

ORDINANCE NO. 2273

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATION FOR A PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT PLAN TO ESTABLISH DEVELOPMENT STANDARDS AND CONSTRUCT TENNIS COURT FENCING 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, at its meeting of August 23, 2023, with a 5-0 vote, the Planning Commission determined the development plan is appropriate for the site, made the findings, and recommended to the Pleasanton City Council PUD-148 be approved; and

WHEREAS, following the August 23, 2023 hearing, staff determined there was a need to clarify and affirm certain details of the Planning Commission’s approval; and, the applicant also submitted further information and requested changes to the conditions of approval. By staff direction, the item was redirected to the Planning Commission to review and affirm the conditions of approval as modified; and

WHEREAS, at its meeting of December 13, 2023, by a 4-1 vote, the Planning Commission determined the development plan is appropriate for the site, made the required findings, and recommended to the Pleasanton City Council PUD-148 be approved; and

WHEREAS, on January 16, 2024, the Pleasanton City Council held a duly noticed public hearing on this application and considered all public testimony, agenda reports, and related materials, and the recommendations of City staff and the Planning Commission; and

WHEREAS, after review of the materials presented, the Pleasanton City Council determined the proposed PUD development plan was consistent with the City’s General Plan and purposes of the PUD ordinance, and by this reference adopted and reaffirmed all the conditions and findings set forth in Planning Commission resolution (Resolution No. PC-2023-18); and

WHEREAS, the Pleasanton City Council determined the proposed project was adequately analyzed in 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) and no further environmental review is required pursuant to the California Environmental Quality Act (CEQA).

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

SECTION 1. The City Council approves case PUD-148, the application of Meenu Gochhwal and Ashish Choudhary for PUD Development Plan approval to establish development

standards and construct tennis court fencing for 2207 Martin Avenue, subject to the conditions as shown in Exhibit A, attached hereto and made part of this ordinance by this reference.

SECTION 2. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

The foregoing Ordinance No. 2273 was introduced at a regular meeting of the City Council of the City of Pleasanton on January 16, 2024, by the following vote:

Ayes: Councilmembers Balch, Nibert, Vice Mayor Testa
Noes: None
Absent: Mayor Brown
Recused: Councilmember Arkin

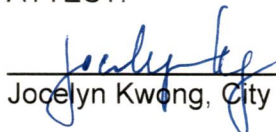
and adopted at a regular meeting of the City Council on February 6, 2024, by the following vote:

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



Karla Brown, Mayor

ATTEST:



Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:



Daniel G. Sodergren, City Attorney

**EXHIBIT A
CONDITIONS OF APPROVAL**

**PUD-148
2207 Martin Avenue
January 16, 2024**

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

This approval is granted for a 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 tennis court fencing 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.
 - e. Tennis court lighting above eight feet in height shall require Administrative Design Review.**Project Specific Condition**

END