

PLANNING COMMISSION SPECIAL MEETING AGENDA

Wednesday, December 13, 2023 at 7:00 p.m.
Remillard Conference Room – 3333 Busch Rd.

The meeting will be held at the Remillard Conference Room – 3333 Busch Rd., via video/teleconference 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 Remillard Conference Room:

- 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. Approve the minutes of November 8, 2023

MEETING OPEN TO THE PUBLIC

3. 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

4. **PUD-148, Meenu Gochhwal, 2207 Martin Avenue** – Review and affirm the conditions of approval as modified by the Planning Commission at the August 23, 2023 public hearing, and finalize recommendation to the City Council for final approval

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

5. Adoption of Planning Commission schedule of meeting dates for 2024
6. Selection of Planning Commission Chair and Vice Chair for 2024
7. Selection of Sub-Committee Representatives for 2024
8. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)
9. Actions of the City Council
10. Future Planning Calendar

MATTERS INITIATED BY COMMISSION MEMBERS

ADJOURNMENT

Notice

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

Accessible Public Meetings

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

SUBJECT: Actions of the Zoning Administrator

P23-0891, Jerome Hoban

Application for Administrative Design Review approval to construct an approximately 72-square-foot single-story addition to the rear of the existing residence located at 4444 Foothill Road.

Approved. Appeal period expires December 20, 2023. (*Jenny Soo, 931-5615*)

P23-0878, Dheeraj Sharma & Mukul Vahisht

Application for Administrative Design Review approval to construct an approximately 57-square-foot single-story addition to the southwest (front) and construct an approximately 1,072-square-foot addition to the east (right) of the home located at 4755 Woodthrush Court.

Approved. Appeal period expires December 20, 2023. (*Natalie Amos, 931-5613*)

P23-0856, Will DiMichele/Banducci Associates Architects Inc.

Application for Design Review approval to remove the water feature of the fountain, infill it with decking and construct a pergola at the front entrance (northwest) of the building located at 596 W. Las Positas Boulevard.

Approved. Appeal period expires December 20, 2023. (*Natalie Amos, 931-5613*)

P23-0858, Richard Liu/The RWOFF INC

Application for Design Review approval to demolish approximately 1,950 square feet of an existing residence and construct a new main residence of approximately 3,538 square feet at 1828 Tanglewood Way.

Approved. Appeal period expires December 20, 2023. (*Riley Eidson, 931-5610*)

P23-0902, Maria Molina/Humankind Cookies

Application for Cottage Food Operation to prepare baked goods with sales to a grocery store at the existing residence located at 1541 Maple Leaf Drive.

Approved. Appeal period expires December 20, 2023. (*Sachiko Riddle, 931-5607*)

P23-0879, Milan Markovic

Application for Administrative Design Review approval for an approximately 114-square-foot addition to the porch and modifying the roof at 1124 Vintner Way.

Approved. Appeal period expires December 20, 2023. (*Emily Carroll, 931-5608*)

P23-0894, Paresh Hule

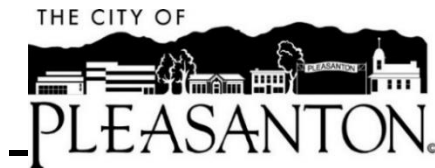
Application for Administrative Design Review approval to construct an approximately 520-square-foot accessory structure located at 6115 Clubhouse Drive.

Approved. Appeal period expires December 20, 2023. (*Emily Carroll, 931-5608*)

P23-0897, Juan Vazquez Landscaping

Application for Administrative Design Review approval to construct an approximately 492-square-foot, 15-foot tall, detached patio cover in the northeast (rear) yard and a 560-square-foot, 13-foot, 10-inch tall, detached patio cover in the southeast (right) side yard located at 5766 Hidden Creek Court.

Approved. Appeal period expires December 20, 2023. (*Natalie Amos, 931-5613*)



PLANNING COMMISSION MEETING MINUTES

Wednesday, November 08, 2023

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Chair Pace called the special meeting of the Planning Commission to order at 7:02 p.m. from the Remillard Conference Room located at 3333 Busch Road and via Zoom.

Chair Pace led the Pledge of Allegiance.

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

Commissioners Absent: None

AGENDA AMENDMENTS

CONSENT CALENDAR

1. Actions of the Zoning Administrator
Recommendation: Receive report.
2. Approve the meeting minutes of October 11, 2023
Recommendation: Approve the meeting minutes.

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

MOTION: It was m/s by Gaidos/Jain to approve the Consent Calendar, as recommended. Motion passed by the following vote:

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

MEETING OPEN TO THE PUBLIC

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

Chair Pace opened the public comment. Public comments were received by: Tom Sansen and Chris Seaver.

Chair Pace closed the public comment.

PUBLIC HEARING AND OTHER MATTERS

4. PXX17-0904, Stoneridge Mall Development Agreement Extension - 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 one year, with a City Manager option to extend the DA for one additional year subject to the completion of performance standards set forth in this fifth amendment.

Recommendation: Adopt Resolution No. PC-2023-15 recommending City Council approval of the application to amend the Stoneridge Shopping Center Development Agreement to extend the term for one year plus a potential further extension for an additional year.

Senior Planner Eric Luchini presented the item.

Chair Pace opened the public comment. Public comments were received by: Cecily Barclay, applicant.

Chair Pace closed the public comment.

MOTION: It was m/s by Gaidos/Jain to adopt Resolution No. PC-2023-15 recommending City Council approval of the application amending and extending the term of the Stoneridge Shopping Center Development Agreement, as recommended. Motion passed by the following vote:

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

5. P23-0605, 2025 Santa Rita Road, Vesting Tentative Map - Application for Vesting Tentative Tract Map 8676, a single lot subdivision for the purpose of creating 42 condominiums and common areas.

Recommendation: Adopt Resolution No. PC-2023-16 approving the application for Vesting Tentative Map 8676.

Associate Planner Emily Carroll presented the item.

Chair Pace opened the public comment. Public comments were received by: Brian Casey; Judy Casey; Joe Chillinsky; Samantha Hauser, applicant; Luke Morris, applicant; and Angela Smith.

Chair Pace closed the public comment.

MOTION: It was m/s by Jain/Pace to adopt Resolution No. PC-2023-16 approving the application, as recommended. Motion passed by the following vote:

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

6. P23-0607 & P23-0608, Housing Element Update (HOZ) - Applications for: (1) a Municipal Code Amendment to create a Housing Opportunity Zone District and Rezone all applicable Housing Project Sites identified in the Housing Element to this District; and (2) a Municipal Code Amendment codifying the Objective Design Standards housing sites compliance review process.

Recommendation: Adopt Resolution No. PC-2023-17 recommending City Council approval of: (1) a Municipal Code amendment creating a Housing Opportunity Zone (HOZ) District; (2) Rezoning 21 housing opportunity sites identified in the 6th Cycle Housing Element (2023-2031 Housing Element) to this HOZ district; and (3) a Municipal Code amendment codifying the Objective Design Standards (ODS) housing site compliance review process for applications P23-0607 and P23-0608

Senior Planner Luchini presented the item.

Chair Pace opened the public comment. Public comments were received by: Carolyn Baranouskas; Steven Bursley; Patrick Byrne; Samantha Byrne; Holly Chen; Timothy Krukiel; Adam Lubow; and Robin Neal.

Chair Pace closed the public comment.

MOTION: It was m/s by Gaidos/Morgan to adopt Resolution No. PC-2023-17 recommending City Council approval of Municipal Code amendments creating a HOZ district, rezoning applicable Housing Sites as identified in the Housing Element to this district, and codifying the ODS housing sites compliance review process, as recommended. Motion passed by the following vote:

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

MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

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

Commissioner Jain reported attending the Bicycle Pedestrian and Trails Committee meeting of October 23, 2023.

8. Actions of the City Council

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

9. Future Planning Calendar

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

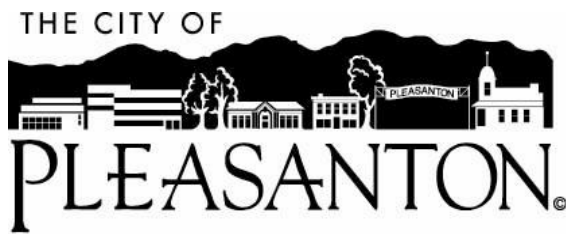
MATTERS INITIATED BY COMMISSION MEMBERS

None.

ADJOURNMENT

Chair Pace adjourned the meeting at 10:12 p.m.

Estela Ramirez, Recording Secretary



Planning Commission Agenda Report

December 13, 2023

Item 4

SUBJECT: PUD-148

APPLICANT/

PROPERTY OWNERS: Meenu Gochhwal & Ashish Choudhary

PURPOSE: Review and affirm the conditions of approval as modified by the Planning Commission at the August 23, 2023 public hearing, and finalize recommendation to the City Council for final approval.

LOCATION: 2207 Martin Avenue

GENERAL PLAN: Low Density Residential

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

EXHIBITS:

- A. Resolution and Draft Conditions of Approval
- B. Project Plans dated “Received June 17, 2023, and November 20, 2023”
- C. August 23, 2023 Planning Commission Agenda Report with Exhibits.
- D. Location and Notification Map

STAFF RECOMMENDATION

Staff recommends the Planning Commission review the conditions of approval as modified by the Planning Commission on August 23, 2023, and adopt the attached resolution recommending approval of PUD-148 to the City Council, based on the required findings and subject to the draft Conditions of Approval in Exhibit A.

EXECUTIVE SUMMARY

The proposed project would establish development standards for the subject parcel, including a proposal to construct a tennis court with fencing. The site is zoned PUD, but no PUD development plan has been adopted, which would establish specific development standards for the residence and any accessory or ancillary structures. The Pleasanton Municipal Code (PMC) Chapter 18.68.050 restricts development of a site within a planned unit development district until all provisions of chapter 18.68 have been completed, including adoption of a development plan. The applicant/property owners are requesting approval of a PUD development plan to establish development standards for the subject parcel, including addition of site-specific standards for a tennis court.

On August 23, 2023, the Planning Commission considered and approved PUD-148, with modifications to the staff-recommended conditions of approval. Since the August 23 meeting,

the applicant submitted more detailed plans of the tennis court, and clarified information on existing landscaping, allowing some conditions to be simplified and clarified by staff. Staff is now seeking the Commission's review and affirmation of the modified conditions so that a recommendation can be forwarded to the City Council.

SITE AND AREA DESCRIPTION

The subject property is a flat, approximately 1.67-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 (see Exhibit C, Figure 1). Additionally, the general area is zoned Planned Unit Development-Low Density Residential (see Exhibit C, Figure 6).

PROPOSED PROJECT

The applicant/property owners propose to establish development standards for the subject parcel consistent with those of the R-1-40,000 Zoning District for the existing residence and accessory structures. The proposal also includes a new tennis court with specific provisions to establish development standards for sports court fencing (see Exhibit B).

Planning Commission Hearing and Action

The Planned Unit Development application (PUD-148) was heard by the Planning Commission on August 23, 2023. At the hearing, there were comments made both in support and against the application regarding development standards for a tennis court. Particular concern was raised by the adjacent property owners at 3520 Dennis Drive regarding potential lighting impacts, height of tennis court fencing, and proximity of the tennis court to their residence. In response, the applicant/property owners stated that no lighting is currently proposed and that they were amenable to reasonable mitigation measures, such as vegetation screening and increasing the height of the existing shared wood fence on the property line, with the latter based on an understanding that the neighbor at 3520 Dennis Drive was amenable to sharing the cost of increasing the height of the fence.

After discussion, the Planning Commission motioned to recommend approval to the City Council with modified Conditions of Approval for the tennis court and fencing.

The motion articulated some of the amended conditions in detail, such as the design of the tennis court fencing, landscaping, and property-line fencing. However, it was silent on several other aspects and did not reference the other staff-recommended conditions of approval.

Staff subsequently prepared a revised resolution reflecting an interpretation of the Planning Commission's motion, which was shared with the applicant in advance of the scheduled City Council hearing on September 19, 2023. The applicant/property owners contacted Planning staff to express their differing interpretation of Planning Commission's motion. In response, staff requested the item be continued from the scheduled City Council agenda, to allow further discussion with the applicant/property owners.

DISCUSSION/ANALYSIS

Following the August 23 hearing, in addition to meeting with staff to discuss the proposed conditions, the applicant/property owner submitted an updated narrative and more detailed plans of the tennis court, as well as photo documentation of existing landscaping along the fence line. This additional information allows for several of the conditions to be simplified

and/or removed. Based on this further review, and additional information submitted by the applicant, staff has revised and clarified the conditions of approval.

Other revisions include removal of a specific reference to an Administrative Design Review (ADR) requirement for the current tennis court (since plans have since been provided and are considered part of the PUD approval). As for any other residential property, future property improvements would be subject to the City's standard processes and procedures, which include ADR for elements over 10 feet in height.

The amended conditions clarify that if the neighbors are unable to obtain cost-sharing for construction of a seven-foot-high fence at the property line, the condition would be invalidated. And, since the applicant has demonstrated that there are existing landscape plantings along the fence line, which they installed in recent months, there is no need to further condition the application in this manner.

Note that the applicant requested, and staff supports, removal of the prohibition on outdoor lighting that was stated in the original Conditions of Approval. While no outdoor lighting is currently proposed to be installed, staff notes that outdoor lighting is common throughout the surrounding neighborhood and the city as a whole; and lighting below 10 feet in height does not require any special City approval. If lighting above 10 feet were proposed in the future, it would be subject to an ADR, which would allow for consideration of factors such as positioning, shielding and hours of operation to minimize impacts to neighbors.

The revised Conditions of Approval are attached as Exhibit A. The location and design of the tennis court is not proposed to change. The proposed tennis court design and standards are proposed to meet the revised modified conditions of approval per Exhibit A. As noted above, any subsequent development on the lot, including sports court lighting, would be subject to the development standards of the R-1-40,000 District and subject to design review criteria outlined in the Pleasanton Municipal Code [Chapter 18.20.010](#).

Staff recommends that the Planning Commission review the revised modified conditions of approval per Exhibit A including the proposed design of the tennis court and fencing per Exhibit B.

PROJECT SITE ALTERNATIVES

Staff believes the proposed development standards, as proposed and conditioned, would be compatible with the other parcels in the neighborhood and not create adverse impacts, and recommends the Planning Commission affirm the conditions of approval and recommendation for approval of the PUD development plan to the City Council. However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Recommend denial of the PUD development plan to the City Council.
2. Recommend approval of the PUD development plan but with modifications.
3. Approve the PUD development plan as proposed by the applicant.

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

PLANNED UNIT DEVELOPMENT CONSIDERATIONS

The Pleasanton Municipal Code Section 18.68.110 sets forth the purpose of the Planned Unit Development District and considerations to be addressed in reviewing a PUD development plan. These purposes and considerations are set forth in the draft resolution included as Exhibit A and includes whether the development plan is in conformance with the City's General Plan, in the best interest of public health, safety, and general welfare, and whether the plan would be compatible with developed properties in the vicinity. As described in Exhibit A and based on the information and analysis provided in this agenda report, staff recommends the Commission make the required findings to recommend approval of the project to the City Council.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and notification maps as Exhibit D for reference. At the time this report was published, staff has not received any public comments about the project. Any additional public comments received after publication of this report will be forwarded to the Commission.

ENVIRONMENTAL ASSESSMENT

Environmental review for the project was undertaken with the Initial Study/Negative Declaration adopted by the City Council for RZ-97-2 (prezone application) in conformance with the standards of the California Environmental Quality Act (CEQA). There are not substantial changes to the project or the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects. Therefore, no new environmental document accompanies this agenda report.

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

Reviewed/Approved By:

Julie Harryman, Assistant City Attorney

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

Ellen Clark, Director of Community Development

RESOLUTION NO. PC-2023-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RECOMMENDING THE CITY COUNCIL APPROVE AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT PLAN TO ESTABLISH DEVELOPMENT STANDARDS FOR 2207 MARTIN AVENUE, AS FILED UNDER CASE NO. PUD-148

WHEREAS, on March 17, 2023, Meenu Gochhwal and Ashish Choudhary (“Applicant”) applied for PUD development plan approval under case No. PUD-148 to establish development standards for 2207 Martin Ave (“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, environmental review for the project was undertaken with the Initial Study/Negative Declaration adopted by the City Council for RZ-97-2 in conformance with the standards of the California Environmental Quality Act (CEQA). There are not substantial changes to the project or the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects. Furthermore, there is no new information of substantial importance which was unknown at the time the Initial Study/Negative Declaration was adopted by the City Council regarding the project or its effects, mitigation measures, or alternatives. Any previously identified effects or impacts are mitigated to a level of insignificance, with the mitigation measures incorporated into the project’s design or imposed on the project pursuant to the conditions of approval. Therefore, no new environmental document accompanied the project; and

WHEREAS, on August 23, 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.

WHEREAS, on August 23, 2023 with a 5-0 vote, the Planning Commission determined the development plan is appropriate for the site, made the necessary findings, including modifications to the staff-proposed conditions of approval, and recommended to the Pleasanton City Council PUD-148 be approved.

WHEREAS, case No. PUD-148 was scheduled for City Council consideration and action on September 19, 2023, but was removed from the consent calendar by staff to be redirected to the Planning Commission in order to review and affirm the motion made at the August 23, 2023 Planning Commission hearing.

WHEREAS, on December 13, 2023, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City

staff concerning this application, including clarification of the conditions of approval, and received testimony from the applicant and interested parties

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

Section 1: Findings for PUD Development Plan Approval

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

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

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

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

The proposed development plan includes establishing development standards of the R-1-40,000 District, site-specific development standards for sports courts, and retention of the existing single-family residence on an approximately 1.67-acre lot. The Planning Commission finds the existing single-family residence and lot size conforms to the General Plan Low Density Residential land use designation with a maximum of two dwelling units per gross developable acre. The Planning Commission finds that the site-specific development standards for sports courts minimize intrusions into existing neighborhoods. The proposed development plan promotes General Plan Programs and Policies encouraging the preservation of the existing housing stock and preserving and enhancing the character of existing residential neighborhoods. As such, the Planning Commission concludes this finding can be made.

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

The neighborhood includes a mixture of one-and-two-story residences with a variety of architectural styles sited appropriately with its lot. The proposed development standards would be consistent with those for those allowable within the R-1-40,000 zone, which are appropriate for the existing approximately 1.67-acre lot, and compatible with the land use pattern and existing developed properties in the vicinity. With consideration to existing accessory structures in the vicinity, the proposed sports court development standards are compatible with previously developed properties and established development standards of surrounding Planning Unit Development Districts. The subject parcel is flat with mature existing vegetation. As such, the Planning Commission finds the existing single-family residence is sensitive to the existing trees and vegetation on-site. The Planning Commission concludes this finding can be made.

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

No grading is being proposed as part of this proposed development plan, and as such the project would be in keeping the existing environmental characteristics of the of the property. In addition, the flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate the subject property is not located in a flood hazard zone. The subject parcel will drain to the face-of-curb and excess stormwater runoff would be directed into public street storm drains. As such, the Planning Commission concludes this finding can be made.

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

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

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

At this time, the proposed development plan does not propose a new site design or accessory structures, only a new sports court. The existing residence received approval from Alameda County at the time of its construction and was designed to meet the requirements of the California Building Code and applicable County codes at that time. The Planning Commission finds the subject parcel has adequate access to serve police, fire, and other emergency vehicles. All additional development on the subject parcel will be required to meet the requirements of the proposed development plan and all applicable City and State codes. As such, the Planning Commission concludes this finding can be made.

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

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

Section 2: The Planning Commission hereby recommends the City Council approve the application for a PUD development plan (PUD-148) as reflected in the Conditions of Approval in Attachment 1 attached hereto and incorporated into this resolution by reference to establish development standards for 2207 Martin Avenue.

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

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on December 13, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Melinda Denis

Brandon Pace

Secretary, Planning Commission

Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**PUD-148
2207 Martin Avenue**

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

This approval is granted for a Planned Unit Development approval to establish development standards for an existing single-family residence zoned PUD (Planned Unit Development) - LDR (Low Density Residential) and construct a tennis court at the rear of the property 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 narrative and plan, Exhibit B, prepared by Meenu Gochhwal and Ashish Choudhary, owners, dated "Received" on June 17, 2023 and November 20, 2023 and kept on file in the Planning Division of the Community Development Department.

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

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** All development on the subject parcel shall be in substantial conformance with the "Approved Development Plan", except as modified by the following conditions. See Condition No. 4 below.
2. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including without limitation, reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

PLANNING DIVISION – 925-931-5600

Site Development and Building Design

3. DEVELOPMENT STANDARDS: Primary (existing single-family residence) and accessory structures uses shall be those of the R-1-40,000 (One-Family Residential) District of the Pleasanton Municipal Code. **Project Specific Condition**
4. TENNIS COURT: The tennis court, including tennis court fencing, shall be subject to the following development standards:
 - a. Allow fencing approximately 10-feet maximum in height at the front and rear (narrow) ends of the tennis court.
 - b. Allow fencing approximately 8-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, 5-gallon minimum vegetation, will be placed between the court and property line fencing.
 - d. Applicant and neighbor will share repair costs of an approximately 7-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. **Project Specific Condition**

END

Description of Proposal:

We propose to build a 10 ft high sports court fencing for the tennis court that has been built in our backyard.

Background: We, the current owners, purchased this property in April 2022 and have been using this property as our primary residence since then. In August 2022, we reached out to Pleasanton City to seek approval for building a tennis court along with a 10ft high sports court fencing and 12ft high LED lights in our back yard. The city gave us the go ahead for the Tennis Court with sport court fencing however we were asked to submit an application for administrative design review to secure planning permit for the lights.

Subsequently we undertook the construction of the proposed Tennis Court and the sports court fencing (without LED lights). We also applied for planning permit for LED lights. By early December 2022, the flat work for the tennis court was fully completed and we put in the poles for the sport court fencing (The chain link had not been put in yet).

On or around December 10th 2022, we received a call from City Enforcement that our neighbour had complained about the tennis court and we were directed to contact the city. On further discussions with the city, we have been directed to submit this application.

We had built the sports court based on following two email communications from Planner on Duty

Email dated November 9th, 2022 by Planner on Duty: <Quote Begin> "The property is zoned PUD-LDR and subject to the R-1-20,000 development standards. Per the R-1-20,000 standards, accessory structures are required to be setback 5-feet from the rear setback line and 3-feet from the side property line (see Table 18.84.010)." **<Quote End>**

Email dated August 22nd, 2022 by Planner on Duty: <Quote Begin> "The tennis court would not require any Planning review or permits. The same for the 10-foot-high fence from a Planning perspective, but again it cannot exceed 10 feet at any point. A Building permit would be required for the fence." **<Quote End>**

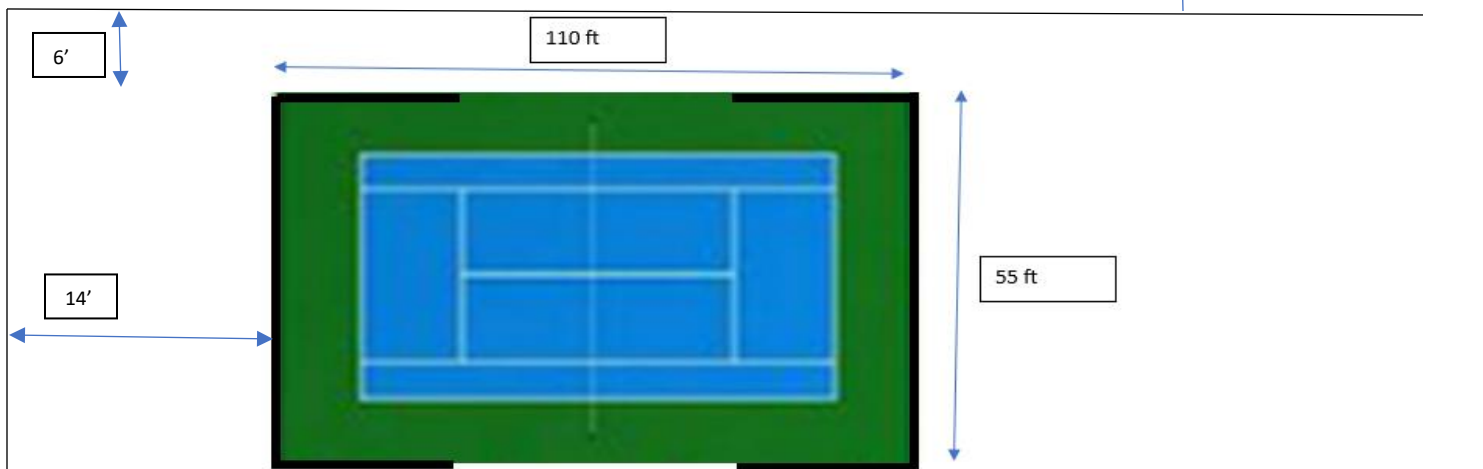
Proposal: We are proposing to go with the development standards of an established zone (R-1-40,000) with specific sport courts fencing standards.

The sports court fencing will have maximum height of 10 ft with other standards as follows:

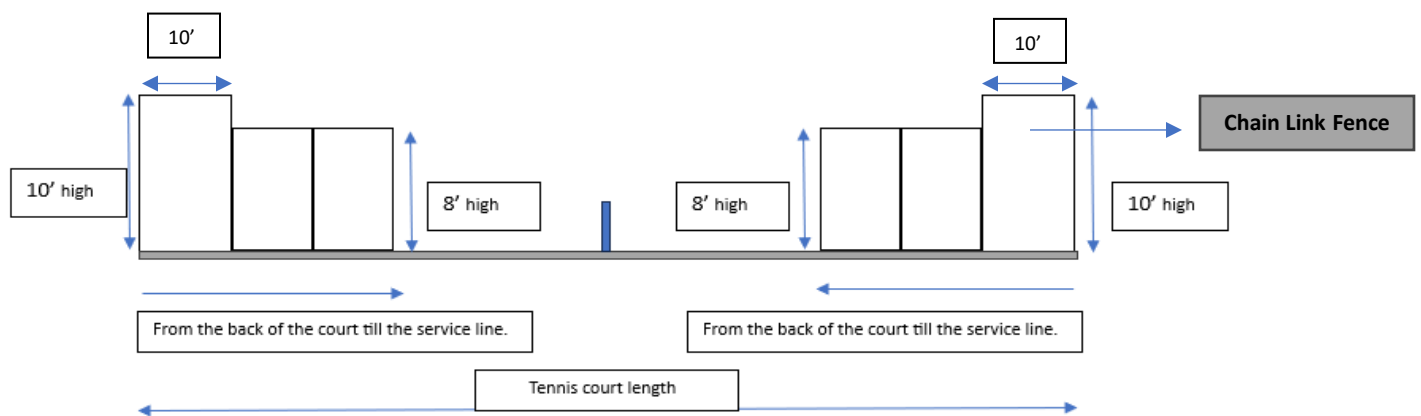
- Minimum Side Setback of 6 ft from side boundary of the property.
- Minimum Rear Setback of 10 ft from rear boundary of the property.
- Maximum sport court fence height of 10 ft
- Sports court will be in the backyard and will not be in the front yard of the house.
- The fencing screen will be chain link fence

Tennis Court Dimensions

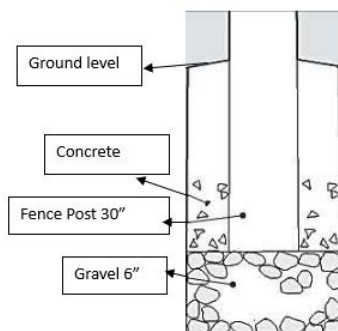
Fence Top view



Fence side view



Post Footing



RECEIVED

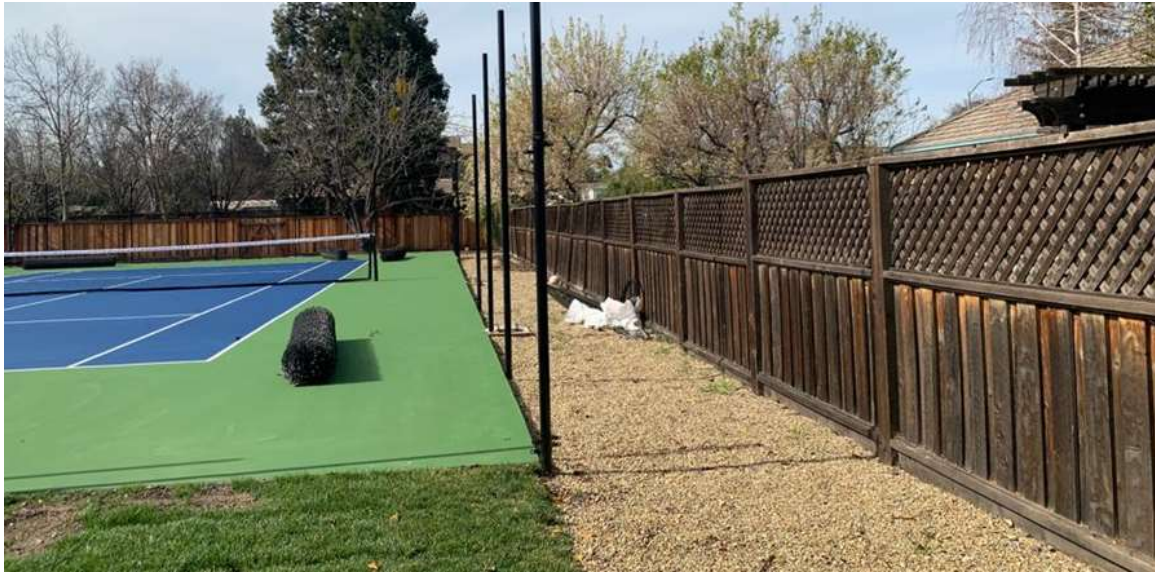
11/20/2023

PUD-148

CITY OF PLEASANTON
PLANNING DIVISION

EXHIBIT B

Picture taken BEFORE the planting of vegetation



Picture taken AFTER the planting of vegetation

- 5 Gallon evergreen Privets planted 3 ft apart all along the length of the neighboring fence



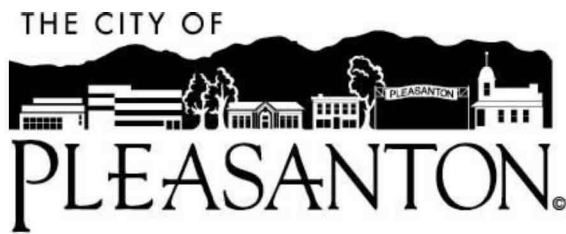
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11/20/23

PUD-148

CITY OF PLEASANTON
PLANNING DIVISION

EXHIBIT B



Planning Commission Agenda Report

August 23, 2023
Item 6

SUBJECT: PUD-148

APPLICANT/

PROPERTY OWNERS: Meenu Gochhwal & Ashish Choudhary

PURPOSE: Application for Planned Unit Development (PUD) development plan approval to establish development standards.

LOCATION: 2207 Martin Avenue

GENERAL PLAN: Low Density Residential

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

EXHIBITS:

- A. Resolution and Draft Conditions of Approval
- B. Project Plans dated "Received June 17, 2023"
- C. Public Comments
- D. Location and Notification Map

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the attached resolution recommending approval of PUD-148 to the City Council, based on the required findings and subject to the draft Conditions of Approval in Exhibit A.

EXECUTIVE SUMMARY

The proposed project would establish development standards for the subject parcel, which includes an existing single-family residence constructed prior to the parcel's annexation into the City of Pleasanton in 1997. While PUD zoning was adopted for the entire annexation area in 1997, the prior approvals did not establish specific development standards for the residence or any ancillary structures via a PUD development plan. The Pleasanton Municipal Code (PMC) Chapter 18.68.050 restricts development of a site within a planned unit development district until all provision of chapter 18.68 have been completed, which includes a development plan. In addition, the absence of an approved PUD development plan for the subject parcel has precluded staff from providing guidance to the applicant/property owners for additional development on the subject parcel. The applicant/property owners are requesting approval of a PUD development plan to establish development standards for the subject parcel, including addition of site specific standards for sports courts. This application reference to an existing partially-built sports court constructed without City approvals and currently conflicts with aspects of staff's recommendations related to the proposed development standards for the subject parcel, and as explained in more detail later in this report. As conditioned, staff finds the proposed development standards would be consistent with the objectives of the General

Plan and zoning district, and that the partially-constructed sports court would be compliant with the proposed development standards if it is reconstructed in accordance with staff's recommendations. The application is now before the Planning Commission for consideration. The Planning Commission may recommend approval, approval with conditions, or denial of the application to the City Council.

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 acre¹. The property was annexed into the City of Pleasanton in 1997.

In 2021, the City Council approved PUD-140 and P21-0079 per Ordinance 2223 at 2207 Martin Avenue, which included Minor Subdivision approval to subdivide the approximately 1.67-acre parcel into two parcels (A and B). Parcel A, fronting Dennis Drive (no address), measuring approximately 21,794 square feet and Parcel B (2207 Martin Avenue) approximately 48,311 square feet. The application included a Planned Unit Development (PUD) development plan approval to retain the existing residence and related improvements on Parcel B and to construct a two-story residence and related site improvements on Parcel A. Although approved, per the conditions of approval, the PUD development plan would lapse two years from the effective date (November 5, 2021) of the ordinance unless a parcel map is approved. To date, a parcel map has not been approved and will expire on November 5, 2023. The applicant/property owners do not wish to pursue the approved PUD development plan that calls for a subdivision with required site improvements. Rather, the applicant/property owners intend to maintain the property as a single lot with the purpose to construct a tennis court with fencing where the two-story residence would be located under PUD-140.

In July 2022, the City's Code Enforcement staff received a complaint about concrete flatwork² being conducted on the subject parcel to create a sports court. While flatwork such as the sports court does not require a building permit, Code Enforcement staff contacted the applicant/property owners to inquire about the nature of the work taking place and notified them that any additional work, beyond flatwork, such as lighting or fencing for the sports court may require permits and/or planning approval, and to contact the Permit Center for specific information.

In August 2022, the applicant/property owners contacted Planning staff to request development standards for the construction of a tennis court with associated fencing and lighting. Due to the

¹ The Agenda Report for this item clarifies the allowable density as "maximum density approaching 2 du/ac (i.e., 1.999...du/ac).

² Flatwork includes work such as pouring a concrete slab or patio.

lack of existing development standards for the subject parcel, including for both accessory structures and sports courts, in response, staff directed the applicant/property owners to speak with the adjacent neighbors regarding their proposal to identify any potential concerns with their proposal, specifically if any structures (such as fencing and lighting) exceeding approximately 10 feet in height would be objectionable in the proposed sports court location. The applicant/property owners were also informed any structures associated with the proposed sports court above approximately 10 feet in height would require Planning approval and building permits.

In December 2022, the City's Code Enforcement staff received a complaint regarding posts that had been erected around the sports court without permits or approvals. Upon their inspection several posts approximately 10 feet in height had been erected around the perimeter of the existing sports court. Code Enforcement staff contacted and directed the applicant/property owners to stop all work and contact the Planning Division for direction.

The Planning Division determined the appropriate course of action would be to require the applicant/property owners to apply for a PUD development plan that would establish development standards for the subject parcel and allow staff to provide specific guidance for any future development on the subject parcel, including determining conformance with the proposed development standards with regard to the existing sports court.

SITE AND AREA DESCRIPTION

The subject property is a flat, approximately 1.67-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 (see Figure 1). There are several mature trees clustered in the center of the lot with established landscaping surrounding the existing residence. Single-family residences are located north, south, and west and Alameda Flood Control property is located east, across Martin Avenue, of the subject site (see Figures 2 and 3). Existing houses in the area are both one- and two-story and sited appropriately with their respective lot size. On adjacent parcels, the nearest structures are setback approximately 5 feet from the property line (property to the north and south). Additionally, the general area is zoned Planned Unit Development-Low Density Residential (see Figure 6).

Figure 1: Existing House (via Google Maps)

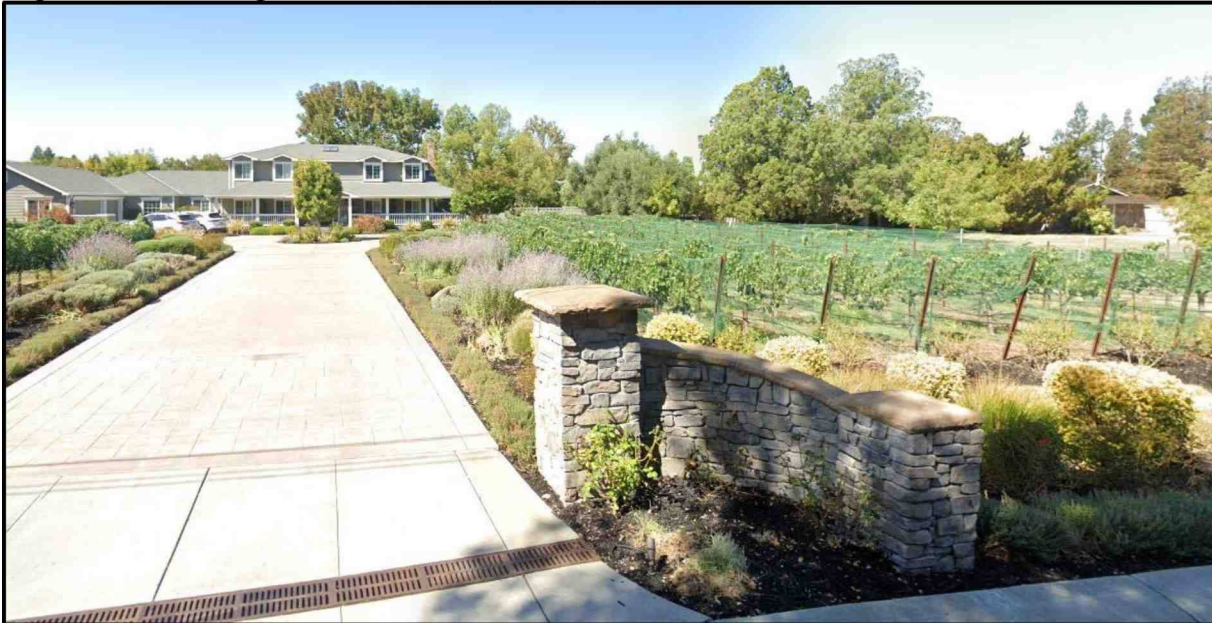


Figure 2: Aerial View



Figure 3: Focused Aerial View from March 2023 (via Nearmap)

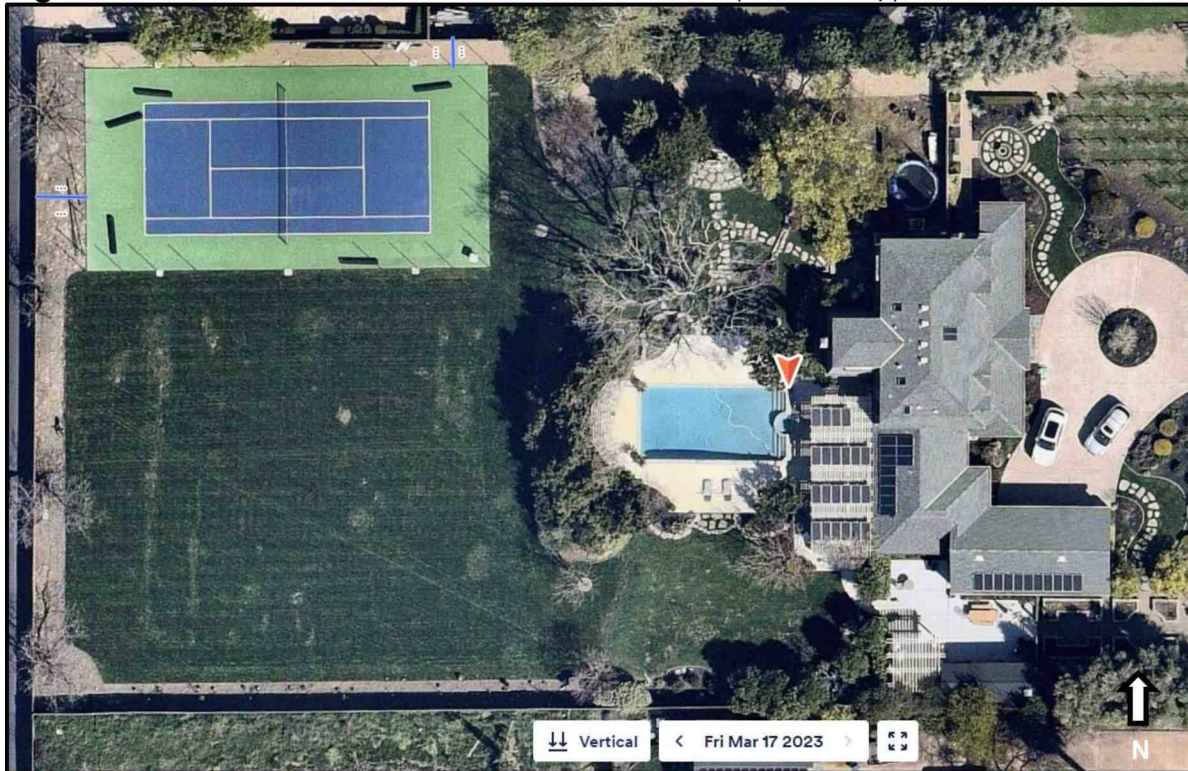


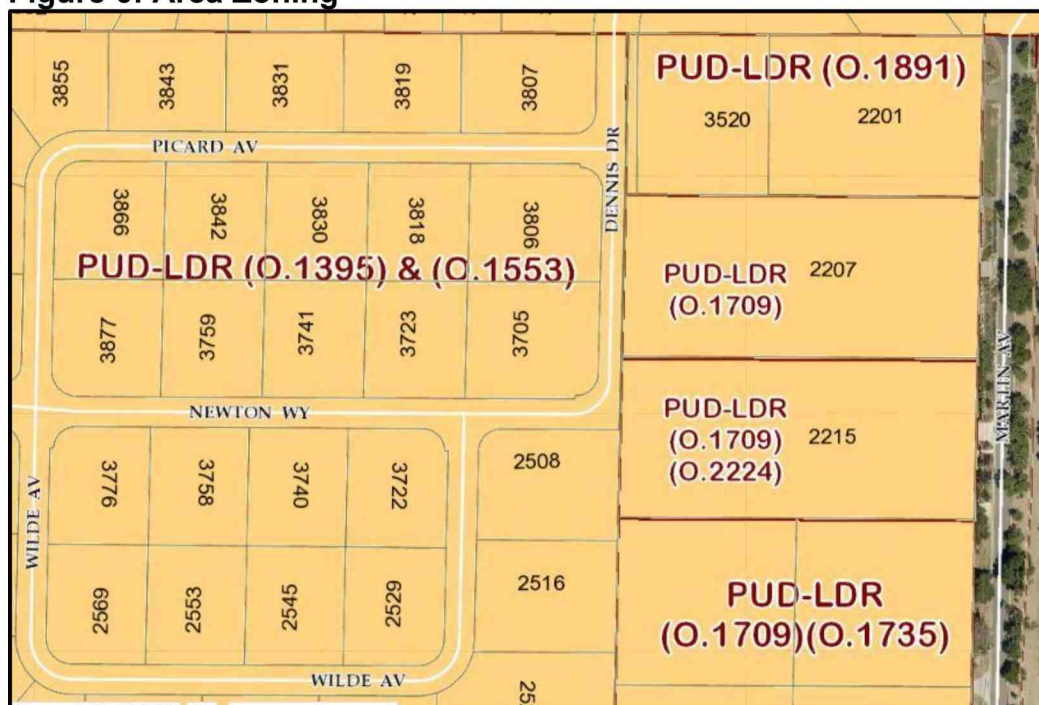
Figure 4: Existing Accessory Structure at 2201 Martin Avenue (via Google Maps)



Figure 5: Existing Accessory Structure at 2215 Martin Avenue (via Google Maps)



Figure 6: Area Zoning



PROPOSED PROJECT

The applicant/property owners propose to establish development standards for the subject parcel consistent with those of the R-1-40,000 Zoning District for the existing residence and accessory structures. The proposal also includes specific provisions to establish development standards for sports court fencing, with the intention of legalizing the existing approximately

55-foot-wide by 110-foot-long sports court (see Figures 7 and 8). Proposed development standards are provided and analyzed in the discussion section below.

Figure 7: Current Tennis Court – Facing Towards Dennis Dr. (picture by applicant)



Figure 8: Current Tennis Court – Side View (picture by applicant)



ANALYSIS

Consistency with General Plan and Zoning Land Uses:

General Plan

The density of any individual parcel must fall within the allowable density range for the General Plan land use designation. The subject property has a General Plan Land Use Designation of Low Density Residential (LDR), which allows a maximum density of less than two dwelling units per gross acre (translating to a density of 1.999...dwelling units per acre) with a mid-point density of one dwelling unit per gross-acre. The existing single-family dwelling unit and proposed development standards of the R-1-40,000 District would be consistent with the low-density designation.

The proposal, excluding the applicant/property owners proposed development standards for sports courts, is in keeping with the character of the low density residential and is consistent with the General Plan Land Use Policy and Programs listed below.

Land Use: Residential

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

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

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

Zoning

The site is zoned PUD-LDR, meaning that development standards for the project would be established as part of the related PUD development plan. The zoning for the property does not currently include established development standards (e.g., setbacks, floor area ratio, parking, etc.), and would be determined as part of this application in accordance with the PUD Chapter of the Pleasanton Municipal Code (PMC) (discussed later in this report).

Site Development Standards (excluding sports courts)

Given the existing size of the subject parcel and location of existing single-family residence, the subject parcel generally follows the development standards of the City's R-1-40,000 District, respectively, as shown in Table 1. Any additional development (e.g., additions, accessory structures, fences, etc.) beyond the existing single-family residence and existing accessory structures on the subject parcel would be required to adhere to the development standards established with the proposed PUD development plan herein. Sports Court development standards are excluded in Table 1 below and are analyzed in the ensuing section of this report.

Table 1: Development Standards

	R-1-40,000 Zoning District³	2207 Martin Ave. (Ex. House)⁴
Minimum Lot Size		
Area	40,000 sq.ft.	72,647 sq.ft.
Width	150 ft.	181.58 ft.
Depth	150 ft.	399.92 ft.
Primary Structure		
Front setback	30' min.	130'-4"
Side/both setback	5'/50' min.	46'-10"/77'-5"
Rear setback	30' min.	216'-2"
Height	30' max.	24'
Floor area ratio (FAR) ⁵	25% max.	6.35%
Parking	2 Spaces	3 Spaces
Class 1 Accessory Structures (PMC 18.84.160)		
Front setback	Not Allowed	N/A
Side Setback	20' min.	N/A
Rear Setback	20' min..	N/A
Height	15' max.	N/A

As shown in City records, the existing single-family residence conforms to the recommended development standards; however, there are existing accessory structures (enclosed structure and trellis patios) which do not conform to the side yard setback requirements. Those accessory structures are considered legal non-conforming. Any additional development on the subject parcel would be required to adhere to the development standards established with the PUD development plan herein.

The PMC does not address guest parking within single-family developments, but the City encourages, and often requires, on-site guest parking for single-family projects when there is no on-street parking provided within the project, as is the case here. The existing single-family residence contains an attached three-car garage and includes a generous driveway apron in front of the garage, approximately 33 feet in width which can accommodate an additional two cars, to be used by the residents or guests of the residence. Overall, staff finds the proposed development standards (except for proposed sports court development standards) for the existing single-family residence and accessory structures would complement and be consistent with the surrounding residential neighborhood.

Sports Court Development Standards

In addition to the proposed R-1-40,000 District development standards, the applicant is proposing site-specific development standards for sports court fencing (as shown in Table 2 below and described in Exhibit B attached). The PMC does not address sports courts and associated fencing. However, fencing (generally) in the R-1-40,000 District is regulated by

³ At least one space per dwelling unit of the off-street parking required shall be located in a garage or carport per PMC.

⁴ Date from City Records

⁵ Not including garage floor area.

PMC 18.84.080 (Front yards) and 18.84.090 (Side and Rear yards). Per the PMC, the maximum height of a fence located in a required side or rear yard is approximately 6 feet, or up to approximately 8 feet with approval by the Zoning Administrator. The maximum height for a fence located in the required front yard for the R-1-40,000 District is approximately 30 inches, or approximately 6 feet upon approval by the Zoning Administrator.

The existing/partially completed sports court is located approximately 6.5 feet away from the north side property line and approximately 15 feet from the rear (west direction) property line along Dennis Drive (See Figures 3, 7 and 8).

The proposed development standards for the sports court fencing are shown in Table 2 below. Currently, the existing sports court is located approximately 6.5 feet away from the north side property line and approximately 15 feet from the rear property line along Dennis Drive.

Table 2: Proposed Sports Court Fencing Development Standards

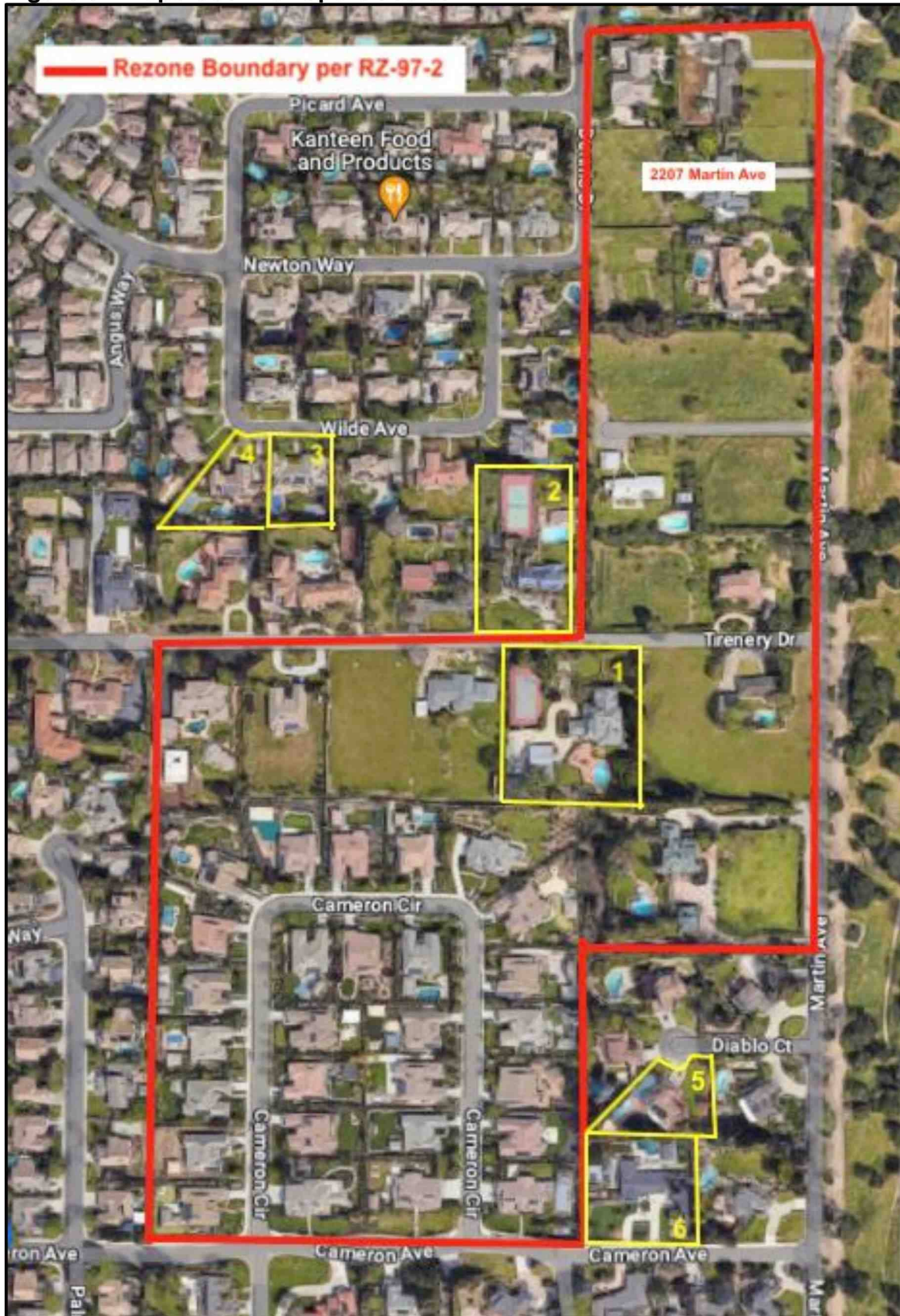
Maximum height	10-Feet
Minimum side setback	6-Feet
Minimum rear setback	10-Feet
Fencing Type	Chain Link
No sport courts allowed in the front yard of residence.	

Per satellite imagery, there are currently six properties in the vicinity of the subject parcel that have an existing sports court (see Table 3 and Figure 9). It is unclear if any of the six sports courts include surrounding fencing. 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 3: 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 9: Properties with Sport Courts



The subject parcel is adjacent to single-family residences to the north that have a primary structure side setback of approximately 10 feet (per Ordinance 1891) and Dennis Drive runs adjacent to the rear property line. To minimize intrusions such as noise, illumination, and limit any visual obstruction for vehicles on public streets, staff recommends requiring sports court fencing to be located a minimum of approximately 10 feet from any side and rear property line, and to be prohibited within front yards. Staff further recommends limiting the height of sports court fencing and ancillary sport structures (e.g., goal posts) to no more than approximately 10 feet in height; and the prohibition of exterior illumination. Accordingly, staff is proposing modified sports court development standards from those proposed by the applicant/property owners for the subject parcel, which are shown in Table 4 and included as conditions of approval in Exhibit A.

The modified sports court development standards recommend by staff will require that the partially built tennis court at the subject parcel be modified to be brought into conformance, in particular to allow the fencing to be located a minimum of approximately 10 feet from the property line. As a result, the applicant/property owners will be required to, at a minimum, apply for an administrative design review application and modify the partially built tennis court (may include partial deconstruction).

Staff recommendations are based on the subject parcel and developed properties in the vicinity to achieve compatibility with respect to development. The applicant/property owners intend to build their tennis court at the rear of their property closest to adjacent neighbor at 3520 Dennis Drive, which is part of PUD-27 (per Ordinance 1891). PUD-27 has a minimum side setback of approximately 10 feet for the primary residence and approximately 5 feet for accessory structures. In addition, the subject parcel is adjacent to properties on both sides that have existing accessory structures with an approximately 5-foot setback or less (see Figures 4 and 5). As such, staff proposes an approximately 10-foot side setback for sports courts, which would be more restrictive than existing and proposed accessory structures on adjacent properties. However, not more restrictive than the main residence side setback for the existing residence at 3520 Dennis Drive.

Furthermore, and derived from the PMC Chapter 18.20 requiring design review for all accessory structures over 10 feet in height, staff's recommendation incorporates the requirement that sports courts be subject to review per the City's Administrative Design Review process. The process would allow staff and neighbors to address future concerns regarding the design, location, and height of a proposed sports court.

Table 4: Staff Proposed Sports Court Development Standards⁶

Sports Courts are subject to the City's Administrative Design Review Process.	
No sport courts are allowed in the front of residence and within the required front yard setback.	
Maximum height for ancillary sports courts structures*	10 Feet (exception to height on a case-by-case basis by the Zoning Administrator)
Maximum sports courts fencing height **	10 Feet
Minimum side yard setback	10 Feet
Minimum rear yard setback	10 Feet
* Measured vertically from the top of the finished grade to the highest point of the play structure (For example: basketball backboard).	
** Measured vertically from the natural grade or finished grade, whichever is lower, to the highest point of the structure.	

⁶ Setbacks exclude related flat work.

PROJECT SITE ALTERNATIVES

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

1. Recommend denial of the PUD development plan to the City Council;
2. Recommend approval of the PUD development plan but with modifications, e.g., the Planning Commission can have more (or less) restrictive setbacks, height limits, etc. than those proposed by staff; or
3. Approve the PUD development plan as proposed by the applicant and without staff's recommended modifications.

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

PLANNED UNIT DEVELOPMENT CONSIDERATIONS

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

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. At the time this report was published, staff received neighbor concerns regarding the existing tennis court. One of the public comments was sent via email and included in Exhibit C. Noticed neighbors expressed concerns regarding potential tennis court's lighting impacts to homes and light pollution, proximity of the tennis court to adjacent residences, height of existing poles, and requests for assurance the tennis court would obtain proper permitting.

ENVIRONMENTAL ASSESSMENT

Environmental review for the proposed project was undertaken with the Initial Study/Negative Declaration adopted by the City Council for RZ-97-2 in conformance with the standards of the California Environmental Quality Act (CEQA). There are not substantial changes to the project or the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects. Furthermore, there is no new information of substantial importance which was unknown at the time the Initial Study/Negative Declaration was adopted by the City Council regarding the project or its effects, mitigation measures, or alternatives. Any previously identified effects or

impacts are mitigated to a level of insignificance, with the mitigation measures incorporated into the project's design or imposed on the project pursuant to the conditions of approval. Therefore, no new environmental document accompanies this agenda report.

SUMMARY/CONCLUSION

Staff has reviewed the proposed development standards and as modified and conditioned, believes they are consistent with the General Plan and Zoning for the subject parcel and consistent with other development requirements in the vicinity. Therefore, the project, as conditioned, merits a favorable recommendation by the Planning Commission.

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

Reviewed/Approved By:

Eric Luchini, Senior Planner

Julie Harryman, Assistant City Attorney

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

Ellen Clark, Director of Community Development

RESOLUTION NO. PC-2023-14

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PLEASANTON RECOMMENDING THE CITY COUNCIL APPROVE AN
APPLICATION FOR A PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT
PLAN TO ESTABLISH DEVELOPMENT STANDARDS FOR 2207 MARTIN AVENUE,
AS FILED UNDER CASE NO. PUD-148**

WHEREAS, on March 17, 2023, Meenu Gochhwal and Ashish Choudhary (“Applicant”) applied for PUD development plan approval under case No. PUD-148 to establish development standards for 2207 Martin Ave (“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, environmental review for the project was undertaken with the Initial Study/Negative Declaration adopted by the City Council for RZ-97-2 in conformance with the standards of the California Environmental Quality Act (CEQA). There are not substantial changes to the project or the circumstances under which the project is being undertaken that involve new significant environmental effects or that substantially increase the severity of previously identified effects. Furthermore, there is no new information of substantial importance which was unknown at the time the Initial Study/Negative Declaration was adopted by the City Council regarding the project or its effects, mitigation measures, or alternatives. Any previously identified effects or impacts are mitigated to a level of insignificance, with the mitigation measures incorporated into the project’s design or imposed on the project pursuant to the conditions of approval. Therefore, no new environmental document accompanied the project; and

WHEREAS, on August 23, 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 staff reports and all public comment and testimony:

Section 1: Findings for PUD Development Plan Approval

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

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

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

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

The proposed development plan includes establishing development standards of the R-1-40,000 District, site-specific development standards for sports courts, and retention of the existing single-family residence on an approximately 1.67-acre lot. The Planning Commission finds the existing single-family residence and lot size conforms to the General Plan Low Density Residential land use designation with a maximum of two dwelling units per gross developable acre. The Planning Commission finds that the site-specific development standards for sports courts minimize intrusions into existing neighborhoods. The proposed development plan promotes General Plan Programs and Policies encouraging the preservation of the existing housing stock and preserving and enhancing the character of existing residential neighborhoods. As such, the Planning Commission concludes this finding can be made.

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

The neighborhood includes a mixture of one-and-two-story residences with a variety of architectural styles sited appropriately with its lot. The proposed development standards would be consistent with those for those allowable within the R-1-40,000 zone, which are appropriate for the existing 1.67-acre lot, and compatible with the land use pattern and existing developed properties in the vicinity. With consideration to existing accessory structures in the vicinity, the proposed sports court development standards are compatible with previously developed properties and established development standards of surrounding Planning Unit Development Districts. The subject parcel is flat with mature existing vegetation. As such, the Planning Commission finds the existing single-family residence is sensitive to the existing trees and vegetation on-site. The Planning Commission concludes this finding can be made.

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

No grading is being proposed as part of this proposed development plan, and as such the project would be in keeping the existing environmental characteristics of the of the property. In addition, the flood hazard maps of the Federal Emergency Management Agency (FEMA) indicate the subject property is not located in a flood hazard zone. The subject parcel will drain to the face-of-curb and excess stormwater runoff would be directed into public street storm drains. As such, the Planning Commission concludes this finding can be made.

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

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

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

At this time, the proposed development plan does not propose a new site design or accessory structures, only a new sports court. The existing residence received approval from Alameda County at the time of its construction, and was designed to meet the requirements of the California Building Code and applicable County codes at that time. The Planning Commission finds the subject parcel has adequate access to serve police, fire, and other emergency vehicles. All additional development on the subject parcel will be required to meet the requirements of the proposed development plan and all applicable City and State codes. As such, the Planning Commission concludes this finding can be made.

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

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

Section 2: The Planning Commission hereby recommends the City Council approve the application for a PUD development plan (PUD-148) as reflected in the Conditions of Approval in Attachment 1 attached hereto and incorporated into this resolution by reference to establish development standards for 2207 Martin Avenue.

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

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on August 23, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

ATTEST:

Melinda Denis
Secretary, Planning Commission

Brandon Pace
Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

EXHIBIT A
DRAFT CONDITIONS OF APPROVAL

PUD-148
2207 Martin Avenue
August 23, 2023

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

This approval is granted for a Planned Unit Development approval to establish development standards for an existing single-family residence zoned PUD (Planned Unit Development) - 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 narrative, Exhibit B, prepared by Meenu Gochhwal and Ashish Choudhary, owners, dated "Received" on June 17, 2023, and kept on file in the Planning Division of the Community Development Department.

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

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** All development on the subject parcel shall be in substantial conformance with the "Approved Development Plan", except as modified by the following conditions. **Project Specific Condition**
2. **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

Site Development and Building Design

3. DEVELOPMENT STANDARDS: Primary (existing single-family residence) and accessory structures (non-sports courts and ancillary equipment) and uses shall be those of the R-1-40,000 (One-Family Residential) District of the Pleasanton Municipal Code, except that:

- a. Up to 600-square-feet of garage area may be exempted from the FAR calculation. However, garage floor area over 600-square-feet shall be included in the FAR calculation.

Project specific condition.

4. Garages shall not be modified or used for storage in a manner that would interfere with the ability to park cars within the garages and shall utilize the garages for parking of vehicles only. **Project specific condition.**
5. SPORTS COURTS: Sports courts such as tennis, basketball, racquetball, pickleball, etc. (including associated fencing and ancillary sport structures such as goal posts, basketball hoops, etc.), are subject to the City's Administrative Design Review process and the following development standards:

- a. No sport courts allowed in the front of the existing single-family residence and within the required front yard setback.
- b. Minimum side yard setback: 10 feet (excludes related flat work).
- c. Minimum rear setback: 10 feet (excludes related flat work).
- d. Maximum ancillary structure height: 10 feet* (exception to height on a case-by-case basis by the Zoning Administrator)
- e. Maximum sports court fencing height: 10 feet**
- f. All sports court lighting prohibited.

*Measured vertically from the top of the finished grade to the highest point of the play structure (For example: basketball backboard).

** Measured vertically from the natural grade or finished grade, whichever is lower, to the highest point of the structure.

Project specific condition.

END

Description of Proposal:

We propose to build a 10 ft high sports court fencing for the tennis court that has been built in our backyard.

Background: We, the current owners, purchased this property in April 2022 and have been using this property as our primary residence since then. In August 2022, we reached out to Pleasanton City to seek approval for building a tennis court along with a 10ft high sports court fencing and 12ft high LED lights in our back yard. The city gave us the go ahead for the Tennis Court with sport court fencing however we were asked to submit an application for administrative design review to secure planning permit for the lights.

Subsequently we undertook the construction of the proposed Tennis Court and the sports court fencing (without LED lights). We also applied for planning permit for LED lights. By early December 2022, the flat work for the tennis court was fully completed and we put in the poles for the sport court fencing (The chain link had not been put in yet).

On or around December 10th 2022, we received a call from City Enforcement that our neighbour had complained about the tennis court and we were directed to contact the city. On further discussions with the city, we have been directed to submit this application.

We had built the sports court based on following two email communications from Planner on Duty

Email dated November 9th, 2022 by Planner on Duty: <Quote Begin> "The property is zoned PUD-LDR and subject to the R-1-20,000 development standards. Per the R-1-20,000 standards, accessory structures are required to be setback 5-feet from the rear setback line and 3-feet from the side property line (see Table 18.84.010)." <Quote End>

Email dated August 22nd, 2022 by Planner on Duty: <Quote Begin> "The tennis court would not require any Planning review or permits. The same for the 10-foot-high fence from a Planning perspective, but again it cannot exceed 10 feet at any point. A Building permit would be required for the fence." <Quote End>

Proposal: We are proposing to go with the development standards of an established zone (R-1-40,000) with specific sport courts fencing standards.

The sports court fencing will have maximum height of 10 ft with other standards as follows:

- Minimum Side Setback of 6 ft from side boundary of the property.
- Minimum Rear Setback of 10 ft from rear boundary of the property.
- Maximum sport court fence height of 10 ft
- Sports court will be in the backyard and will not be in the front yard of the house.
- The fencing screen will be chain link fence

2207 Martin Ave

Karrie Smith [REDACTED]

Tue 8/8/2023 12:55 PM

To: Diego Mora DMora@cityofpleasantonca.gov

Cc: Randy Smith [REDACTED]

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

Hi Diego

Randy I

Would like the following to be addressed in regard to 2207 Martin Ave.

1-original plan to inform the City of design and building was done? And it

Was approved? Did it include tennis court with lights?

2-light pollution : are there timing guidelines for use?

Our concerns mainly rest upon tennis/sport court lighting and the aura that comes with that to our normally quiet, serene and dark skyline.

We assumed that such building details and planning would have included a "notification" by the city To us as neighbors.

Thus far, only the fencing and green court painting indicates tennis court and some assumption that lighting will

Also happen. (It does look like lighting conduit and cement blocks with bolts for poles have been done. Tho no poles up yet).

So summation:

two

Concerns

1-has tennis court been approved and legal

In all

Aspects

2-what are lighting guidelines for use

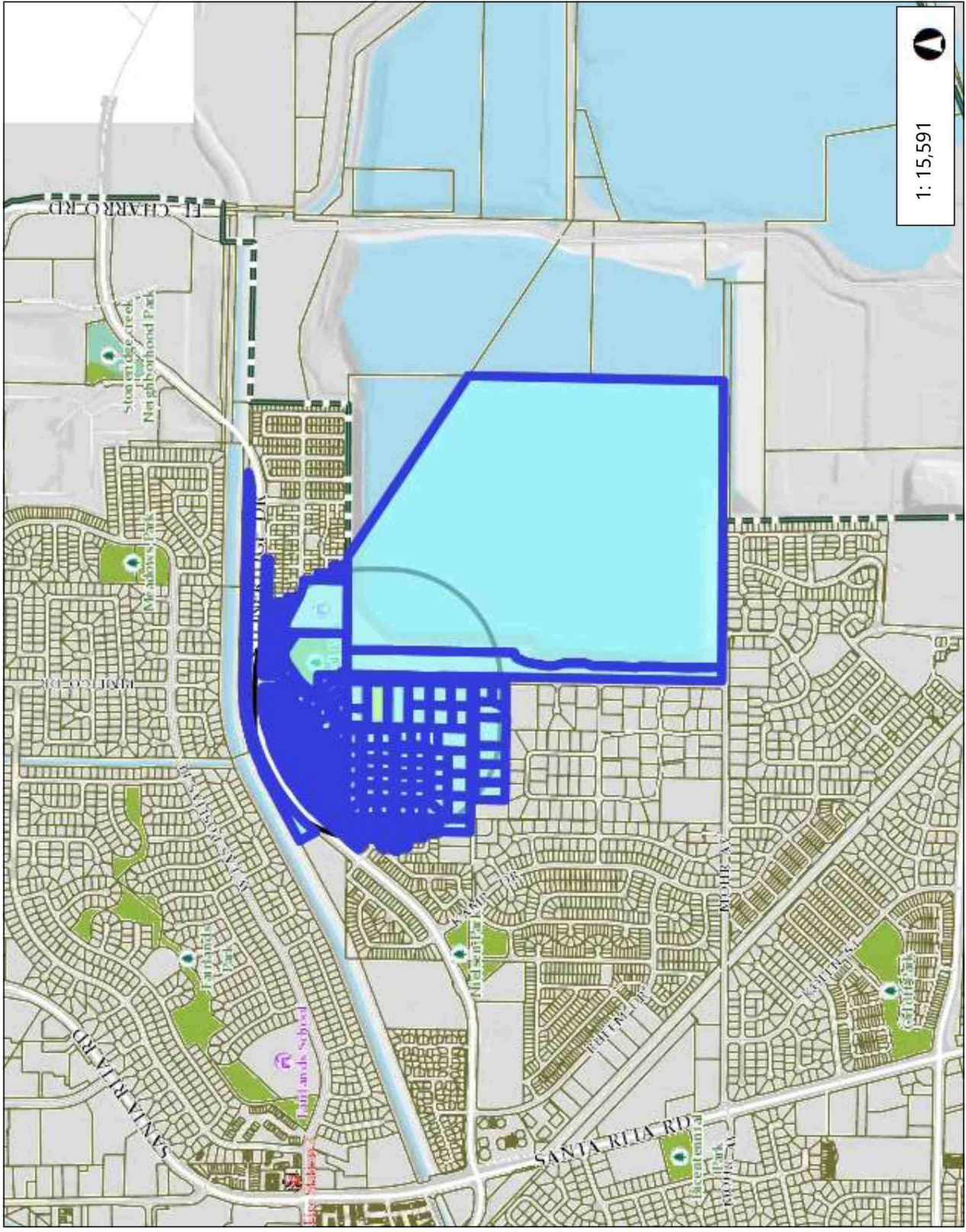
Live well & Carpe Diem !

Karrie smith [REDACTED]



PUD-148, 2207 Martin Avenue

EXHIBIT D



1: 15,591

- Legend
- Fire Station
 - School
 - Park
 - Parcels

Notes

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

Diego Mora

From: Jenny Grau [REDACTED]
Sent: Friday, August 18, 2023 2:19 PM
To: Diego Mora <DMora@cityofpleasantonca.gov>
Subject: PUD 148 / 2207 Martin Ave

Date Distributed: 08/23/2023

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

I am an original homeowner in the Walnut Glen Development residing at [REDACTED] Wilde Avenue. I am somewhat familiar with the concerns of the tennis court installation at 2207 Martine Ave. My BIGGEST concern with all that is going on is the desperately needed sidewalk along Newton Way connecting to Dennis Drive that should've gone in when the development was built in 1995/96. Walking on Newton Way is incredibly unsafe due to awkward crossing from Wilde Avenue to Newton Way/Dennis Drive. The sidewalk stops completely and one must cross awkwardly to continue to Mohr School, etc. Before anything is decided with the tennis court, the city should provide safe access to Mohr School, the park and those that are taking leisurely walks in the neighborhood.

thank you,
Jenny Grau

August 21, 2023

Hello Commissioners –

I apologize for reaching out to you directly, but my email to the contact listed online was returned.

My name is Michele Peterson.

My husband, Ray, and I live at [REDACTED] Dennis Drive.

Our property is directly adjacent to 2207 Martin Avenue, the property being discussed in PUD-148, at the Planning Commission meeting Wednesday, August 23rd.

Would any of you be interested in coming out and taking a look at what is being proposed and what has already been constructed – without any design review or building permits?

We would be happy to show you around to give you a better perspective of what the Planning Department is recommending.

I know it is somewhat short notice but we just received their report late last week.

There are photos in the report but I have attached a few from our property.

Also, I have included Planning Commission meeting minutes from June 25, 2003 which discuss the widening of Dennis Drive when the adjacent properties are developed and a copy of the vesting tentative parcel map showing our offer of dedication for said widening.

This was a condition of approval of our PUD-27.

I believe the neighbors at [REDACTED] Martin are also developing their parcel, PUD-141.

Please let me know if you have any interest in viewing the project.

I am available anytime this week before the meeting.

Thank you for your consideration,
Michele and Ray Peterson

[REDACTED]

The applicants were invited to make final comments, but declined the opportunity.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Kameny noted that he had no problem with the project *per se*, and noted that he visited the site. He agreed that the corner was very difficult, and would be inclined to include the same offer of dedication on Dennis Drive as was done for Martin Avenue. In that case, it would be funded for the City, and the improvements would not be done until the development of the houses.

Commissioner Maas believed the Dennis Drive issue was separate from this application.

Commissioner Kameny disagreed with that assessment, because the applicants had property frontage on the street. He noted that it was normal subdivision procedure to dedicate the street frontage to the City or the agency.

Commissioner Maas believed that the Dennis Drive issue was bigger than the application, and should be examined separately. She noted that she would like to hear from the Traffic Division before any widening of the street was addressed. She did not have any problem with the project, and believed that the design should blend with the other homes. She did not know whether widening the street would increase speeding, and did not want to give a false sense of security to children walking to school.

Commissioner Roberts believed that the sidewalk should not be built on the Petersons' side of the street, and noted that the road widening is a different issue. She believed that the money should be set aside for the widening of the road, and that the details could be settled at a later time. She agreed that the Traffic and Engineering Divisions should be included in the process. She believed that the road must be improved, and did not want to hold the application up because of that issue.

Commissioner Kameny noted that the two choices were for the applicant to widen the road now or not to widen the road and have the applicant give the offer of dedication and money to the City to widen the road when the adjacent properties are developed. If the City does not widen the road, the money would be refunded to the applicant.

Mr. Iserson concurred with Commissioner Kameny's analysis of the options.

Commissioner Maas could not agree to widening Dennis Drive without the input from the Traffic Division.

Mr. Iserson confirmed that the Traffic Division stated that the road widening would improve traffic conditions.

Commissioner Maas noted that she liked the road as it currently exists, and did not believe that every road must be widened.

RECORD OWNER/DEVELOPER

RAY & MICHELE PETERS
2201 MARTIN AVE.
PLEASANTON, CA

ENGINEER:

ALEXANDER & ASSOCIATES, INC.
147 OLD BERNAL AVENUE, SUITE 10
PLEASANTON, CALIFORNIA 94566
(925) 462-2255

SITE ADDRESS:

2201 MARTIN AVE.
PLEASANTON, CA

ASSESSOR'S PARCEL NUMBER:

946-1146-45

EXISTING USE: RESIDENTIAL

PROPOSED USE: RESIDENTIAL SUBDIVISION

SMALLEST LOT: PARCEL 2 = 26,835± S.F.

ZONING: P.U.D. - 27

UTILITIES:

WATER: CITY OF PLEASANTON
SANITARY SEWER: CITY OF PLEASANTON
STORM: CITY OF PLEASANTON
TELEPHONE: PACIFIC BELL
GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC
CABLE T.V.: COMCAST
FIRE PROTECTION DISTRICT: LIVERMORE - PLEASANTON FIRE DEPARTMENT

BENCHMARK:

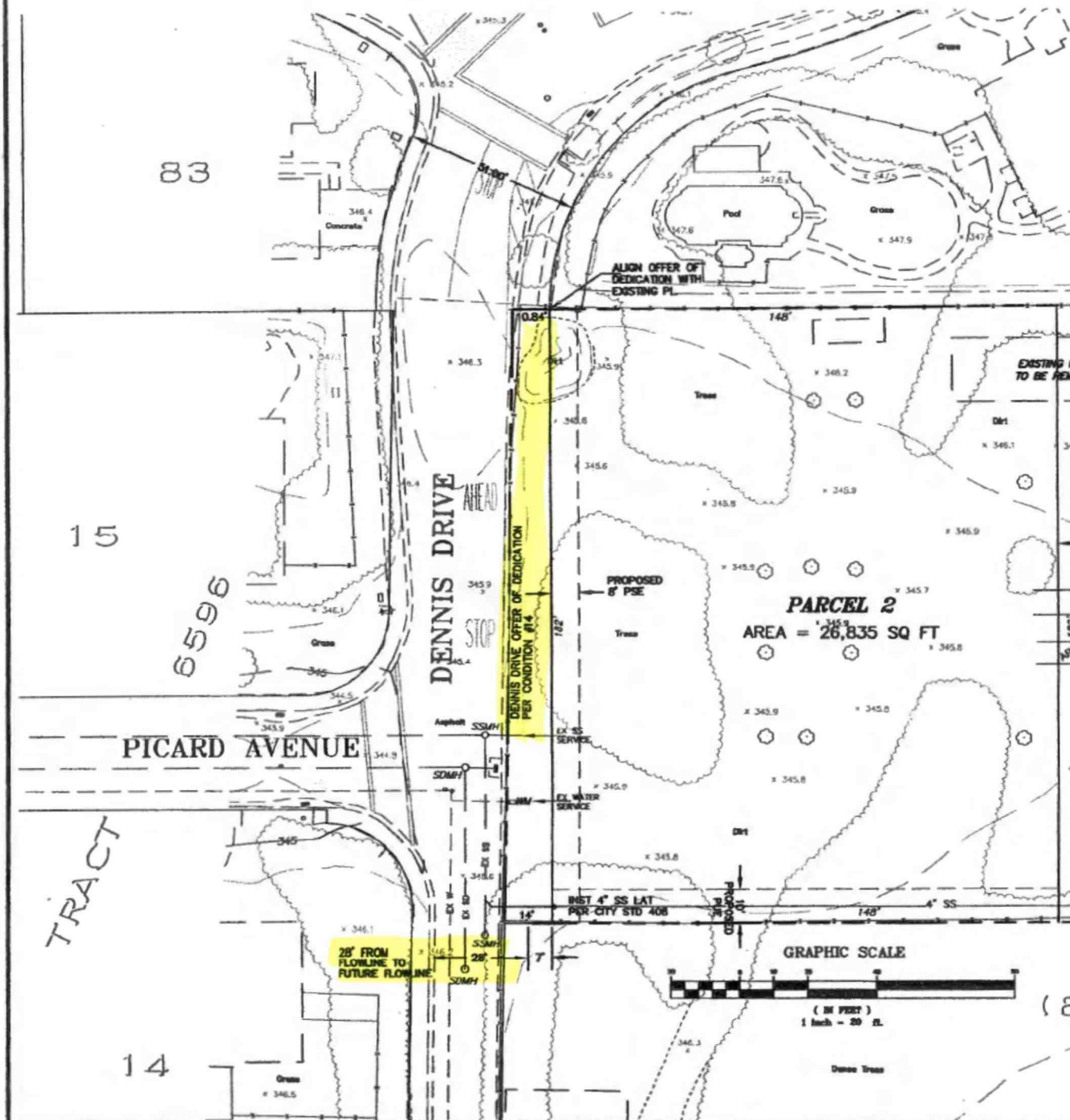
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R 1257. ELEVATION = 345.6336'

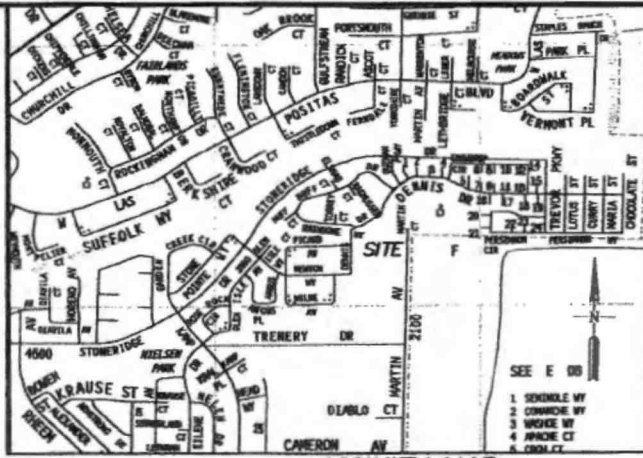
AREA PARCEL SUMMARY

PARCEL NUMBER	GROSS (SQ. FT.)
1	43,581±
2	26,835±

ABBREVIATIONS

AC	ASPHALT CONCRETE
CL	CENTERLINE
CONC	CONCRETE
DI	DRAIN INLET
EMVE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FL	FLOWLINE
GB	GRADE BREAK
HW	MANHOLE
PAC	PUBLIC ACCESS EASEMENT
PSE	PUBLIC SERVICE EASEMENT
PUE	PRIVATE UTILITY EASEMENT
PI	POINT OF VERTICAL INTERSECTION
SD	STORM DRAIN
SS	SANITARY SEWER
SW	STORM WATER INLET
W	WATER
WE	WATER SERVICE
VC	VERTICAL CURVE





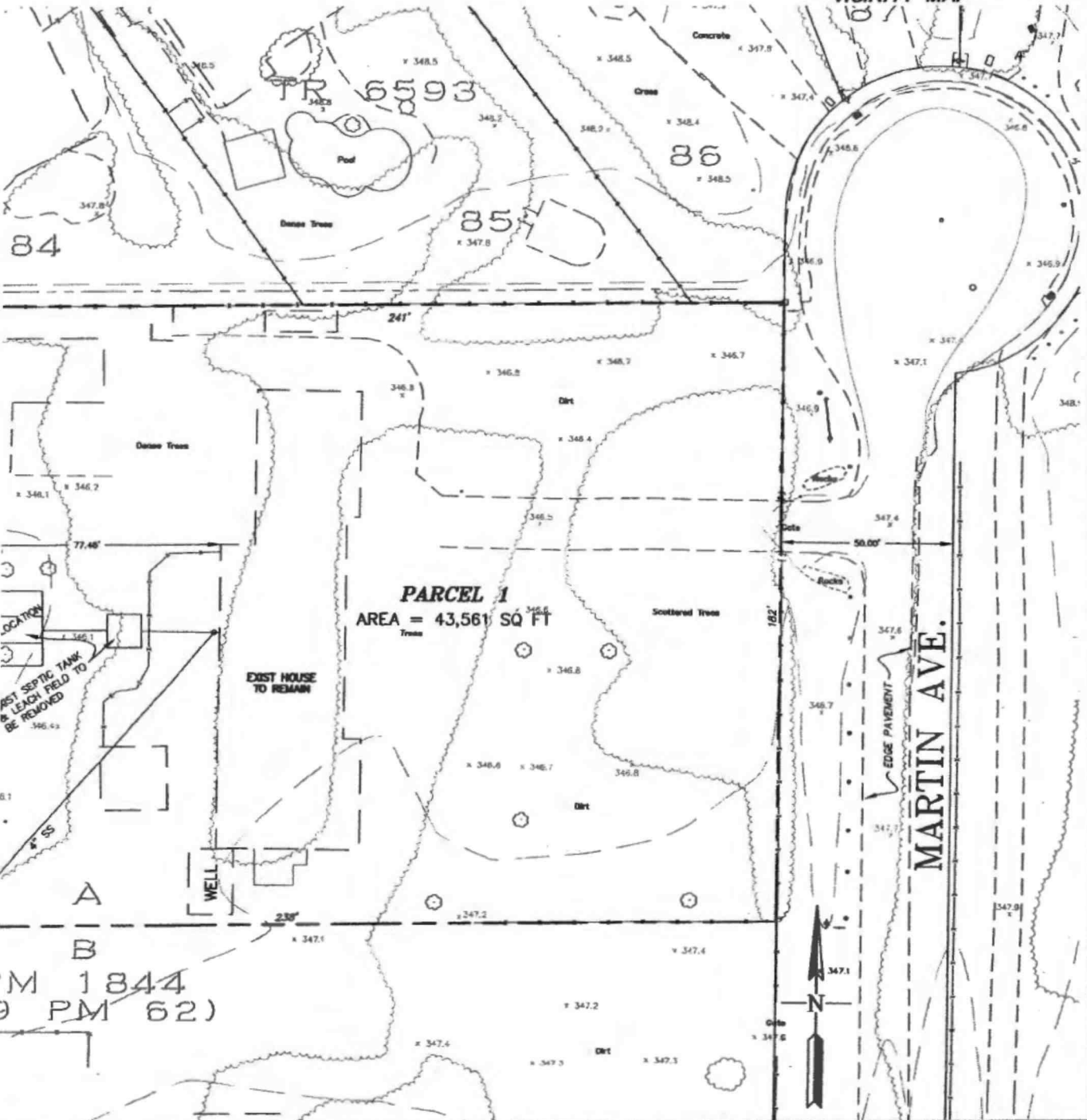
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BY	REVISED
NO.	1
DATE	10/10/04
BY	REVISED
NO.	1

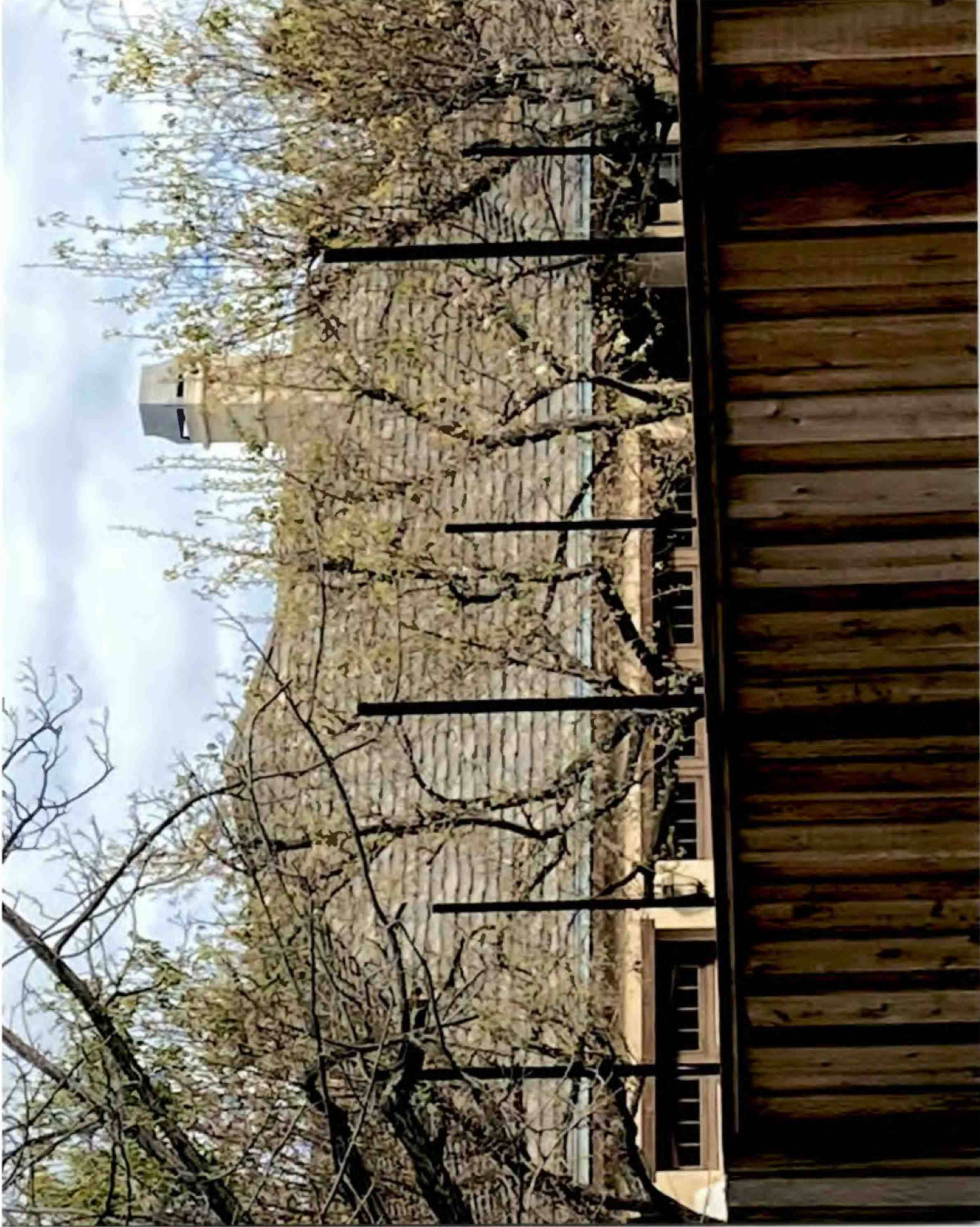
ALEXANDER & ASSOCIATES INC.
 SURVEYORS
 ENGINEERS
 PLANNERS
 147 OLD REDDICK AVE. SUITE 10, PLEASANTON, CALIFORNIA (925) 468-8888

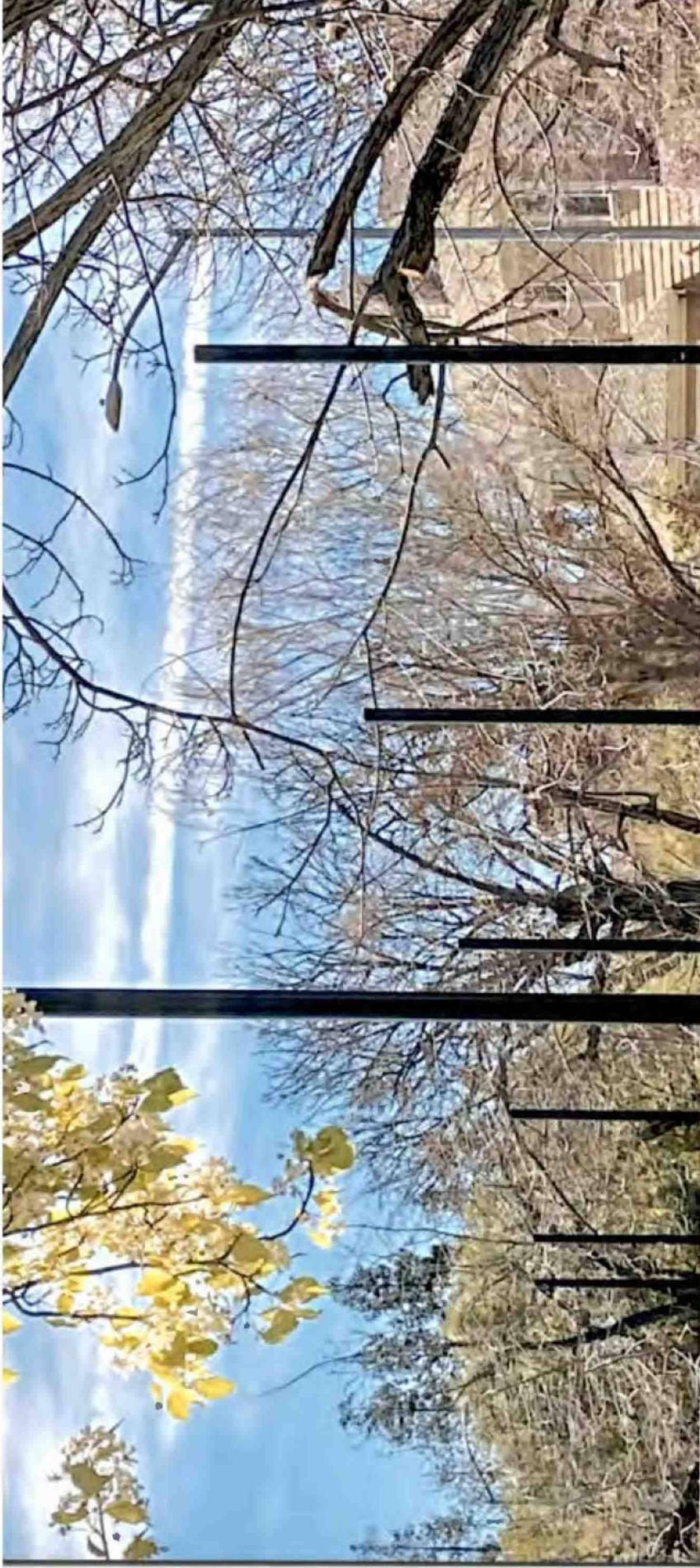
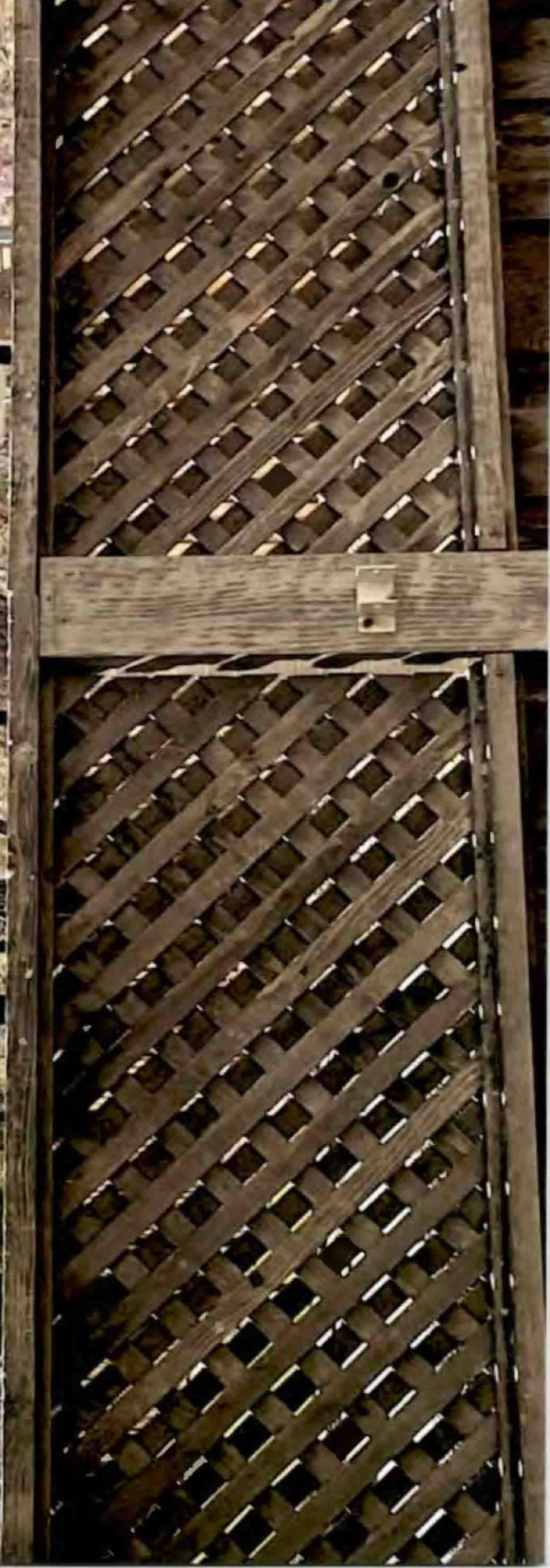
DRAWN BY:	STAFF
DESIGNED BY:	BDD
CHECKED BY:	DA
SCALE:	

PROJECT NAME
 VESTING TENTATIVE PARCEL MAP 8201
 2201 MARTIN AVENUE
 CITY OF PLEASANTON, CALIFORNIA

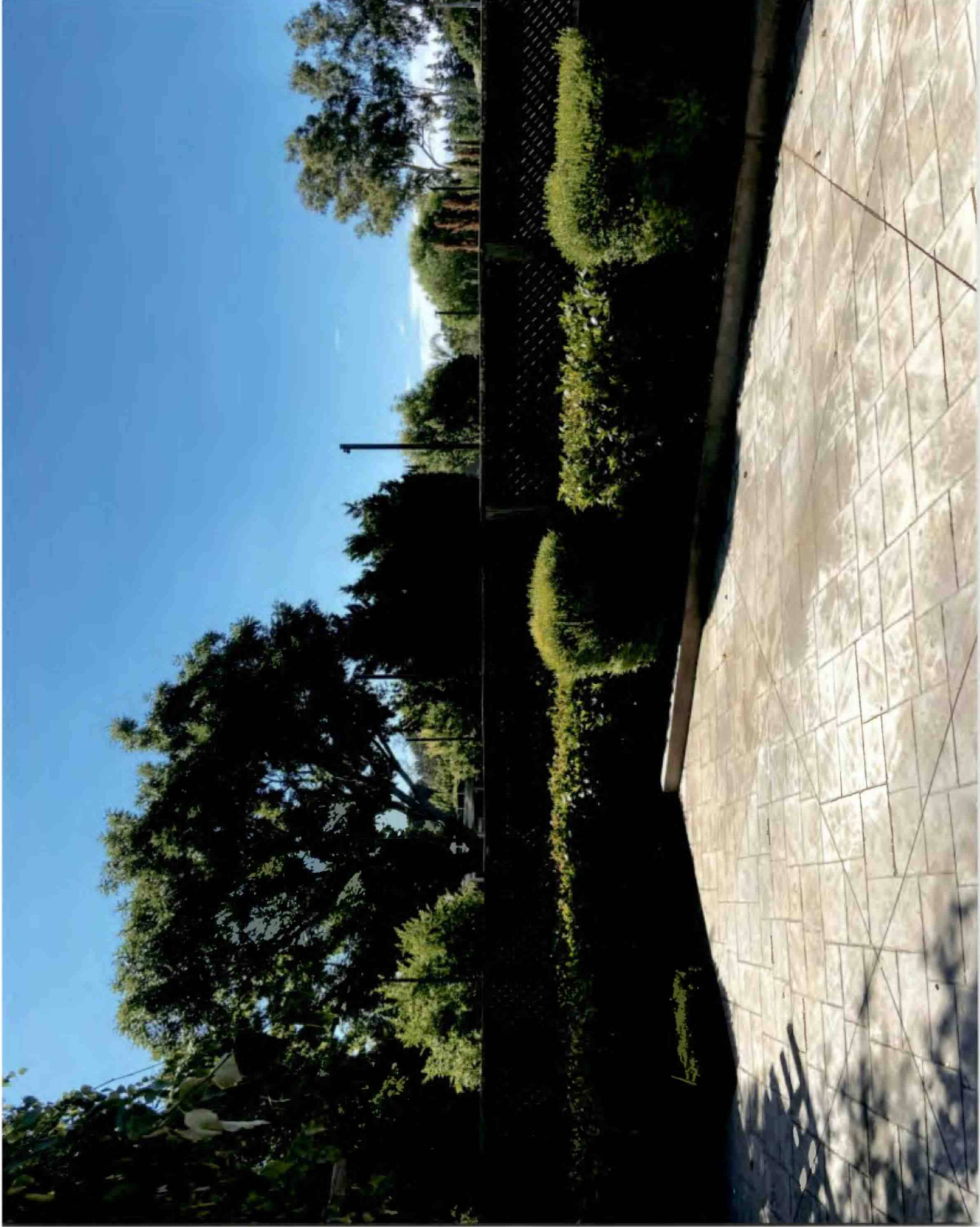
JOB NO.:	02113
DRAWN NO.:	
FILE NO.:	
DATE:	8-4-04
SHEET NO.:	1
OF 1 SHEETS	

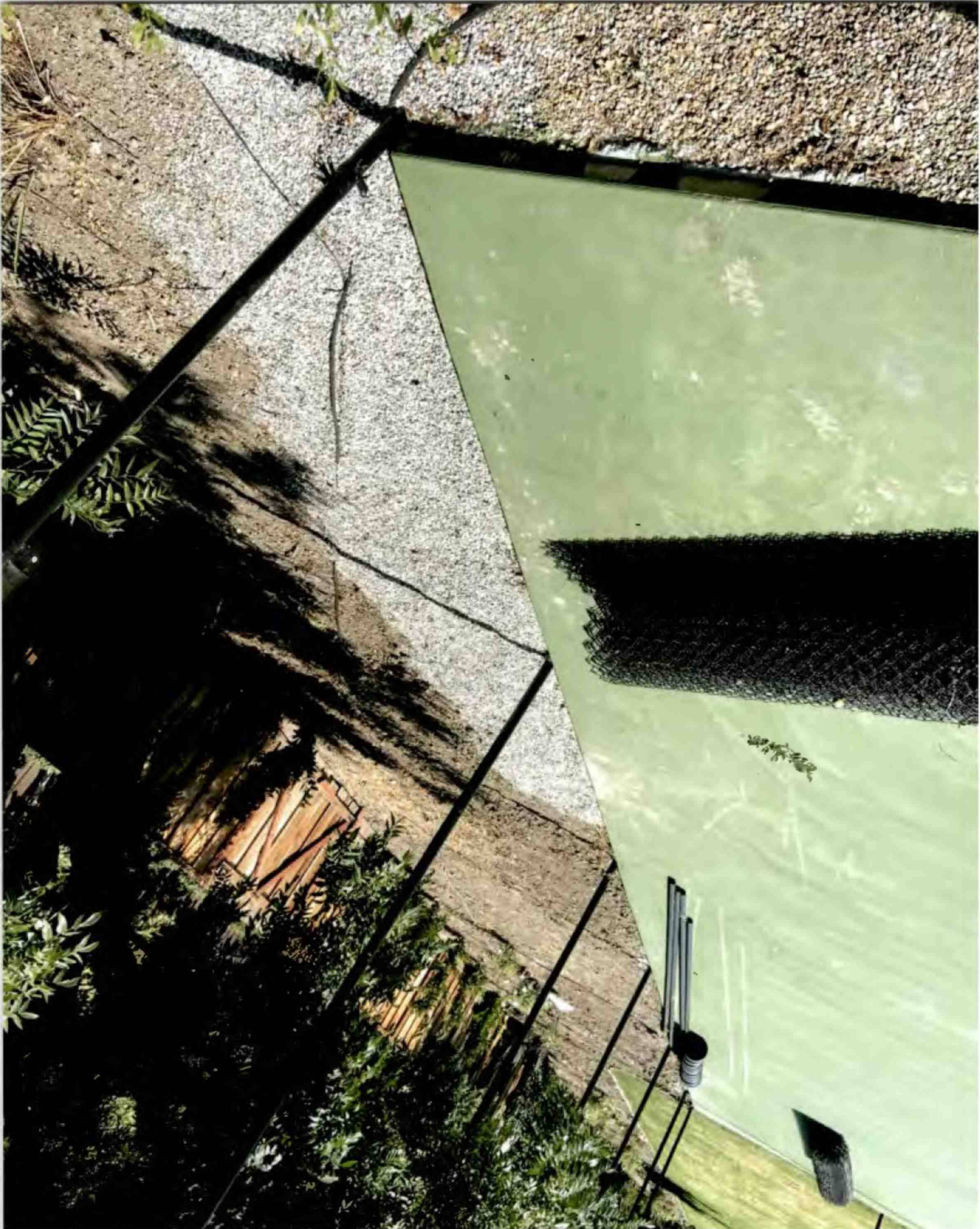


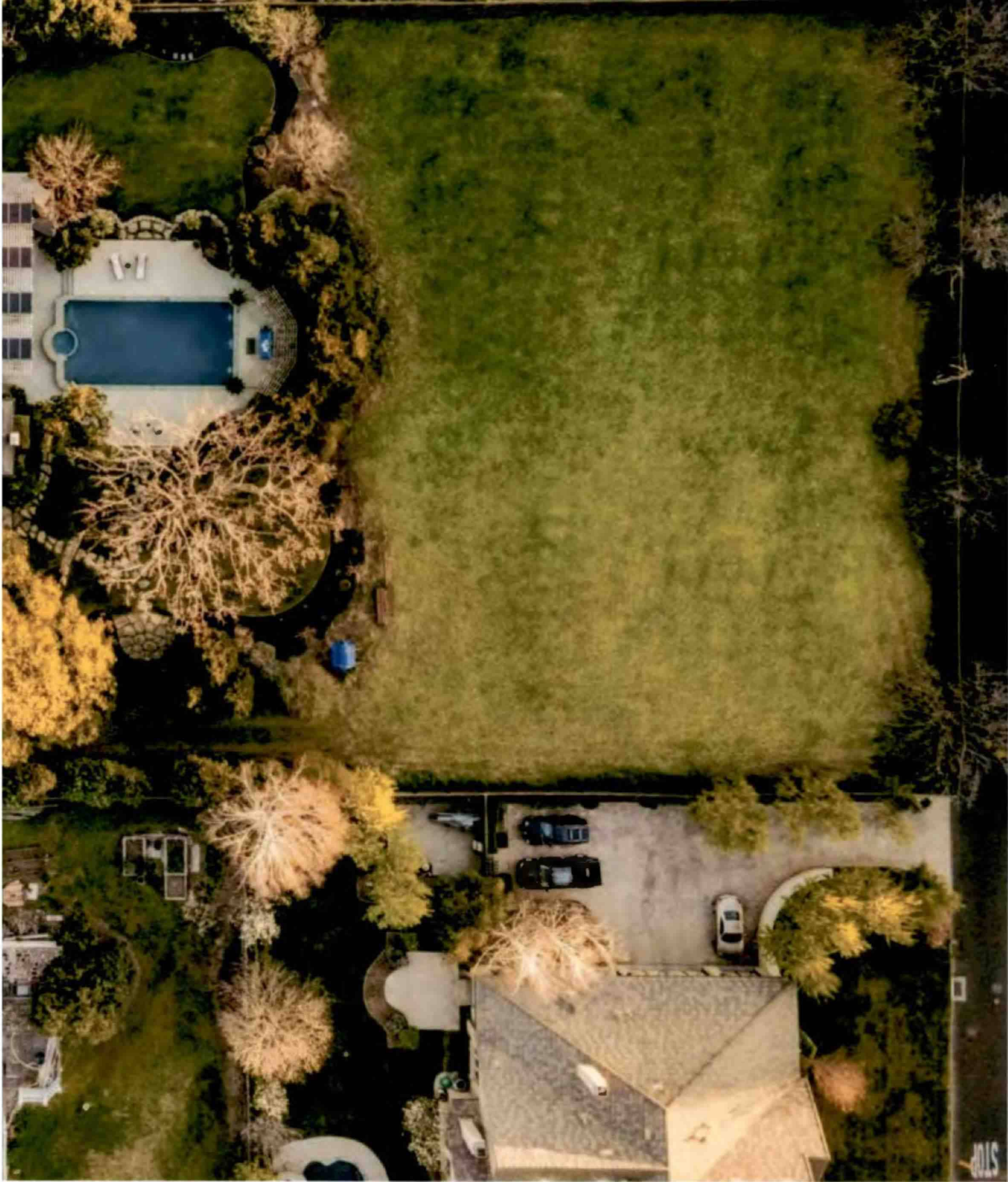












STOP

Subject: Comments and questions from applicants of PUD-148 (Meenu Gochhwal & Ashish Choudhary, 2207 Martin Avenue, Pleasanton, CA, 94588) with regards to the Application.

Exhibits Attached: **A** – Development Standards received from City Planning Department regarding Tennis Court via email dated 08/22/2022

B – Setback standards received from Planning in email dated November 9th, 2022 in response to our ADR application for putting in lights on the Tennis Court

C – Our attempts to reach out to our Neighbors (our neighbor residing at 3520 Dennis Dr, Pleasanton)

D – Permit and initial application for addition to main residence in 2008. (PADR-1919)

E – Property Details and Google Earth pictures of existing Tennis Courts in the neighborhood

As the applicants we are left somewhat confused with the narrative, staff recommendation, and development standards proposed in the August 23, 2023, Item Six Agenda report.

From our perspective, there are many additional relevant details and questions not included in the Agenda Report and recommendation.

First, the Executive Summary and Background do not make it clear that the property owners (Robert and Beth Borchard) that applied for the PUDs (s) in 2021 are no longer the property owners and are not the owners interested in a tennis court on the property. That PUD 140 approval expires in November 2023, if no final parcel map is submitted. We wish to maintain this property as a single lot and not split it (as initiated by PUD 140 in 2021).

Second, the document fails to mention that in 2008, an expansion was made to the existing residence in accordance with the PADR-1919 approval. The project was required to adhere to LDR standards for R-1-40,000. **That permit approval documentation is provided as Exhibit D for reference.** The City has retained no record of it, but it is included in Exhibit

Third, there is a statement indicating that the "partially built sports court has been constructed **without City Approval**." We would like to express our disagreement with this assertion. Exhibit A, an email we requested, dated August 22, 2022, from the Planner on Duty Eric Luchini, clearly says that as long as the fence posts and lights do not exceed ten feet in height no permit or Administrative Review is required. Our actions throughout

the development of the Tennis Court have been in full accordance with the guidance provided by the Planning Department.

Fourth, we have following specific comments on the Agenda Item 6 report:

Page 9 - regarding Sports Court Development Standards, *"The PMC does not address sports courts and associated fencing"* The applicant chose to place a fence at 6.5 feet from the side yard fence, which is farther than the required 5 feet for an accessory structure or shed. The fence is a chain link, not opaque like a shed.

Top of page 10 para 1: The tennis court is completed. The fence has not been installed. The existing pedestals for a fence are described in Table 2. If the Staff wants Table 4 to be a City code, it can be applied equally to all future sports courts.

Page 12 The tennis court and proposed fence is already 10 feet behind an opaque six-foot wooden fence (nearly seven feet from street level) that has been on Dennis Drive for 25 years. "Intrusions such as noise, illumination, and limiting visual obstruction for vehicles on public streets" seems highly unlikely, and hardly seems to justify creating a new PMC standard.

The no-illumination clause seems to come from nowhere. At this time there is no electricity or plan for illumination. If at some future time, lights are considered, they will be limited by the PMC. Anything else would require administrative review.

Following, on page 13 (2nd par) of the Agenda Report, it specifically says:

"Staff recommends none of the alternatives above be pursued. "

Applicant proposes to modify the #3 alternative. Since this paperwork has been developed, and staff says that future reviews would necessitate a Development Standard be attached to the property, the Applicant would actually prefer that the Council simply approve the R-1-40,000 PUD Zoning to this parcel with no conditions.

There is nothing special enough about the parcel on Martin that it needs to be encumbered with minutiae. If and whenever the City Council chooses to change the PMC regarding fences, lights, noise, and sports courts, those codes should apply to this parcel.

A review of the sequence of events might help clarify our points and our further questions.

We purchased the property on April 22, 2022. We did not know until just a few months ago (i.e. this year) that the original owners had filed a PUD (140) to split the property, into two residential properties nor its implications.

We decided that a good use of the rear yard would be to install a tennis court. We were told that there are no Pleasanton codes on tennis courts in rear yards.

We arranged for a contractor to install the Tennis Court.

Starting the week of August 15, 2022, the contractor notified the neighbors about the construction (he gave us the names and phone information). The contractor said nobody complained or raised concerns at the time and so the concrete slab was installed. However, we were subsequently contacted by the Code Enforcement Officer.

The officer, acting on a neighbor's complaint, asked if we were building an accessory unit. On being told it was a tennis court, he mentioned no objectionable code violations and did recommend we contact the planning department for the next steps.

My email of August 22, 2022 and the reply by the Planner on Duty, Eric Luchini, on the same date are attached as **Exhibit A**.

Mr Luchini's email was very clear:

"Thanks for your inquiry. The tennis court would not require any Planning review or permits. The same for the 10-foot-high fence from a Planning perspective, but again it cannot exceed 10 feet at any point. A Building permit would be require for the fence.

Regarding the lights, if they exceed 10 feet in height, they would be required to go through Administrative Design Review with the Planning Division first and then obtain Building Permits. I have attached the submittal requirements and application for the Administrative Design Review process."

We conformed to the conditions explained by Mr Luchini, i.e.10 feet on the fence height (which does not require planning approval) and to file for an Administrative Design Review for lights if we wanted to install them at 12 ft height.

The fence posts that have been installed are 10 feet high, and while we do not have current plans for lights, back then the ADR Application for installing lights was filed by our contractor in November 2022. On November 9th, 2022 our contractor received an email response from Mr. Diego that is attached in **Exhibit B**

Mr. Diego's email stated that our ADR application was incomplete, and it needed more information. The email instructed:

"The property is zoned PUD-LDR and subject to the R-1-20,000 development standards. Per the R-1-20,000 standards, accessory structures are required to be setback 5-feet from the rear setback line and 3-feet from the side property line (see Table 18.84.010). Please label setbacks of the proposed light poles to property lines accordingly."

We have since decided not to install the lights. However, this email provided us with setbacks we should propose in case we wanted to install 12 ft high lights.

In its current state, the Tennis Court maintains a side yard setback of 6.5 feet and a rear yard setback of 14 feet which is well in conformance with the standards provided.

Consequently, we are fully aligned with the regulations provided by the City Planning department and disagree with their assertion that "partially built sports court has been constructed without City Approval.". The construction of the Tennis Court was carried out in accordance with the specified standards.

On December 13th, 2022 we received a call from Code Enforcement stating that the 10 ft high fence poles are in nonconformance and directed us to contact the Planning Department. Since then, the Planning Department has changed their position and we have been put on this new path requiring the filing of this PUD.

Once we learned that our neighbors (3520 Dennis Dr.) have expressed concerns about the Tennis Court, we have made consistent efforts to reach out to them evite invitation, text and driveway intercept. To summarize, the neighbors listened, but refused to discuss any options including landscaping, additional screens, fence height changes between the properties, or other hiding methods. The last communication from them on February 24th, 2023 is "We are still waiting to hear back from the city before we discuss any other options". The text message conversations with the neighbor have been enclosed and can be found in **Exhibit C**.

Based on the above sequence of events, **we have following questions:**

1. Is the development standard recommended by staff for the Sports Court exclusively for our property, or will it be uniformly applied throughout the City of Pleasanton? If the Planning Staff recommends changing the PMC setbacks for all sports courts (tennis, pickle ball, basketball, etc) in Pleasanton, existing courts should be grandfathered.
2. If these sports court development standards apply only to our property, what distinct characteristics set our property apart from others that necessitate these specific development standards? Within our neighborhood, at least four other properties already have tennis courts, their presence evident via Google Earth imagery. Certain instances also feature visible fence and light installations. To the best of our knowledge, none of these properties have secured permits for the installation of lights or fences. **Property Details and The Google Earth pictures are attached in Exhibit E**
3. Page 3 of the Agenda Report: "The Planning Division determined the appropriate course of action would be to require the applicant/property owners to apply for a PUD development plan that would establish development standards for the subject parcel". **What factors lead staff to the conclusion that a development plan is necessary for an otherwise conforming sports court?**

4. The staff's suggested standard for the side yard setback derives from neighbor's PUD-27 guidelines, which dictate a minimum side yard setback of 10 feet for Primary Residences and 5 feet for accessory structures, but sports courts are not treated as accessory structures or residences, and the side yard setback for the fence is 6.5 feet.

What is the rationale behind recommending more stringent requirements compared to the existing standards for accessory structures on the neighboring property? The property is in the middle of the block and is behind a six-foot fence, with the existing rear lot setback of 14 ft it seems unlikely to impact or endanger traffic.

5. No argument is presented by Staff as to why the conditions for this tennis court fence and lights are more stringent than any other in the annexed parcels or any location in Pleasanton. Even if this PUD development standards are approved, why will any fence or illumination that meets PMC require a City's Administrative Design Review process just because it is in this PUD? (page 12 para 2 of Agenda Item 6 Report)
6. Staff has recommended to disallow exterior illumination. Given the broad nature of this recommendation, are there any specific limitations, including height related, connected to this recommendation?
7. The 'dispute' is about 3.5 feet of side yard setback on one corner of the property. Why would a Development Standard attached to a PUD for the whole parcel be encumbered? e.g. Why would a nine-foot gazebo in the middle of the yard not be allowed to have lights because of this PUD filing?

Since 2012, Pleasanton has been our cherished home, and we have lived in the immediate neighborhood. Our children have attended local schools—Mohr Elementary School, Harvest Park School, and Amador Valley High School. Embracing our role as law-abiding residents, we hold a deep affection for our community.

We have pursued every avenue to heed the City's guidance, extending our outreach to neighbors to thoughtfully address their concerns. We've shown adaptability by embracing changes directed by the City, including letting go of the light installations. In conformance with City directives, we've invested over \$90,000 in developing the Tennis Court, which includes resources for a 10-foot fence, and more than \$15,000 in legal, advisory, and city-related expenses. Currently, less than 4 feet separates the placement of the 10-foot poles from the City Staff's recommendation to where they are now. With respect, we kindly urge the Planning Commission to consider the journey that has led us to this juncture and answer the questions we have raised in this submission.

As poured, we can play tennis on the existing court. The fence's purpose is to reduce the number of balls going into the neighbor's yard and onto the street. That would seem to be enough reason to allow the planned fence.

We therefore propose to modify the #3 alternative. Since this paperwork has been developed, and staff says that future reviews would necessitate a Development Standard be attached to the property, the Applicant would actually prefer that the Council simply approve the R-1-40,000 PUD Zoning to this parcel with no conditions.



Ashish Choudhary [REDACTED]

Re: Question on permit requirement for Tennis Court

1 message

pod <pod@cityofpleasantonca.gov>

Mon, Aug 22, 2022 at 4:35 PM

To: Ashish Choudhary [REDACTED]

Cc: Meenu Gochhwal [REDACTED]

Hello Ashish,

Thanks for your inquiry. The tennis court would not require any Planning review or permits. The same for the 10-foot-high fence from a Planning perspective, but again it cannot exceed 10 feet at any point. A Building permit would be required for the fence.

Regarding the lights, if they exceed 10 feet in height, they would be required to go through Administrative Design Review with the Planning Division first and then obtain Building Permits. I have attached the submittal requirements and application for the Administrative Design Review process.

Once you are ready to submit, please do so to the Planner on Duty using this link:

http://www.cityofpleasantonca.gov/gov/depts/cd/planning/electronic_planning_submittal.asp

Please note the Administrative Design Review process requires the City to send notice to the neighbors. As the Zoning Administrator who sits on hearings regarding neighbor disputes, I would highly recommend you speak with the neighbors regarding your proposal. We do not get many applications for tennis courts, especially with lighting, and so speaking with the neighbors in advance may settle any concerns before they arise.

Additionally, please make sure you provide full specs. on the lights including their height (15-foot-tall maximum) and proposed shielding, operational times, etc.

Please let us know if you have any questions.

Best,

Eric Luchini

Planner on Duty, Planning Division

Community Development Department

C: 925-437-4009

F: 925-931-5483

pod@cityofpleasantonca.gov

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



From: Ashish Choudhary [REDACTED]
Sent: Monday, August 22, 2022 3:01 PM
To: pod <pod@cityofpleasantonca.gov>
Cc: Meenu Gochhwal [REDACTED]
Subject: Question on permit requirement for Tennis Court

Hi,

My name is Ashish Choudhary and my property address is [2207 Martin Avenue, Pleasanton, CA 94588](#)

I want to build a tennis court in our backyard and 10 foot high chain link fence around it. We will also install 6, 1000 W LED lights to light up the court.

Please let me know if there is any permit required for the same.

Thanks
Ashish

Click [here](#) to report this email as spam.

2 attachments



ADR Handout -September 2021.pdf
166K



Application Development Review_20220103.pdf
232K

EXHIBIT B



Fwd: Fw: Electronic Planning Submittal

1 message

From: pod <pod@cityofpleasantonca.gov>
Date: November 9, 2022 at 16:23:24 PST
To: [REDACTED]
Subject: Re: Electronic Planning Submittal

Hello,

Thank you for submitting an Administrative Design Review application. However, the application is incomplete and requires the following information:

Include a Project Data table: A table detailing the lot size, address, zoning, and scope of work.

Provide a specification sheet of the proposed lighting poles.

Specs should indicate the type of lighting proposed (e.g. LED).

The lighting poles shall have shields to prevent lighting to adjacent properties.

Please include specification sheet of proposed shields.

Label color and material of proposed lighting poles.

The property is zoned PUD-LDR and subject to the R-1-20,000 development standards.

Per the R-1-20,000 standards, accessory structures are required to be setback 5-feet from the rear setback line and 3-feet from the side property line (see [Table 18.84.010](#)). Please label setbacks of the proposed light poles to property lines accordingly.

- Satellite image shows trees near the proposed area of work. Accurately show the trunk and dripline of all existing trees six inches in diameter and greater on or off of the project site adjacent to the proposed construction. Indicate if any trees are proposed to be removed or pruned to accommodate the project.

Once addresses, please resubmit all material through the online Planning portal.

Best,
Diego

•

EXHIBIT C

(Communication with our neighbor residing at [REDACTED] Dennis Dr, Pleasanton)

Mon, Oct 17 at 7:50 PM
Michele Peterson.

Hello - thank you for the invite. Ray and I will be traveling the next few weeks but would really like to meet you when we return. Perhaps over the holidays? Enjoy your party and let's touch base after Thanksgiving.
Michele

MP

Sounds good Michele. We look forward to meeting you / Ray. Let us know if you want us to take care of your mails or anything at all. Enjoy your travels !

Sat, Dec 17 at 4:05 PM

Hi Michele - Meenu & I stopped by at your place just to say hello and introduce ourselves. Let us know a good day / time that works for you & Ray. Would love to meet you guys. Happy Holidays!!

Wed, Jan 11 at 7:23 PM

Hi Michele,
Happy New Year !! Hope you have had wonderful time over the holidays. Ray mentioned to us that you folks have some concerns regarding the tennis court. Just wanted to let you know that we would be more than happy to discuss/ understand this matter further with you to find a solution and address any concerns or questions you may have. Let's get together for a coffee. Would you be available this weekend?
Thanks Ashish/Meenu

Wed, Jan 11 at 8:35 PM
Michele Peterson.

Happy New Year to you as well. Let me check with Ray - we have a few things on the calendar this weekend. I'll let you know, ok?
Thanks, Michele

MP

Sounds good Michele. 🙌😊

Fri, Jan 13 at 10:40 AM
Michele Peterson.

Hi there - Looks this weekend won't work. Another time...?

MP

Hey Michele - no problems. How about Monday or Tuesday afternoon? Anytime after 3 PM is good with us. Let us know if either works.

Michele Peterson.

Next week we could do Thursday, possibly Friday?

MP

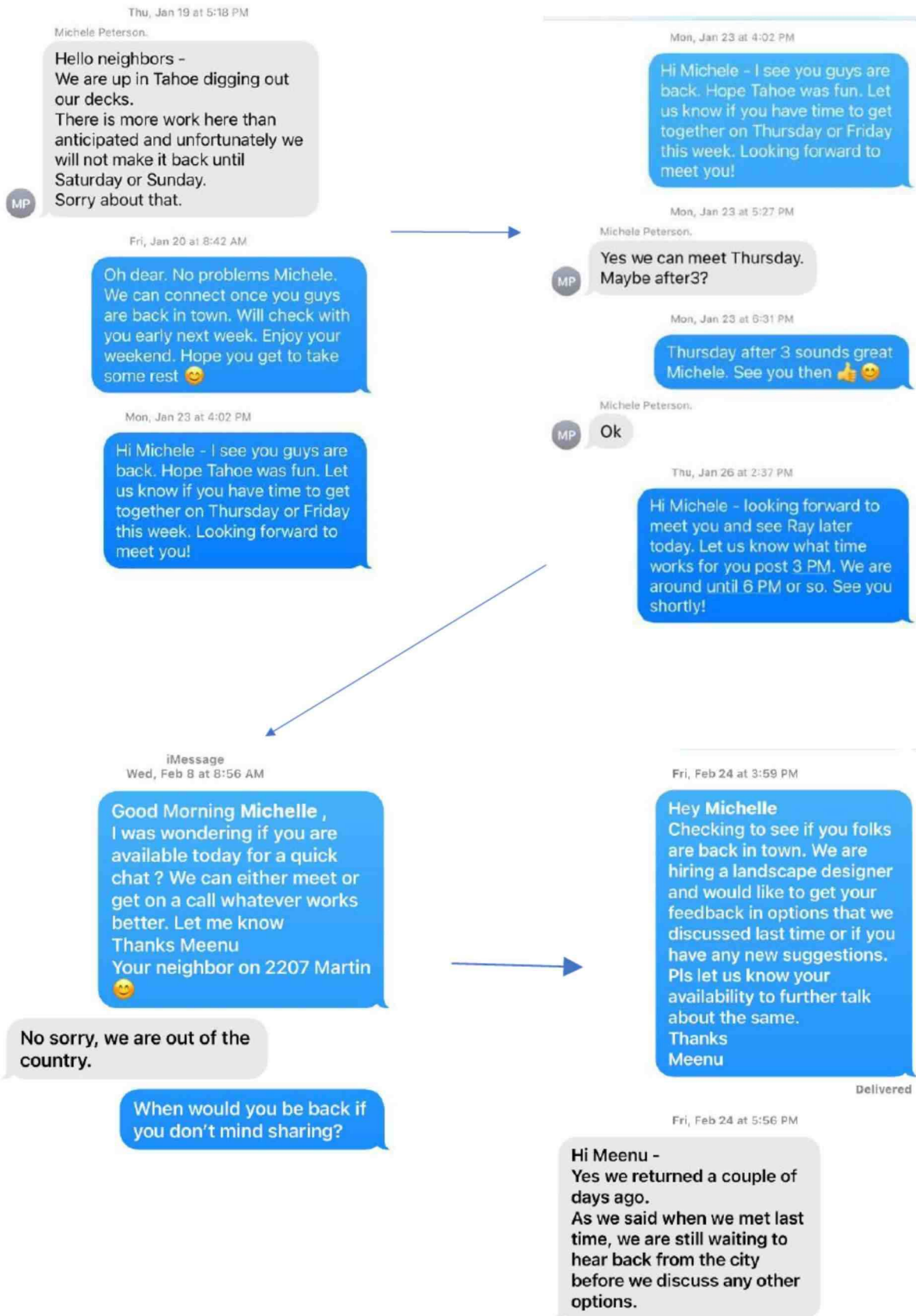
Fri, Jan 13 at 12:29 PM

Sure. Friday looks better for us. How about 3 PM on Friday? Would love to host you guys over coffee

Michele Peterson.

Ok let's plan on that. No coffee needed 🙌

MP



July 30, 2008

EXHIBIT D

Mr. and Mrs. Borchers
[REDACTED] Martin Avenue
Pleasanton, CA 94588

Subject PREV-724, Living Area Addition and Garage

Dear Bob and Beth:

It was a pleasure working with both of you in order to determine the best way to process your request to construct an addition of living area and a new garage to your existing home.

Your property was annexed into the City in 1997 and was pre-zoned as PUD-LDR (Planned Unit Development - Low Density Residential) District. No development plan for the properties was submitted at that time. Many of the properties existed and continue to exist as large-lot, single-family homes.

When sites are zoned PUD-LDR, a set of development standards are generally established in the event that future modifications to those structures are requested. No such standards were adopted for your development at that time. However, the enclosed Planning Commission staff report for RZ-97-1, dated February 12, 1997, addresses the issue of development on existing developed lots, as follows:

"All existing buildings and uses on these sites which were legally permitted by applicable County Codes and Ordinances at the time of construction or operation would be allowed to continue in the City".

Your proposed project would fail under this directive and would be required to meet the LDR development standards for R-1-40,000. In this regard, you will need to submit to the planner on duty an application for administrative design review (PADR), which is a review process on the Zoning Administrator level, together with one copy of your plan. The planner on duty, who will be the planner assigned to your project, will then send out a notice of your proposed project to your neighbors. Your neighbors will be given seven days to bring forth any concerns they may have related to the proposed project's design, height, screening, etc. The City, therefore, encourages you to discuss your

Box 520, Pleasanton, CA 94566-0802

200 Old Bernal Avenue

M & Community Development
31-5600
31-5483

Building Inspection
1425/931-5300
Fax: 931-5478

Utility Billing
(925)931-5425
Fax: 931-5405

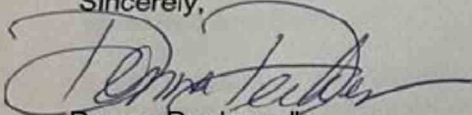
Business Liaison
(925)931-5444
Fax: 931-5434

Mr. and Mrs. Borchers
Page Two
July 30, 2008

plans with your neighbors so that they are made aware of your proposal by the time they receive the notice from the City. Your project planner will inform you of any concerns that may arise during the review process. Additionally, if anyone contests your application, it may be necessary to hold a Zoning Administrator hearing on your project.

I hope this assists you in understanding the process required for your proposal. Thank you for your patience, and should you have any questions related to your project, please do not hesitate to contact me at (925) 931-5604.

Sincerely,



Donna Decker - "
Principal Planner
Planning Division
Community Development Department

Enclosure

c: Julie Harryman, Assistant City Attorney
Brian Dolan, Director of Planning and Community Development
Marion Pavan, Associate Planner

THE CITY OF

PLEASANTON.

August 15, 2008

Beth Borchers
[REDACTED] Martin Avenue
Pleasanton* CA 94588

Dear Ms. Borchers:

Re: Approval of PADR-1919, Addition
Erective Date: September 2, 2008

The City of Pleasanton Planning Department has completed design review for your proposal to convert the existing 730-square-foot garage into living space and to construct an approximately 500-square-foot front porch and an approximately 790-square-foot attached garage to the front of the existing residence located at 2207 Martin Avenue. Your proposed project meets all of the necessary requirements as outlined in the Pleasanton Zoning Ordinance. In accordance with Section 18.20.040(B)(2) of the Pleasanton Municipal Code, notice of your proposal was sent to your adjacent neighbors on August 7, 2008. No request was made for a public hearing. The project is therefore approved with the following conditions:

1. The addition shall conform substantially to the approved elevations, site plans and other materials (Exhibit A) on file at the Planning Division. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. The colors and materials of the addition shall match those of the existing structure.
3. All site improvements and construction activities shall be limited to the hours of 8:00 am. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on Federal Holidays. If complaints are received regarding the Saturday construction hours, the Planning Director may modify or revoke the Saturday construction hours. The Planning Director may allow earlier "start-times" for specific construction activities (e.g., concrete-foundation/floor pouring), if it can be demonstrated to the satisfaction of the Planning Director that the construction and construction traffic noise will not affect nearby residents. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.
4. All appropriate City permits shall be obtained prior to the construction of the addition.

P. O. Box 520, Pleasanton, CA 94566-0802

200 Old Bernal Avenue

Planning & Community Development
(925) 931-5600
Fax: 931-5483

Building Inspection
(925) 931-5300
Fax: 931-5478

Utility Building
(925) 931-5425
Fax: 931-5485

Business License
(925) 931-5440
Fax: 931-5485

Ms. Borchers
August 15, 2008
Page Two

5. All conditions of approval for this ease shall be reprinted and included as a plan sheet(s) with the building pennit plan check sets submitted for review and approval. At all times these conditions of approval shall be on all grading and construction *plans kept* on the project site.

You may apply for a building permit after completion of the design review procedure's 15-day *appeal period* or, if you wish to apply for a building permit before the end of the appeal period, upon submittal of a signed Waiver Form to the Planning Division. The waiver acknowledges that plan check fees tmay be forfeited in the event that the approval is overturned or the design is significantly changed as a result of an appeal. In no ease will a building permit be issued before the end of the appeal period.

At the *time of* building permit submittal, you must:

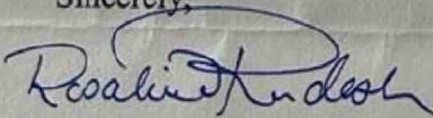
- a. submit a completed and signed Building Permit Questionnaire (attached) to the **PLANNING DIVISION**; and
- b. present a copy of this letter to the Building and Safety Division along with required plans

If you have any questions about building permit fees or the building permit process, please contact the Building and Safety Division at (925) 931-5300.

This approval will become effective on September 2, 2008, unless appealed prior to that time. 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.

If you have any questions, please feel free to give me a call at (925) 931-5607.

Sincerely,



Rosalind Rondash
Assistant Planner

HUMAN DIGNITY PERMIT QUESTIONS

This questionnaire is being sent to you to be completed and returned to the Planning Division when you hear for a building permit for your recently approved project. Its purpose is to ensure that your plans are checked in a timely manner and that the project is built according to the approved plans. We appreciate your cooperation. If you have any questions, please call the Planning Division.

1. Applicant's Name, and Address:

Beth Borchers
 [REDACTED] Martin Avenue* Pleasanton, CA 94588

2. Project Address Location:

2207 Martin Avenue, Pleasanton* CA 94588

3. Description of project for which a permit is being requested:

to convert the existing 730-square-foot garage into living space and to construct an approximately 500-square-foot front porch and an approximately 790-square-foot attached garage

4. The building project for which this permit is being requested has been approved by the:

☒ Planning Division Planning Commission
☐ City Council

5. Planning Division Project Number PAD R-1478

6. Do you certify that the plans being submitted for issuance of building permits conform in every respect to the approved plans and to all conditions of approval required by the above bodies? Yes No Yes

7. If the answer to Question No. 6 is "No", please list every item on the submitted building permit plans which differs from the approved plans or conditions of approval. Use the reverse side or attach additional sheets if necessary. All changes to the approved plans should be clouded with delta numbers!).

I hereby attest that the above is true and correct. I understand that failure to correctly answer these questions may result in delay of issuance of building permits and that if changes are discovered after the permit is issued, I am responsible for revising the project to conform to the plans approved by the City boards and/or commissions.

Date

Signature and Title

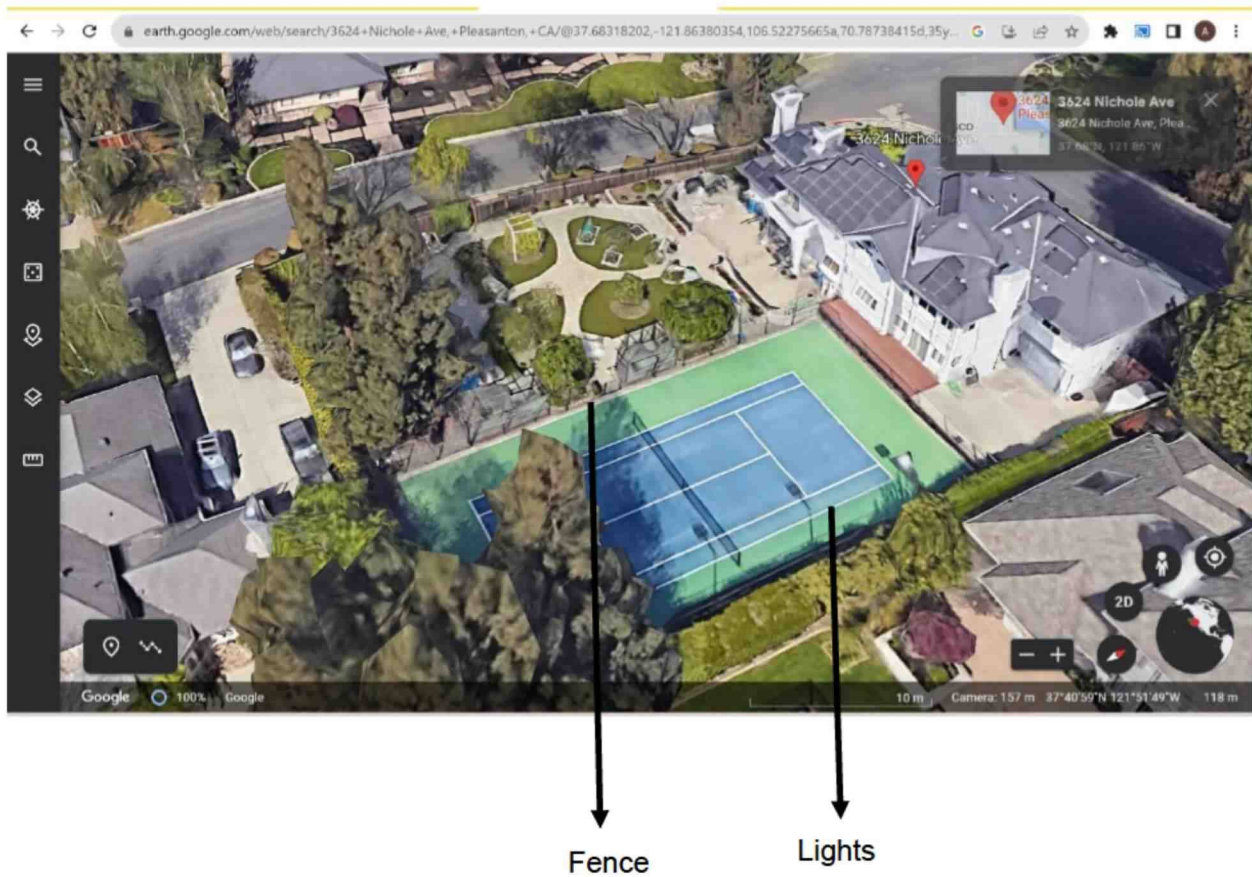
Phone Number

EXHIBIT E

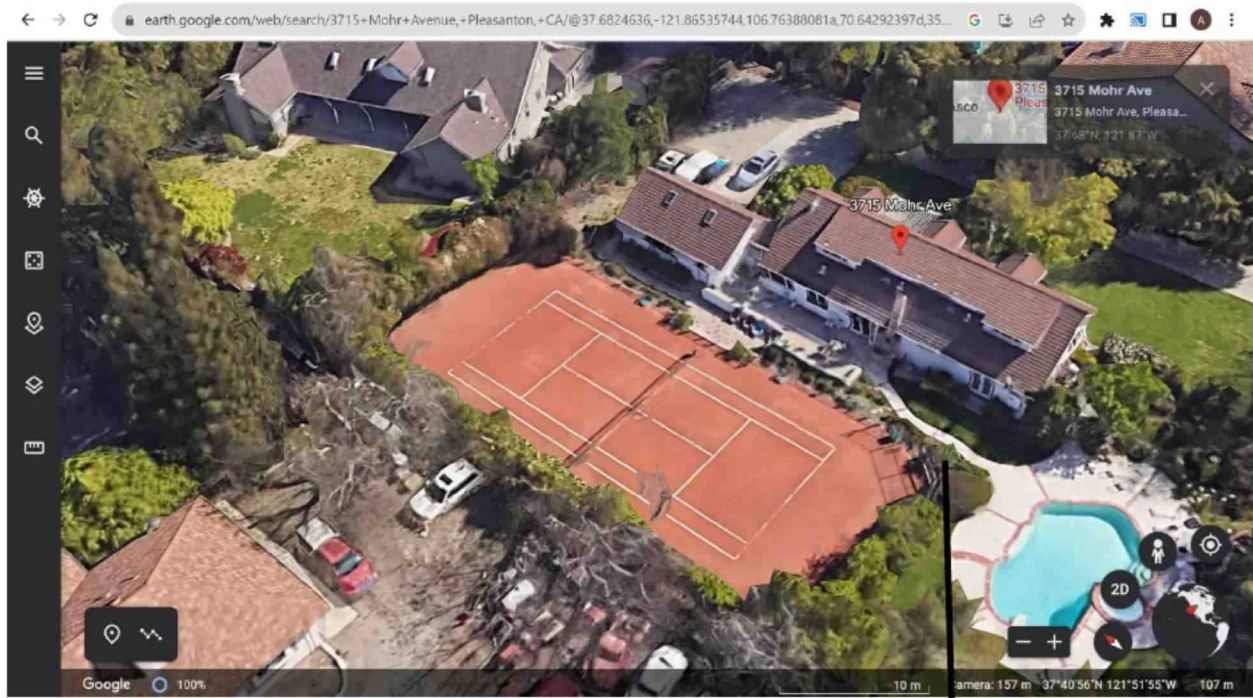
List of properties in neighborhood with existing Tennis Courts

1	3711 Trenery Drive	Lights and Fence are visibly installed
2	3710 Trenery Drive	Fence is visibly installed
3	3624 Nichole Avenue	Lights and Fence are visibly installed
4	3715 Mohr Avenue	Fence is visibly installed

3624 Nichole Avenue



3715 Mohr Avenue



Fence

Statement for 23 August 2023 Planning Agenda Item 6, 2107 Martin Ave

Hello, **my name is Jay Galvin.** I live at [REDACTED] Torrey Court, Pleasanton, which is a property 200 yards away from the PUD parcel and the sports court fence under discussion. In other cities. I have served eight years as a Planning Commissioner/ Zoning Board of Appeals chair, subsequently in Pleasanton I have served 16 years on the Housing Commission, Economic Vitality Committee, and various task forces. I am also a board member of the Stoneridge Park Homeowners Association, which has five houses abutting the [REDACTED] Martin Ave complainant property adjacent to the one with the sports court.

I have known the PUD applicants Ashish and Meenu for seven years, they lived next-door to me for four years, were very good neighbors, sociable, and friendly to other members of our Association. I was surprised to receive the Notice of this hearing regarding a PUD for Development Standards on this property. I was aware Ashish had talked to Planning Staff in the past regarding his plans. I thought everything would work out.

I knew these 30+ parcels were annexed in the 1990s under special conditions but was not aware of the lack of PUD Development Standards. It is amazing how many dozens of sports courts, garages, and ancillary structures, have been built before this became an issue.

I do understand why Planning Staff recommended that Ashish and Meenu request the Development Standards for this property at R 1-40,000 be established to cover any future development.

What I do not understand is how a complaint to the City's Code Enforcement turned into a project with so much effort.

Sports courts can include tennis courts, pickle ball, basketball hoops, batting cages, soccer practice areas, child jumping structures, and a variety of other uses that have varying needs of shielding the sport from surrounding properties. Pleasanton has not undertaken the responsibility for creating standards for any of these uses.

Pleasanton does have PMC specifications for setbacks for residential properties, ancillary units, lighting over ten feet, and fences between property lines.

Ashish wanted to build a tennis sports court with a fence and at one time have lights on the fence. He initially contacted the Building Department in August of 2022 and was told that as long as the fence was not over 10 feet high and the lights were not higher

than 10 feet there was no need for permits or development review by the planning staff.

After multiple discussions with the Staff, the current plans are for a fence that meets the current PMC, i.e. under ten feet, no attached lighting. The fence, as laid out exceeds the ancillary structure side yard requirements - even though it is not an ancillary structure.

Regarding any conditions on the R-1-40,000:

Attached is a photo of Dennis Street in question. With the exception of a house at the end of the block that was added over 10 years ago, the street has had a nearly 7 foot fence (including curb) for the last 25 years. So it is not apparent how a fence inside of that fence by 10 feet, that reduces the number of tennis balls that reach the Dennis Ave or the neighboring yards changes the nature of the neighborhood.

In most cases, for a City Staff, Planning Commission, or Council, to add special conditions onto a parcel that don't apply to any other parcels in the city, there needs to be some special circumstances regarding the subject property. It is not presented that the staff has found anything special, other than a complaint from a single property owner regarding lights (which are not planned), and a fence that is conforming to the existing PMC. The fence is not required to be built per PMC, it is only intended to be used to protect errant tennis balls from flying onto that property and the street.

One irony of the situation is that the complainant owns the contiguous property on [REDACTED] Martin, next door to 2107 Martin. That property has been unoccupied for a few years, and is used to store both a camper and a basketball hoop over 10 feet high. That property also has two ancillary structures closer than the 5 foot setback to property owners of my homeowners association. The Agenda Report Figure 4 on page 5 of 14, cuts off those eyesores clearly visible from the street.

Attached is a photo the [REDACTED] Martin side yard owned by the complainant.

To summarize, I believe the application for changing the Development Standards to R-1-40,000 should be approved with no conditions. If there arise any code violations in the future, then that becomes the concern of the Code Enforcement Department.

I plan to attend the Hearing to answer questions or for clarifications.

Respectfully,

Jay Galvin

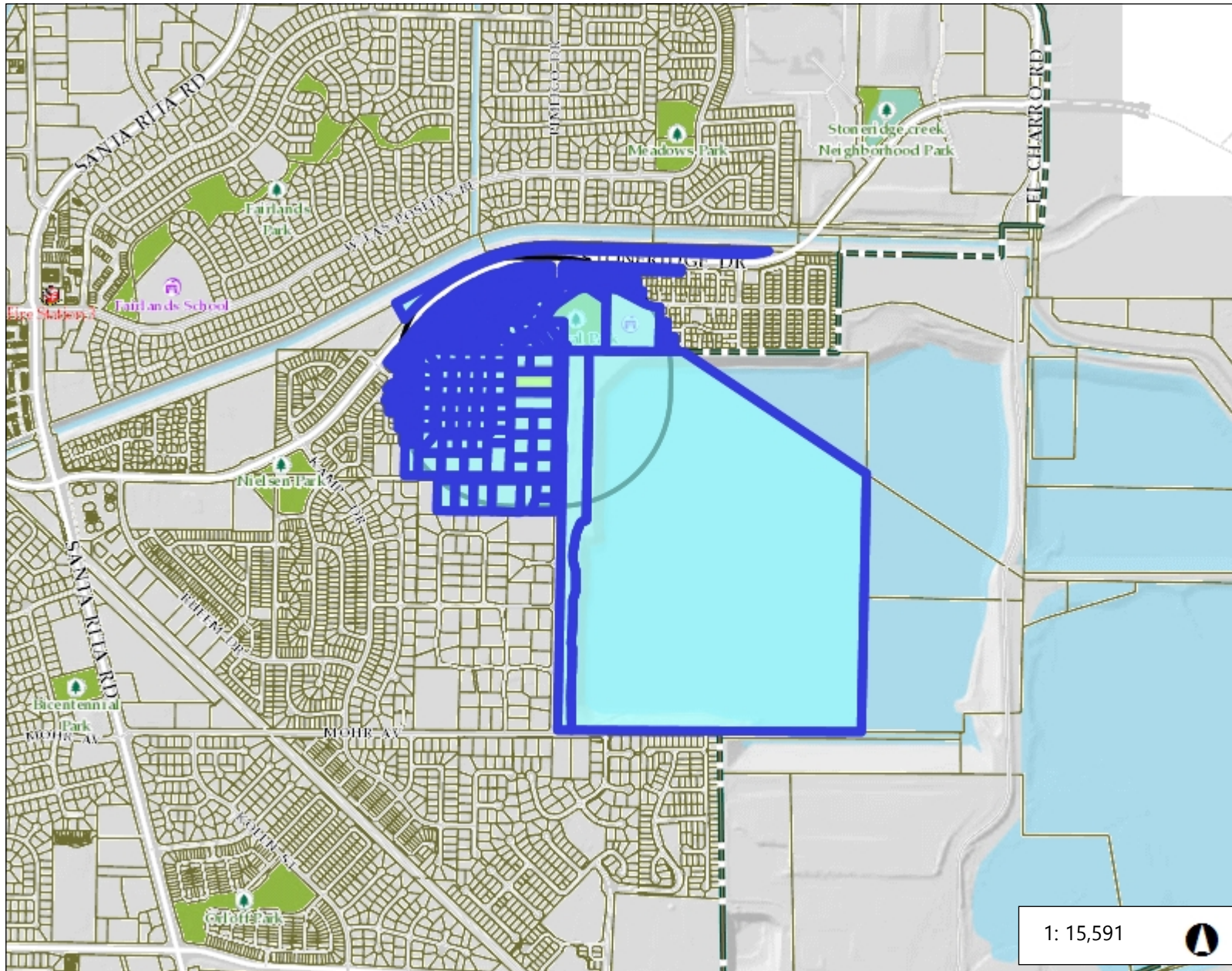


Dennis Ave. Tennis court behind fence on the right.



■ Martin Side yard with basketball hop, stored camper and two ancillary sheds.

EXHIBIT D



Legend

- Fire Station
- School
- Park
- Parcels

Notes

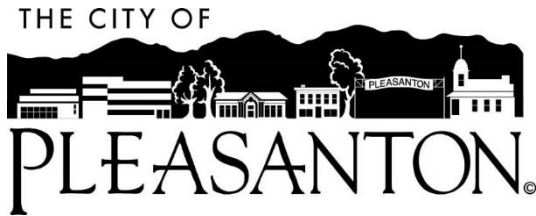
Notes

2,598.5 0 1,299.26 2,598.5 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Planning Commission Agenda Report

December 13, 2023
Item 5

SUBJECT: Schedule of Planning Commission Regular Meeting Dates 2024

Planning Commission regular meetings are typically held at 7:00 p.m. on the second and fourth Wednesdays of every month, with few omissions due to recess or holidays. The 2024 Planning Commission Regular Meeting Schedule is proposed as follows:

January 24

February 14
February 28

March 13
March 27

April 10
April 24

May 8
May 27

June 12
June 26

July 10

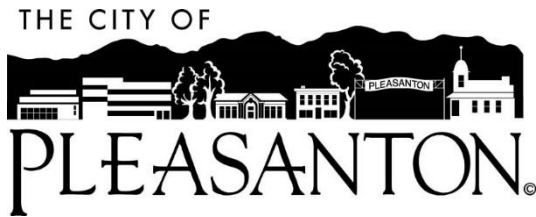
August 28

September 11
September 25

October 9
October 23

November 13

December 11



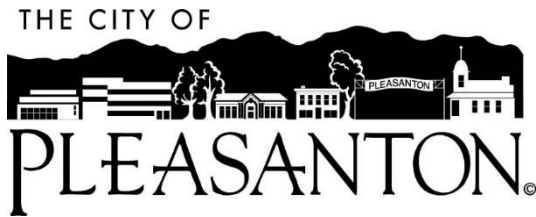
Planning Commission Agenda Report

December 13, 2023
Item 6

SUBJECT: Election of Planning Commission Chair and Vice Chair

Pleasanton Municipal Code Section 2.30.070 describes the organization of the Planning Commission.

Per Section 2.30.070, the Commission shall, each December, elect a chair and a vice-chair by majority vote. Commissioners may serve no more than two consecutive full terms as chairperson of the commission. Accordingly, the Planning Commission is requested to consider and elect a chair and a vice-chair for calendar year 2024, with the term of service beginning in January.



Planning Commission Agenda Report

December 13, 2023
Item 7

SUBJECT: Selection of Sub-Committee Representatives for 2024

There are no current vacancies on Planning Commission sub-committees; however, the commission may elect new sub-committee representatives at its discretion for the term beginning January 2024.

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, provides input on policies related to bikeways and trails, and promotes community education and awareness regarding non-motorized forms of transportation.

Meeting Time:	Fourth Monday of each month at 6:45 p.m.
Meeting Location:	Pleasanton Senior Center, 5353 Sunol Blvd., Pleasanton
Current Representative:	Commissioner Jain
Current Alternate:	Chair Pace

Members shall serve three-year terms with a maximum of two terms or six-year total.

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 Avenue, Pleasanton
Current Representatives:	Commissioners Morgan and Wedge
Current Alternate:	Commissioner Mohan

Members shall serve a two-year term and may not serve consecutive terms.

SUBJECT: Committee, Commission, and Task Force List

Bicycle, Pedestrian, and Trails Committee

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

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

Civic Arts Commission

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

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

Committee on Energy and the Environment

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

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

Economic Vitality Committee

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

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

Heritage Tree Board of Appeals

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

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

Housing Commission

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

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

Human Services Commission

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

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

Library Commission

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

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

Parks and Recreation Commission

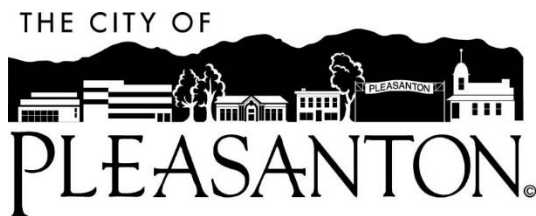
Advise the City Council, City Manager, and Parks and Community Services Department on matters related to the development and provision of services pertaining to parks and recreation facilities, programs and services.

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

Youth Commission

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

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



Planning Commission Agenda Report

December 13, 2023

Item 9

SUBJECT: Actions of the City Council

November 7, 2023

Consent Calendar:

Actions of the Zoning Administrator and Planning Commission

Approve a one-year renewal order with Accela for land management software licensing and support services in the amount of \$97,678 for a new total license agreement cost of \$321,008 for the four-year term through 2025

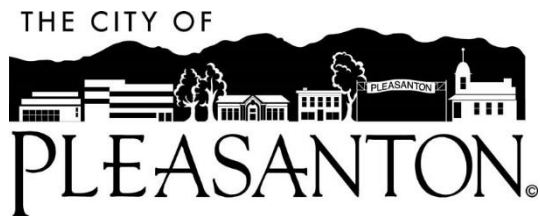
Adopt a resolution of local support authorizing the City of Pleasanton to submit a State Transportation Improvement Program application for grant funds in the amount of \$6 million for the I-680/Sunol Boulevard Interchange Modernization Project, CIP No. 15551

Council approved the consent calendar

Public Hearings and Other Matters:

Introduce an ordinance to add a new Chapter 9.06 Leaf Blower Restrictions to the Municipal Code to ban gasoline-powered leaf blowers effective June 1, 2024, and waive first reading

Council continued the hearing item to the meeting scheduled for December 5, 2023



Planning Commission Agenda Report

December 13, 2023
Item 10

SUBJECT: Future Planning Calendar

P23-0840, KidsRobotics Inc., 6654 Owens Drive - Request for Conditional Use Permit approval to establish a tutoring facility that serves up to 40 students at any one time located at 6654 Owens Drive