscal year, the DPA shall have a preference for income-qualified persons / households earning up to 120% Area Median Income (AMI) where at least one of the members of the household is:

- An employee (sworn or civilian personnel) of the Pleasanton Police Department, Livermore-Pleasanton Fire Department, or other first responder[1] who primary works in Pleasanton.

- Pleasanton Unified School District or private school employees, including teachers, providing prekindergarten through 12th grade education that are registered with the Alameda County Superintendent of Public Education per Cal. Education Code section 33190 and are located in Pleasanton.

- Public employees of city or county municipalities.

- Employees of not-for-profit agencies granted tax-exempt status by the IRS that provide social services (including, but not limited to, food subsidies, health care, job training, subsidized housing, adoption, support for persons with disabilities, school readiness, etc.) from a Pleasanton location.

Note: To qualify for the preference based on any of the employment categories described above, the applicant must be both: (a) currently employed at such position at the time of application; and (b) have been continuously employed in such position for at least six (6) months prior to the date of application.

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[1] A first responder is a person with specialized training who is among the first to arrive and provide assistance at the scene of an emergency, such as an accident, natural disaster or terrorism. First responders include, but are not limited to, law enforcement officers, paramedics, emergency medical technicians (EMTs) and firefighters.

Exhibit B

Preference System for City-Assisted Affordable Housing Projects

Section 1. Council adopts this revised City preference system described herein to be used for determining eligibility among prospective beneficiaries for existing and future affordable housing projects assisted by the City.[2]

Section 2. Affordable units will be made available to qualified households based upon the preference categories listed below. The City may modify the preference categories from time to time by giving written notice to Lessor/Owner of such modifications, and Lessor/Owner shall adhere to such preference categories starting no later than ten (10) days following receipt of such notice. Each preference category is assigned a specific number of points as noted below. At the time of application, each applicant household will be assigned to one preference category and a corresponding point allocation in accordance to the criteria listed below. Households with the highest number of points will be given first priority for the affordable units. In the event there is more than one household with the same amount of points, which is likely, a lottery will be held at which time names of households with an equal number of preference points will be randomly drawn and assigned priority.

Section 3. The criteria for preference categories and corresponding point allocations are as follows:

20 POINTS
Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is a Pleasanton resident and a Pleasanton employee at the time of application and has continuously lived and worked in the City of Pleasanton for two years or more prior to the time of application.

18 POINTS
Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is a Pleasanton resident and a Pleasanton employee at the time of application and has continuously lived and worked in the City of Pleasanton less than two years prior to the time of application.

16 POINTS
Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is either a Pleasanton resident or a Pleasanton employee at the time of application and has continuously lived or worked in the City of Pleasanton for two years or more prior to the time of application.

14 POINTS

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[2] A project assisted by the City may include, but is not limited to, a project which: (a) has inclusionary units subject to the requirements of the Pleasanton Municipal Code (PMC) Chapter 17.44; (b) receives grants or loans of affordable housing fees pursuant to PMC Chapter 17.40; (c) receives waivers or reductions of development impact fees; or (d) is subject to an affordable housing agreement or development agreement which provides for affordable units.

Households where at least one member of the signators of the tenant lease or purchase agreement (and who is a member of the household) is either a Pleasanton resident or a Pleasanton employee at the time of application and has continuously lived or worked in the City of Pleasanton less than two years prior to the time of application.

12 POINTS
Households where at least one member of the signators of the tenant lease or purchase agreement (and who is a member of the household) has an immediate relative (defined as a son, daughter, brother sister, and/or parent) who is a Pleasanton resident at the time of application, provided the immediate relative has lived in the City of Pleasanton for at least two years prior to the time of application.

10 POINTS
All other households.

Section 4. In addition to the above points, one (1) bonus point will be given to households which meet one or more of the following criteria:

a) single parent head of household;

b) disabled person as defined herein;

c) households in which at least one of the signators of the tenant lease or purchase agreement has been a Pleasanton resident for seven continuous years or longer prior to the time of application.

A maximum of one (1) bonus point may be awarded to any one household.

Section 5. In addition to the above points, a maximum of one (1) additional point will be given to households where at least one of the signators of the tenant lease or purchase agreement is:

a) An employee (sworn or civilian personnel) of the Pleasanton Police Department, Livermore-Pleasanton Fire Department, or other first responder[3] who primary works in Pleasanton.

b) Pleasanton Unified School District or private school employees, including teachers, providing prekindergarten through 12th grade education that are registered with the Alameda County Superintendent of Public Education per Cal. Education Code section 33190 and are located in Pleasanton.

c) Public employees of city or county governments.

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[3] "First Responder" is defined as a person with specialized training who is among the first to arrive and provide assistance at the scene of an emergency, such as an accident, natural disaster or terrorism. First responders include, but are not limited to, law enforcement officers, paramedics, emergency medical technicians (EMTs) and firefighters.

d) Employees of not-for-profit agencies granted tax-exempt status by the IRS that provide social services (including, but not limited to, food subsidies, health care, job training, subsidized housing, adoption, support for persons with disabilities, school readiness, etc.) from a Pleasanton location.

e) To qualify for the maximum one (1) point for the employment categories described in this Section 5, the signator must be both: (a) currently employed at such position at the time of application; and (b) have been continuously employed in such position for at least six (6) months prior to the date of application.

Section 6. For persons who are retired at the time of application, the applicant's work history immediately prior to the date of retirement shall be considered in determining the length of employment in Pleasanton for the first four point categories listed above.

Section 7. For persons who moved away from the City of Pleasanton less than six months prior to the time of application and who resided in the City of Pleasanton continuously for at least ten (10) years immediately prior to moving away, the residency history prior to the date of moving away shall be considered in determining the length of residency in the first four point categories listed above.

Section 8. "Pleasanton Resident" is defined as a person or household who resides permanently and continuously at a residential address which is physically located within the then current incorporated area of the City of Pleasanton and where that location is considered to be the household's permanent place of residence. The City may require applicants to submit a driver's license, voter registration, utility bill, or other evidence as proof of residency in Pleasanton. *"Pleasanton employee"* is defined as a person who is permanently and continuously employed on at least a half-time basis (i.e., 20 or more hours per week) at a business which is physically located within the then current incorporated area of the City of Pleasanton. The City may require applicants to submit pay stubs, W-2 forms, tax returns, or other evidence as proof of employment at a Pleasanton business.

Section 9. "Disabled Person" is defined as a head of household who has a medically documented permanent physical or mental impairment which prevents them from maintaining full time regular employment. Any individual claiming Disabled Person status must submit verification from a licensed doctor of the disability and its effect on the ability to maintain full-time employment. A Disabled Person shall be assigned a number of points as if the person was employed regardless of the Disabled Person's employment status plus one bonus point. If an individual has a disability that substantially limits one or more major life activities and has a medical record of such impairment, but the disability does not prevent the ability to maintain full-time regular employment the individual shall be assigned the appropriate number of points as detailed in Section 3 above plus one bonus point as detailed in Section 4 above. Examples of a disability include limitations on caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, or working.

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THE CITY OF PLEASANTON

Planning Commission Agenda Report

May 22, 2024
Item 7

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 every other 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:	Megan Campbell, Associate Planner, 931-5610

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

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

THE CITY OF PLEASANTON

Planning Commission Agenda Report

May 22, 2024
Item 8

SUBJECT: Actions of the City Council

No items to report.

THE CITY OF PLEASANTON

Planning Commission Agenda Report

May 22, 2024
Item 9

SUBJECT: Future Planning Calendar

PUD-147, P22-1089, Tract 8522/ Foothill Boulevard Holding Company, LLC, James E. Merritt and Margaret M. Merritt, Merritt Farms, 4141 Foothill Road - Applications for: (1) Adoption of a CEQA Guidelines Section 15183 Consistency Checklist pursuant to the City of Pleasanton Housing Element Update Final Supplemental Environmental Impact Report (FSEIR); (2) annexation; (3) a Planned Unit Development (PUD) development plan to construct a 111-lot residential subdivision, including an age-qualified community with 92 single-family detached homes, 18 affordable senior court-yard detached and duet homes, one existing single-family residence, and related on-and off-site improvements; (4) a Vesting Tentative Map; (5) a Development Agreement to vest entitlements; and (6) an Affordable Housing Agreement

PUD-18-07M, Anurag Jain, 3450 Mohr Avenue - Application for Planned Unit Development Major Modification to subdivide an approximately 1.4-acre parcel located at 3450 Mohr Avenue into two parcels measuring approximately 40,860-square-feet (parcel 1) and 20,481-square-feet (parcel 2)